GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

272ND MEETING

FULL COUNCIL SESSION

Perdido Beach Resort
Orange Beach, Alabama

JANUARY 30-31, 2019

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

NON-VOTING MEMBERS
Dave Donaldson............................................................................GSMFC

STAFF
Assane Diagne..............................................................................Economist
Matt Freeman..............................................................................Economist
John Froeschke...........................................................................Deputy Director
Morgan Kilgour........................................................................Fishery Biologist
Ava Lasseter................................................................................Anthropologist
Mara Levy.......................................................................................NOAA General Counsel
Emily Muehlstein....................................................................Public Information Officer
Ryan Rindone............................................................................Fishery Biologist & SEDAR Liaison
Bernadine Roy...............................................................................Office Manager
Camilla Shireman....................................................................Administrative and Communications Assistant
Carrie Simmons.......................................................................Executive Director

OTHER PARTICIPANTS
Gary Bahn................................................................................Alexandria, MN
Greg Ball....................................................................................Galveston, TX
Scott Bannon...................................................AL 1
Avery Bates................Organized Seafood Association of Alabama, AL 2
Gary Bohn......................................................MN 3
Randy Boggs...........................................Orange Beach, AL 4
Eric Brazer........................Reef Fish Shareholders Alliance 5
J.P. Brooker................Ocean Conservancy, St. Petersburg, FL 6
Glen Brooks...........................................Galveston, TX 7
James Bruce...........................................MS 8
Gary Bryant........ Alabama Charter Fishing Association, AL 9
Laura Chicola...........................................Ruston, LA 10
Ronald Chicola...........................................Ruston, LA 11
Bubba Cochrane...........................................Galveston, TX 12
Conner Cochrane...........................................Galveston, TX 13
Chris Conklin...........................................SAFMC 14
Jake Cressionie.................................15
Patricia Davis..........................AL 16
Jason Delacruz.................................FL 17
Dewey Destin...........................................Destin, FL 18
Major Jason Downey..........................AL 19
Mike Eller...........................................Destin, FL 20
Blakeley Ellis...........................................CCA, AL 21
Richard Fischer.................................LA 22
Traci Floyd...........................................MDMR, MS 23
Troy Frady...........................................Lillian, AL 24
Chris Garner...........................................25
Susan Gerhart...........................................NMFS 26
Brad Gorst..............................................Clearwater, FL 27
Jim Green..............................................DCBA, Destin, FL 28
Mike Gordee............................................WI 29
Buddy Guindon...........................................Galveston, TX 30
Ken Haddad..............................................ASA, FL 31
Chad Haggert...........................................Clearwater, FL 32
Hubert Haskins...........................................WI 33
Sean Heverin...........................................LA 34
Scott Hickman...........................................Galveston, TX 35
Dylan Hubbard...........................................FL 36
Gary Jarvis...........................................FL 37
Mike Jennings.................................Freeport, TX 38
Bill Kelly...........................................FKCFA, FL 39
Bobby Kelly...........................................Orange Beach, AL 40
Daniel Korbutt...........................................MI 41
David Krebs...........................................Destin, FL 42
Bud Miller.............................Fish and Game Scales Destin, FL 43
Captain Morky...........................................Gulf Breeze, FL 44
Jay Mullins...........................................FL 45
Alyson Myers...........................................DOE 46
Joe Nash...........................................Orange Beach, AL 47
Billy Neff...........................................Orange Beach, AL 48
<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bart Niquet</td>
<td>Lynn Haven, FL</td>
</tr>
<tr>
<td>2</td>
<td>Chris Niquet</td>
<td>Panama City, FL</td>
</tr>
<tr>
<td>3</td>
<td>Steve Perkins</td>
<td>Roscoe, IL</td>
</tr>
<tr>
<td>4</td>
<td>Officer Phillips</td>
<td>AL</td>
</tr>
<tr>
<td>5</td>
<td>Michael Pittman</td>
<td>Dauphin Island, AL</td>
</tr>
<tr>
<td>6</td>
<td>David Rainer</td>
<td>ADCNR</td>
</tr>
<tr>
<td>7</td>
<td>Rusty Reardon</td>
<td>OH</td>
</tr>
<tr>
<td>8</td>
<td>Tracy Redding</td>
<td>AL</td>
</tr>
<tr>
<td>9</td>
<td>Bryan Reeves</td>
<td>Orange Beach, AL</td>
</tr>
<tr>
<td>10</td>
<td>Vince Roell</td>
<td>MI</td>
</tr>
<tr>
<td>11</td>
<td>Diane Roell</td>
<td>MI</td>
</tr>
<tr>
<td>12</td>
<td>Ashford Rosenberg</td>
<td>Reef Fish Shareholders Alliance</td>
</tr>
<tr>
<td>13</td>
<td>Mike Rowell</td>
<td>Orange Beach, AL</td>
</tr>
<tr>
<td>14</td>
<td>Don Schlutter</td>
<td>WI</td>
</tr>
<tr>
<td>15</td>
<td>Lisa Schmidt</td>
<td>Madeira Beach, FL</td>
</tr>
<tr>
<td>16</td>
<td>Jeff Senarighi</td>
<td>Mora, MN</td>
</tr>
<tr>
<td>17</td>
<td>Clarence Seymour</td>
<td>Biloxi, MS</td>
</tr>
<tr>
<td>18</td>
<td>Mark Siegel</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Carl Sitka</td>
<td>WI</td>
</tr>
<tr>
<td>20</td>
<td>Kathy Sitka</td>
<td>WI</td>
</tr>
<tr>
<td>21</td>
<td>Nick Spiliotis</td>
<td>TX</td>
</tr>
<tr>
<td>22</td>
<td>Tom Steber</td>
<td>Alabama Charter Fishing Association, AL</td>
</tr>
<tr>
<td>23</td>
<td>Vic Stini</td>
<td>Marshfield, WI</td>
</tr>
<tr>
<td>24</td>
<td>Casey Streeter</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Donna Tryon</td>
<td>Gulf Breeze, FL</td>
</tr>
<tr>
<td>26</td>
<td>Mark Tryon</td>
<td>Gulf Breeze, FL</td>
</tr>
<tr>
<td>27</td>
<td>Ed Walker</td>
<td>Tarpon Springs, FL</td>
</tr>
<tr>
<td>28</td>
<td>Abby Webster</td>
<td>CFA, Freeport, TX</td>
</tr>
<tr>
<td>29</td>
<td>Johnny Williams</td>
<td>CFA, Galveston, TX</td>
</tr>
<tr>
<td>30</td>
<td>Dale Woodruff</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>William Young</td>
<td>Foley, AL</td>
</tr>
<tr>
<td>32</td>
<td>Bob Zales</td>
<td>Panama City, FL</td>
</tr>
<tr>
<td>33</td>
<td>Jim Zurbrick</td>
<td>Steinhatchee, FL</td>
</tr>
</tbody>
</table>

---
# TABLE OF CONTENTS

- **Table of Motions** ................................................................. 5
- **Call to Order, Announcements, and Introductions** .................. 8
- **Adoption of Agenda and Approval of Minutes** ......................... 10
- **Review of Exempted Fishing Permit Applications** .................... 12
  - Mariner Program Proposal to Harvest Sargassum in the Gulf... 12
- **Presentations** ........................................................................ 27
  - Alabama Law Enforcement Efforts........................................... 27
- **Committee Reports** ................................................................. 31
  - Outreach and Education Committee Report.............................. 31
  - Data Collection Committee Report......................................... 32
- **Public Comment** ..................................................................... 38
- **Committee Reports (Continued)** ............................................. 116
  - Shrimp Committee Report..................................................... 116
  - Sustainable Fisheries Committee Report................................. 118
- **Other Business** ...................................................................... 127
  - Overview of the Proposed Changes to the Financial Interest
    And Voting Recusal for Council Members............................... 127
  - Discussion of Modernizing Recreational Fisheries Act............ 134
- **Committee Reports (Continued)** ............................................. 135
  - Reef Fish Committee Report................................................. 135
  - Administrative/Budget Committee Report............................... 193
- **Supporting Agencies Update** ................................................ 199
  - South Atlantic Council Liaison.............................................. 199
  - Gulf States Marine Fisheries Commission.............................. 200
- **Adjournment** ......................................................................... 200

- - -
TABLE OF MOTIONS

PAGE 117: Motion in Shrimp Amendment 18, Evaluation of Shrimp Effort Threshold Reduction in the Area Monitored for Juvenile Red Snapper Bycatch, in Action 1 to make Option b the preferred. The motion carried on page 117.

PAGE 117: Motion in Action 2 to make the option the preferred. Option: Revise the Shrimp FMP Management Measures Framework Procedure to allow changes to the target effort reduction goal for juvenile red snapper mortality through the standard open framework documentation process. Modify the abbreviated documentation process to allow specification of an ABC recommended by the council’s Science and Statistical Committee based on results of a new stock assessment and using the ABC control rule. The motion carried on page 117.

PAGE 120: Motion to make the replacement of historical captain permits with standard for-hire permits optional. The motion carried on page 121.

PAGE 124: Motion in Action 1 to make Options 2b and 2c in Alternative 2 the preferred options. The motion carried on page 125.

PAGE 125: Motion in Action 2 to make Option 2b in Alternative 2 the preferred option. The motion carried on page 125.

PAGE 126: Motion in Action 3 to make Alternative 2 the preferred alternative. The motion carried on page 126.

PAGE 127: Motion in Action 3 to make Alternatives 3 and 4 the preferred alternatives. The motion carried on page 127.

PAGE 136: Motion in Action 2 to add an Alternative 8 that would allocate the private angling annual catch limit as follows: Alabama 26.298 percent, Florida 44.822 percent, Louisiana 19.120 percent, Mississippi 3.550 percent, Texas 6.210 percent. The motion carried on page 136.

PAGE 136: Motion in Action 2 to make the new Alternative 8 the preferred. The motion carried on page 142.

PAGE 142: Motion in Action 3 to make Alternative 2 the preferred alternative. The motion carried on page 142.

PAGE 142: Motion to add the appropriate language to the individual state amendments Action 2, Post-Season Quota
Adjustments, to specify that the overage/underage adjustment would be implemented in 2020 based on each state’s 2019 landings under the EFPs. Thus, each state’s quota under the first year of state management in 2020 would reflect a quota adjustment (overage/underage) based on that state’s 2019 landings. The motion carried on page 143.

PAGE 150: Motion to hold a special council meeting on February 18, 2019 with the intent to go final on Amendment 50. The motion carried on page 162.

PAGE 163: Motion in Action 1 to add an alternative. For gray snapper, the MSY proxy is the yield when fishing at 26 percent spawning potential ratio. The motion carried on page 163.

PAGE 164: Motion in Action 2 to add an alternative: The definition for the gray snapper MFMT is equal to F 26 percent SPR. The motion carried on page 164.

PAGE 164: Motion in Action 3 to make Alternative 4 the preferred alternative. The motion carried on page 164.

PAGE 165: Motion in Action 4 to make Alternative 2, Option 2c the preferred alternative. The motion carried on page 165.

PAGE 165: Motion in Action 5 to add a new alternative that mirrors Alternative 2 and Alternative 4 using F26 percent SPR. The motion carried on page 166.

PAGE 167: Motion in Action 1 to make Alternative 3 the preferred alternative. The motion carried on page 167.

PAGE 168: Motion to add language to the purpose and need section that states the purpose will be to increase access to shares to actively fishing eligible commercial fishermen. The motion carried on page 168.

PAGE 170: Motion to direct staff to bring back Amendment 36B with Action 1 and Action 2 and, under Action 2, to have options for distributing the reclaimed shares to address eastern Gulf bycatch of red snapper. The motion was withdrawn on page 173.

PAGE 173: Motion in Table 1.2.1 (Objectives of the Fishery Management Plan for Reef Fish Resources in the Gulf of Mexico, Post-October 2018 Council Meeting), to revise Objective 2 to read: “To achieve robust fishery reporting and data collection systems across all sectors for monitoring the reef fish fishery which minimizes management uncertainty.” The motion carried on
Motion in Table 1.2.1 (Objectives of the Fishery Management Plan for Reef Fish Resources in the Gulf of Mexico, Post-October 2018 Council Meeting), to add an objective to promote and maintain accountability in the reef fish fishery. **The motion carried on page 174.**

Motion in Action 1 to add additional sub-options to Options 3 and 4 that would include percentages on historical distributions as determined in Options 1 and 2. **The motion carried on page 174.**

Motion in Action 1 to add an option that uses historical landings between 1979 and 2006. **The motion carried on page 174.**

Motion to delete Action 2. **The motion carried on page 178.**

Motion to convene a joint meeting of the Ad Hoc Reef Fish Headboat AP and the Ad Hoc Red Snapper CFH AP to review the decision tool in relation to estimating the allocation between the fleets. **The motion was tabled on page 185.**

Motion to postpone any further action on Amendments 41 and 42 until ELB data have been deemed suitable for management purposes. **The motion carried on page 192.**

Motion to advertise for applicants for the Coral and the Data Collection APs and to maintain the current membership of the Spiny Lobster AP. **The motion carried on page 194.**

Motion to disband the Ad Hoc Reef Fish Headboat and the Ad Hoc Red Snapper Charter/For-Hire APs. **The motion carried on page 197.**

---
The Full Council of the Gulf of Mexico Fishery Management Council convened at the Perdido Beach Resort, Orange Beach, Alabama, Wednesday morning, January 30, 2019, and was called to order by Chairman Tom Frazer.

CALL TO ORDER, ANNOUNCEMENTS, AND INTRODUCTIONS

CHAIRMAN TOM FRAZER: Welcome everybody to the 272nd 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 keep 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 please 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.

DR. PAUL MICKLE: Paul Mickle, Mississippi.
MS. LEANN BOSARGE: Leann Bosarge, Mississippi.

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

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

MR. PATRICK BANKS: Patrick Banks, Louisiana.

MR. ED SWINDELL: Ed Swindell, Louisiana.

MS. SUSAN BOGGS: Susan Boggs, Alabama.

MR. KEVIN ANSON: Kevin Anson, Alabama.

DR. BOB SHIPP: Bob Shipp, Alabama.

MR. CHRIS CONKLIN: Chris Conklin, South Atlantic Council.

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

DR. ROY CRABTREE: Roy Crabtree, NOAA Fisheries.

MS. SUSAN GERHART: Susan Gerhart, NOAA Fisheries.

MR. DOUG BOYD: Doug Boyd, Texas.

MR. ROBIN RIECHERS: Robin Riechers, Texas.

DR. GREG STUNZ: Greg Stunz, Texas.

MR. PHIL DYSKOW: Phil Dyskow, Florida.

MR. JOHN SANCHEZ: John Sanchez, Florida.

MS. MARTHA GUYAS: Martha Guyas, Florida.

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

CHAIRMAN Frazer: All right. Thank you, everybody, and I should have acknowledged or introduced Chris Conklin as our South Atlantic liaison beforehand, but thank you, Chris, for being here. I appreciate that. Before we get into the adoption of the agenda and the approval of the minutes, we just need to let you know that this is Morgan Kilgour’s last council meeting, and I have invited Dr. Simmons to say a few words.
EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Just to tell you a little bit about Dr. Morgan Kilgour, she earned her Bachelor of Science degree in biology at the University of California in Santa Cruz in 2003, and she has her Master of Science in biology and a PhD from Texas A&M Corpus Christi, and she studied the ecology and systematics of deep-sea invertebrates in the Gulf of Mexico.

She did her post-doc work at the University of Connecticut, and she stayed there from 2012 to 2013, and she did a lot of research for the New England seamounts and canyons, in an effort to map and describe the diversity and distribution of deep-sea corals. She has worked throughout the U.S. coastal region, including California, Alaska, Texas, Connecticut, and Florida.

As a council staff biologist from 2013 to 2019, she has worked on coral, shrimp, spiny lobster, which I used to work on, aquaculture for us a little bit, ecosystem, and she started taking over migratory species once Mr. Atran left, and sustainable fisheries, most recently.

She has supported several advisory panels, including shrimp, coral, and spiny lobster, and she has been actively involved and done a lot at the council level with coral-related and habitat work.

On a personal note, Morgan has been a big part of the council staff, for both her professional experience, her work with stakeholders, and her communication with colleagues at the Regional Office and Science Center and council office.

We are sad to lose her, but we’re proud and happy for her accomplishments and achieving her personal dreams of returning to California to be close to her family, and we’re going to miss her, and we wish you the best. Don’t be a stranger. I heard rumor of applying for the Coral AP, and so we’re going to miss you, Dr. Cowgirl Kilgour.

CHAIRMAN FRAZER: Thank you, Dr. Simmons, and we will miss you, Morgan. Thank you for all your service. It’s been great. Okay. We’re going to go ahead now and review the agenda, I guess, and if I can get a motion to approve the agenda.

ADOPTION OF AGENDA AND APPROVAL OF MINUTES

EXECUTIVE DIRECTOR SIMMONS: Mr. Chairman, could we make a few changes to the agenda before we adopt it?

EXECUTIVE DIRECTOR SIMMONS: I believe, under Other Business, we are going to have the overview of the proposed changes to the financial interest and voting recusal for council members. Ms. Levy is going to be able to go over that with us, and we can decide if we need to write a letter and provide any comments, because I think the deadline is quickly approaching on that.

I also wanted to add a small item to discuss the new Modernizing Recreational Fisheries Management Act of 2018. We haven’t had a lot of time to talk to our partners yet about that, federal partners about that, but I just have some general plans that I want to discuss with the council regarding that. Thank you, Mr. Chair.

CHAIRMAN FRAZER: Okay, and so we’ve got some additions under Other Business. With those modifications, can I get a motion to approve the agenda?

MS. GUYAS: So moved.

CHAIRMAN FRAZER: It’s moved by Ms. Guyas. Can I get a second? Second by Patrick Banks. Any discussion? Then we will consider the agenda approved. Now we’ll move into the minutes. I am assuming that everybody had an opportunity to review those. Assuming that there are no changes, can I get a motion to approve the minutes?

MR. DONALDSON: I’ve got a couple of edits. On page 189, line 17, the last sentence, the “at those”, and I would like to “options”, and I may not have said it, but that’s what I meant to say. Line 20, his name -- Jamie Reinhardt should be spelled “Reinhardt”.

CHAIRMAN FRAZER: All right. Thank you, Dave, for those corrections. Are there any other corrections, changes, or modifications to the minutes? Seeing none, Martha, are you going to make a motion to approve these minutes?

MS. GUYAS: Sure. I would love to.

CHAIRMAN FRAZER: I thought you did before, but I wanted to move it along. Can I get a second? Second by Dale Diaz. All right. Any further discussion? The minutes are approved. The first agenda item here I guess that we’re going to do is we have a presentation by Ms. Alyson Myers, and it’s falling under a
review of exempted fishing permit applications, and it’s technically not an EFP application, but Ms. Myers is seeking comment on a proposal and feedback from the council, and so we’ll allow her to give her presentation and let the council weigh-in accordingly.

REVIEW OF EXEMPTED FISHING PERMIT (EFP) APPLICATIONS
PRESENTATION: MARINER PROGRAM PROPOSAL TO HARVEST SARGASSUM IN THE GULF OF MEXICO

MS. ALYSON MYERS: Thank you. Good morning. My name is Alyson Myers, and I’m an oyster and seaweed farmer. I also run a non-profit dedicated to ocean health, and, like many of us in this room, I’m interested in the health of our ocean ecosystems. This is our starting point on which individual fisheries depends. This includes the changing chemistry of oceans, increasing temperature and CO2, which causes ocean acidification.

I have listened to quite a few of you during this meeting, and it seems that everyone wants the same goal, thriving fisheries. Our focus is on the system which produces these fisheries, the central starting point of ecosystem-based fishery management, which has been the guiding principle since the early 2000s.

Our scientific team from Gulf Universities conducts research to provide practical solutions to complement the ecosystem-based management principle outlined by NOAA. A couple of years ago, NOAA and DOE became interested in growing seaweed that converts CO2 and other nutrients in oceans to plant biomass, namely seaweed. DOE and NOAA worked together on this program.

The goal was to grow biomass and provide ecosystem services to oceans while producing additional habitat to increase fisheries. The biomass would eventually be converted to sustainable products and energy, thereby repurposing the CO2 that causes ocean acidification. The work is focused on offshore waters at a very low production cost.

Our scientists used technology and expertise to design a technique to scrub the carbon and grow seaweed for a crop season, thereby obtaining positive benefit for juveniles, in the form of habitat, and harvest some of the percentage of the biomass while leaving remaining habitat. The goal is minimal bycatch. We grow seaweed without agricultural equipment, which might interrupt marine species, and we remove CO2 from surface waters. My purpose today is to introduce you to our project.
Our priority is the health of the ecosystem. Harvest of the plants is conducted with minimal bycatch, as our goal is to increase fisheries and not harvest fish or other organisms. So far, we have been successful, and I am happy to discuss details.

NOAA has advised that we are not regulated. We are more an aquaculture project than fisheries, but we do overlap in benefits to the system. That said, I wanted to reach out to the fisheries communities to introduce our work, establish interest, and seek input. We are an oceans-first project.

Towards that end, we are looking at approved harvesting equipment determined by the council which minimizes impact on marine organisms as our guide with an example of turtle exclusion devices. We are happy to seek input from those interested in the health of oceans and fisheries to make our process better.

We believe small fishers will be interested in our activity, as they already target sargassum mats for their livelihoods. We all need to address the tragedy of the commons by seeking to restore them, and this is our goal. Thank you. Please feel free to contact me at team@fearlessfund.org.

Let me just add here that we are currently funded by DOE, in conjunction with NOAA. NOAA has been a huge support, and it’s been a fantastic partnership between the two agencies to make this process possible. There has been a lot of funding that has gone into this group of projects, of which we are one out of nine.

They exist in all of the EEZs of the U.S., and the purpose of them is to use innovation to address our problems in new ways, and so I thank you for your time, and I appreciate it. I usually farm stationary organisms, and so the fishing community is new to me, and I appreciate the opportunity. Thank you. I’m happy to address any questions.

CHAIRMAN FRAZER: Thank you for the presentation. I am going to look around and provide an opportunity for questions. Mara.

MS. LEVY: Well, so I haven’t had a lot of time to think about this, and so the thing that occurs to me is that sargassum, for the purpose of the Magnuson Act, is a fish, as crazy as that might seem, and we have that list of authorized fisheries gears that are applicable in the different council regions, and so there is no authorized sargassum fishing in the Gulf of Mexico, and the regulations basically say you can’t engage in something
that is not authorized without giving the council notice of
that, and then there’s a ninety-day period in which the council
can take some kind of action, and then, if they don’t take
action or there is no action to prohibit it, then you can engage
in it. That’s one thing to consider, is us looking at those
regulations and figuring out what you need to do with respect to
that.

The other thing that jumps out at me is sargassum in the Gulf is
habitat for baby turtles, which are protected under the ESA, and
so we would also -- It’s not within the council’s purview, but
just, with respect to your project, we would want to talk to
Protected Resources about take of those species, because even if
they are not, quote, harmed any capture is take, and you would
want to be covered under the ESA, so that there is no violation
of the take prohibition, and so those are the two things that
jump out at me right now.

MS. MYERS: We understand the importance of the Endangered
Species Act. The overriding benefits of increased habitat for
many organisms to grow and thrive we believe should take
precedence, and that’s not to minimize it. It’s very important,
and it’s been central to the design of our technique from the
beginning.

All of the other projects use a lot of aquaculture equipment,
and the production goals are great, and we have, from the very
beginning, eliminated aquaculture equipment for this purpose and
focused on a pelagic macroalgae as a result. Anything that we
do would include turtle exclusion devices, any nets, but we’re
very happy to design in the best way possible. We’re agnostic
on this. We’re trying to help the ocean chemistry.

CHAIRMAN FRAZER: Go ahead, Mara, and then I’ll get to Paul.

MS. LEVY: I am not in any way making a judgment about which is
better. All I’m saying is that, if a turtle is going to be
taken, which includes -- Even if you picked it up and then put
it down, that would be a take, and that’s prohibited under the
current regulations and ESA, and so, in order to avoid a
violation of that prohibition under the Act, you would want to
work with the agency to get a permit to be able to actually do
that, and so that was my only comment. It’s not a judgment
about what should take priority or that you shouldn’t do your
action, but it’s just a legal requirement under the ESA.

MS. MYERS: That sounds good. We, just as a practical matter,
during the course of our research for the past year, we used a
very informal designed -- It’s not really a harvester, but it was more a collector, just to see what that did. It was very small, and we were surprised that, when we put that on the boat, there was almost no bycatch. I think there was one tiny shrimp, and so we were pleased with that, because our goal is the same as yours, and we’re happy to comply with anything that needs to be done.

As a practical matter, we are applying now for phase-two funding for obviously what we think is a beneficial activity, and, in order to apply for that funding, we need to resolve this fairly quickly. March is the deadline for those deliverables, and so we will do whatever we can as quickly and as well as we can.

CHAIRMAN FRAZER: Okay. We’ve got a couple of people. I’m going to go Patrick and then Robin and then Roy, but Paul first.

DR. MICKLE: I guess my first question is to Mara, and this is a legal question. The scientific literature, the best available science, suggests and has strong inference for showing that two species of reef fish, amberjack and gray triggerfish, are dependent upon this habitat, or sargassum, and does that give us the authorization to be involved with the authority to approve or disapprove this EFP, and I have another question afterwards. Thank you.

MS. LEVY: There is no regulations on the books that we would be issuing an EFP for, but, like I said, sargassum is, quote, a fish under the Magnuson Act, and so you as the council have the authority to regulate the harvest of sargassum.

Right now, there is no authorized fishery for sargassum. There is nothing in the list of authorized fisheries that allows the harvest of sargassum, and so the requirement is that they provide notice to the council of their intent to harvest, and there are regulations that speak to this, and then there’s a ninety-day period in which you have to act on that. If nothing happens in the ninety days, then they can go ahead and do what they’re doing.

That doesn’t mean to say that, even if they start doing what they’re doing, you can’t come in and decide you want to regulate the harvest of sargassum, but it just gives you a window to make sure that nothing is happening with respect to it for the ninety days, but, because it’s a fish, you have the authority to regulate it under all the requirements of the Magnuson Act. It’s in need of conservation and management and all that sort of stuff.
You could also probably have an ecosystem link to other reef fish species that would give you that authority to regulate it. The South Atlantic has a sargassum FMP in which they basically prohibit harvest, I believe.

**MS. MYERS:** Can I verify one thing?

**CHAIRMAN FRAZER:** Yes, Ms. Myers. Go ahead.

**MS. MYERS:** We are creating additional habitat and additional sargassum, and, without going into too many details of the process, whenever -- We create additional, and we’re basically farming, in the sense that we start with seedlings, and we grow those seedlings, and then, at the end, we harvest a good amount of that biological material, but we also leave remaining habitat, so that anything that’s in those mats can migrate to that habitat. We’ve been very careful about this, but we’re also very happy to keep improving it and be as careful as we can.

**CHAIRMAN FRAZER:** Paul first and then Mara.

**DR. MICKLE:** I am confused. You’re harvesting or doing aquaculture?

**MS. MYERS:** That’s a great question. I have bounced a little bit, and I have made best efforts to navigate this, and I’ve had discussions with the aquaculture section of NOAA and then fisheries and then aquaculture and then fisheries, and so I consider us more aquaculture. That said, because we are not using aquaculture equipment, and we’re not using ropes, anchors, floats, rafts, et cetera, and we’re not fixed in a spot to a lease, and we’re somewhere in between.

It’s a new activity that we’re proposing, which we believe has benefits, and we’re trying, and I think NOAA is trying, to figure out the best way to research this, to see if it’s a good thing to do and go forward.

**CHAIRMAN FRAZER:** Mara.

**MS. LEVY:** I think part of the issue here is that you’re not getting enough information to sort of figure out what the plan is, right, and, from what I understand, you’re going to take these seedlings and put them someplace in the Gulf that’s kind of like a -- The currents keep it in a particular area, and then the plan is to let it grow, and mix with the sargassum that’s
already there, and, I mean, you’re not going to be able to tell what you planted versus what came in naturally, and you’re not going to be able to keep species out and such like that.

In that sense, it’s not aquaculture. Like, there is no equipment, and you can’t separate what you’re growing from the natural stuff, and then they’re going to come back to that place and harvest it, and so, in my mind, it’s still a harvesting of sargassum. Like it’s not an aquaculture operation. That wouldn’t just be, because we have no way to see what you put versus what they went in there.

I think part of the problem the council is going to have is they’re not going to know what to think about it, because they don’t have a lot of information about what you plan to actually do, and one of the things that’s required in the notification is sort of a description of what the species is, and a lot of it talks about gear, but you don’t have gear, but, I mean, I suggest, when you provide the notification, you explain in more detail what the process is, so that the folks here can sort of have more of an informed discussion about that, and I realize we didn’t have a lot of time to talk about this beforehand, because we weren’t in the office, and so that might have created some problems.

CHAIRMAN FRAZER: Okay. Robin.

MR. RIECHERS: I am going to try to ask a couple of questions, and it has no reflection on whether I think this is a good or bad idea at this point, but, Mara, at this point, do we have an application?

As you suggested, there is a clock that starts ticking when we receive notice, and how is that notice delivered? Is this considered notice, or how is that done, number one, and then I guess number two is, because it sounds like you’re considering this different than an EFP, but we’ve got this scheduled under our EFP presentations, and I’m wondering whether there is an EFP application as well, and so I’m just trying to figure out where we’re at in the process.

MS. LEVY: I don’t think they need an EFP. I think they need to provide the notice, and that’s supposed to be provided by certified mail, under the regulations, and the signature of the receipt of that certified mail starts the ninety-day clock, and it’s sent to the council.

CHAIRMAN FRAZER: Dr. Simmons.
EXECUTIVE DIRECTOR SIMMONS: I was just going to say I think the most similar example we’ve had that’s come recently before the council was Mr. McCormick’s work with the lionfish and the kind of slurp gun type of gear he was proposing to use.

MR. RIECHERS: The only other follow-up on that is, within that notice, because I went to your website, and, on your website, I don’t see a lot of detail, and you mentioned that as well. Within the notice, Mara, does it -- Would it create a description of gear and what you were going to do and pounds you were going to harvest and those kinds of things?

CHAIRMAN FRAZER: Mara.

MS. LEVY: The regulations say that the notice has to include name, address, description of gear, the fishery or fisheries in which the gear will be used, a diagram or photograph of the gear, and a lot of it is gear, season, areas, the anticipated bycatch species associated with the gear, how the gear will be deployed.

I think in this case though -- I mean, that’s what it must include, and, since it’s very gear related, and they don’t have gear, I think it would be to their benefit to describe what they’re going to be doing, the process, and all that sort of stuff, so you have that information and can make an informed decision about what you would want to recommend or whether you want to take any action.

MS. MYERS: Would you like a small description, brief description, of the process?

CHAIRMAN FRAZER: Yes, at this point, I would.

MS. MYERS: Okay. We have a satellite team, satellite imagery team, and it identifies the location of very large mats, and the resolution is one kilometer, and so we’re not looking at small plants drifting in the ocean.

We go to that sargassum mat, and we harvest some amount of seedlings. Let’s say, as a percentage, 10 percent of the mat. We then divide that 10 percent, and we put some amount of seedlings back into the original mat, and we know, by the doubling rate of those plants, that in either ten days or twenty days that the original mat will be restored.

We take the rest of the material to a current whose dynamics we
understand, through oceanography, and we put the plants in that current. After approximately sixty days, unless the current dissolves, which we’re monitoring all the time, we come back and harvest. At that point, we deploy the same technique, which we never take 100 percent of anything. We leave some percentage in there for marine organisms to migrate to.

The rest comes back to shore, and it’s a way of harvesting CO2 and nutrient pollution, if you see it that way, and that comes back to shore and goes into a kind of pre-manufacturing process for either energy or sustainable products.

The basis of this idea is that the current production of energy crops is on land, and that requires land, fresh water, and fertilizers, all very expensive inputs, and we believe that using the saline water source, in order to farm crops, is an area not only of new economic activity, but it’s a smarter way to act on the planet. There are also these benefits of providing increased habitat and picking up excess nutrient pollution and CO2, et cetera.

CHAIRMAN FRAZER: Okay. Thank you. Then I have a couple of other folks. Robin, do you have any additional questions? Okay. Then we have Roy.

DR. CRABTREE: I guess what we need from you in the letter is details on what the gear you’re using to harvest the seedlings is and then, after you put the seedlings out and they grow, you are harvesting them, and what gear are you using, and that’s the fishing gear.

Then I would encourage you to talk to my Protected Resources Division, because, if that gear is capable of catching a turtle, then you are going to either need a Section 10 permit, which is issued in Silver Spring, out of the Headquarters, or perhaps there might be a Section 7 connection, but I don’t see it at the moment, but, if you’re using a gear and you take a baby turtle, you’re in violation of the Endangered Species Act, regardless of whether you kill it or harm the turtle or not. That’s still prohibited, and so that’s something you’re going to need to deal with. My other question for you is I think I heard you say that you were working with someone in NOAA on this research, and I’m wondering who that is.

MS. MYERS: We have had a lot of support from NOAA.

DR. CRABTREE: But who exactly? What part of NOAA?
MS. MYERS: Well, we’ve spoken to -- We’ve had quite a bit of communication with Jess Beck, and so aquaculture in the Southeast, and we’ve been working on a scalability analysis, and NOAA has conducted a scalability analysis for us, and there is very tight communication between NOAA and DOE on this program, to make sure that it’s done properly, and I can give you the names of everybody, if you would like, but, basically, Gulf of Mexico personnel and Caribbean, because, as you know, right now in the Caribbean, there is a nuisance problem with these same plants, and the Caribbean is very much looking for a solution, because the plants die in the coastal zone, causing hypoxia, and then they beach, and then there is a lot of expense, and so there is a lot of focus on these plants.

DR. CRABTREE: All right. Well, I’m going to encourage you -- Jess Beck works out of my office, and so I would encourage you to contact her again, because I think there’s a lot more information that we’re going to need about this, and we’re going to need to sort out the endangered species part of that. I can tell you that getting a Section 10 permit is not going to happen by March, and so it’s going to take some time to go through all this process.

MS. MYERS: We’re really a research project at this time, under innovation, and, as such, there is a lot that we don’t know, and there is a lot that we are researching to make it the best technique. Could we fall under a research permit?

DR. CRABTREE: Well, it still sounds, to me, like you are going to have potentially incidental take of turtles, and so, again, I encourage you to contact my Protected Resources Division, and Jess Beck can put you in contact with them. Based on what I’ve heard, it sounds, to me, like you would need a Section 10 permit, but maybe there’s something that I don’t understand, and there may be other parts of this that I am not grasping at this point, and so I think you need to talk to them and sort this out.

MS. MYERS: Okay. One thing I can add is that, in terms of harvest gear, we’re looking very carefully at the spacing of that harvest gear, and so we’re looking at a four-inch-by-two-inch spacing, to allow juvenile mahi and juveniles of all kinds to find their way out. Plus, there is no bottom, initially, to this harvest gear, because remember we’re sitting on the surface, as you know, and so we’re doing everything we can, but I’m happy to follow your instructions.

CHAIRMAN FRAZER: Leann, did you have a question or a comment?
MS. BOSARGE: Thank you, Mr. Chair. I am excited to hear more about it, and I’m hoping that this doesn’t start the ninety-day clock, because, really, I’m not sure that I understand what has been presented to me here, and we don’t have very many details at this point, and so, hopefully in your next presentation, we’ll get some more insight into it, and that will start our ninety-day window to try and respond, because I’m not sure what I would say at this point.

The one thing that does concern me, as Dr. Mickle mentioned, and our fishermen have brought this up in the past, and I have heard it at different assessment meetings, where PhDs are talking about it, that there is some relationship between that sargassum and what we see in our year classes coming forward, and, some of the fish, I’m sure that when you harvest your sargassum, it would be obvious that, hey, there’s a fish, but we’re talking about post-larval phases that may be five millimeters for some of this, and, when you talk about looking at a half-mile mat, and you take 10 percent of it out of the water and wait for it to double and then put it back somewhere else, we really need to understand what we’re doing to some year classes at this stage of their life and what effect that may have on us down the line. Maybe we can work with you on some research projects, but we need to understand that before we, you know, haphazardly bless things.

MS. MYERS: I’m sorry, but I was only given five minutes, but I’m really happy to provide details on this. It’s work that we’re very excited about, and I think DOE and parts of NOAA are very excited about it.

We have big problems in our oceans, as we all know, and we can talk about the details of fisheries, but, if we don’t have a healthy system, we have a significant problem, and that’s what we’re trying to address, and so I’m happy to talk to anybody, and I welcome input, and I welcome collaboration, and so thank you for the offer.

CHAIRMAN FRAZER: Okay, and so we have a couple more questions. I have Martha and then Chris and then Ed.

MS. GUYAS: Mine is not really a question, but it’s just more of a comment. I guess, depending on the details of your project and where it’s occurring and where the product is being landed once you do bring this back to shore, I mean, you may also be subject to various state regulations, even though this is occurring in federal waters, and so that’s something to keep in
mind, depending on where you go with this project and where it’s located.

CHAIRMAN FRAZER: Thank you, Martha. Chris.

MR. CONKLIN: Just to inform you all, we designated this as EFH in our region, and the ABC is zero, and it’s catch and release only, just to give you guys a heads-up.

CHAIRMAN FRAZER: Thanks, Chris. Mr. Swindell.

MR. SWINDELL: The things I’ve read about seaweed and sargassum and so forth, it’s becoming a world-wide harvestable resource in all of the world’s oceans. It’s used for proteins for whatever they can get out of it for aquafeed, for instance, in raising other seafood.

However, in the Gulf of Mexico, we have to look at it as a resource that is there, as a resource that’s floating in the Gulf of Mexico, and, right now, it’s not progressing but so much, because, otherwise, it would be covering the Gulf of Mexico by now, but it doesn’t, and so, if they’re going to take part of it and, I presume, try to regrow part of it, then you’re getting into the aquaculture business with this.

Controlling this is going to be a real issue. I mean, it’s helping our fishery resources, without a doubt, and there is a lot of fish, just like the slide is showing, that hangs around n sargassum weed, and so you’ve got to be careful with what you’re doing and how it affects our resources that we’re doing in the Gulf of Mexico, but good luck, and I hope that you present us with something that we can understand and take to heart. Thank you.

CHAIRMAN FRAZER: Thank you, Ed. I have Kevin and then Mr. Boyd.

MR. ANSON: Thank you, Mr. Chair. Thank you for coming here to the council today and bringing this issue up. As Ed pointed out, sargassum is getting a lot of interest in the world, and obviously it has some interest here in the council, based on the essential fish habitat designation, at least in the South Atlantic, and the habitat and its importance to what we do here at the council and what we’re responsible for.

I guess, just going back to the comment that Mara, NOAA General Counsel, has provided you regarding what information you need, and other people have commented, I would just add that, if it’s
not in there, certainly I think some discussion on the benefit of the actual work that you’re doing, if you can quantify that or it can be modeled to be quantified, because aquaculture is being tossed around here, but, in my sense, and I’m old school, and I went to school a long time ago, but the definition that aquaculture had when I went to school doesn’t apply here, because we’re essentially allowing Mother Nature to do what Mother Nature does, whether it’s in one part of the ocean or you want to take it to another part of the ocean.

There is no controls, and there’s nothing in there that you’re going to be able to keep it penned in, literally and figuratively, and so I would have a little bit of a hard time that we can kind of help Mother Nature by just keeping it in Mother Nature’s hands and have really no control and any extra added work that we put into that, and so, other than moving it, again, from one location to another, and that brings up some questions as to whether or not these currents that you describe are actually conducive to sargassum, because they only occur in specific areas, and, when they get out of those areas, it’s not the conditions that they can survive in, and so they do decay and start to die and such, and that’s in some very near-shore areas, and so I would just be -- I would prefer to see more detail, certainly, to help try to reconcile some of the issues that I have with this project as it’s currently described.

MS. MYERS: May I address that?

CHAIRMAN FRAZER: Briefly.

MS. MYERS: Okay. There are different kinds of circular currents, or eddies, and some more clockwise and some move counter-clockwise. Those that move counter-clockwise upwell nutrients and feel the plants. Those are what we intend to use, and we’ve also run some research on these currents, and we have shown that we can contain the plants.

Again, we are designing it this way in order to avoid putting a lot of aquaculture equipment in the ocean, which is a cost and a risk, and so we are mimicking nature purposefully, and, so far, our results have been good, and I’m happy to share it. Thank you.

CHAIRMAN FRAZER: Okay. We’ve got about three or four more questions, and then I’m going to try to wrap this up and provide a bit of a summary, and so we have Doug, Leann, and then Paul.

MR. BOYD: Mr. Chairman, I can ask my question offline, if you
want my time.

CHAIRMAN FRAZER: Go ahead, if you want.

MR. BOYD: Okay. Thank you for your presentation, and I may have missed this, but does your business plan have you selling this product that you take on land, or do you all process it to its final destination, or its final use, and what is that use?

MS. MYERS: Are you asking if we process it on the boat?

MR. BOYD: What is the ultimate use of the product that you’re going to be harvesting?

MS. MYERS: DOE is naturally interested in energy conversion, taking the CO2 and repurposing it for energy, but they are also allowing sustainable products, and so everything that we grow in the ocean and convert to products means something on land that is not used for that purpose, and so, if you think about paper production, we’re not taking down trees.

MR. BOYD: So you will take that product that you have grown and you will sell it into commerce, to be produced into biofuel or be produced into some of the material? Is that correct?

MS. MYERS: Yes, and we think of it as circular economy, trying to do things more efficiently and better for the planet, yes.

MR. BOYD: Thank you.

CHAIRMAN FRAZER: Okay. Leann.

MS. BOSARGE: Just so that I could kind of follow on to what Kevin was saying, to give you more detail on things we would like to hear more about, I would like to know maybe what time of year you plan to do this.

Is it year-round or something like that, because, in my mind, that goes along with spawning seasons of the couple of species of fish that I am kind of honed-in on and where they’re at in their life cycle at that point, and then, when you bring the plants back in to let them double, you said, and so are you planning to do any kind of selectivity on what you put back out there?

I mean, even bananas -- We have non-GMO foods and GMO foods and so are we going to be doing any kind of selectivities for plants that grow the fastest and weeding out some of the others, and
will we have any of that kind of -- Any details on that kind of stuff you can bring us, that would be great, so we know what’s coming out and what we’re putting back.

**MS. MYERS:** Great, and so no GMOs, no new fertilizers, and, believe me, our hands have been tied in many, many ways. This is just the next way, and so I try to solve them as I can in ways that are good for the system.

A last note, and I know that everybody probably has other things to go onto, but the seaweed industry, to go back to your comment, is an $8 billion a year industry, and it’s situated primarily in Asia, and the United States has been sleeping in this industry.

We have some, just a handful, of seaweed farmers, and, instead, I would like us to look at this as the U.S. taking a lead position. We have an opportunity to help our systems and to provide jobs and a new way of doing things, and, with your help, hopefully we can do that, and the Caribbean is crying for solutions.

**CHAIRMAN FRAZER:** Thank you. Dr. Mickle, last comment.

**DR. MICKLE:** I will just be brief. I appreciate the information, and I think more information and a study is definitely of merit, to kind of show, I guess, the potential benefits that you have tried to lay out here today and that I think are there and, also, to I guess answer some uncertainties that I think this group really have concerns about.

When you mention the methodologies of where you went and put stuff and then grew stuff and then put back, it caught my ear on what you -- When you put sargassum back, are you putting it in open areas that don’t have sargassum in them, or you said currents that -- I forgot how you said it.

**MS. MYERS:** What we see, through the satellite imagery, is that the location of these large mats are typically not far from the eddies that we’re using, because remember the loop current comes into the Gulf, and it’s bringing material, and then there is some resident material, but, for efficiency’s sake, to hit DOE’s targets, in conjunction with NOAA, it’s a very low price, and so, the logistics of going from one location to the next, it must be proximate, in order to be effective.

**DR. MICKLE:** Okay. I have no more questions.
CHAIRMAN FRAZER: Okay. Ms. Levy.

MS. LEVY: Just to -- I guess, ultimately, right, in terms of the ultimate goal of doing this, it’s to somehow scale it up such that folks can take this stuff for energy production, right? I mean, I think the council needs to understand, ultimately, the purpose is to harvest enough of it for it to be a useable energy source.


CHAIRMAN FRAZER: Okay. Thank you. I just want to ask a couple of questions to Mara before we wrap this up. I just want to make sure, procedurally, we’re all on the same page. Clearly there is a number of questions from the council, and they’re wide-ranging, everything from rationale to cost and gear types and intent and benefit and all of those things.

Then what I’ve heard here is that Roy has encouraged you to work with his office to put together an appropriate description of the effort and moving forward, and, until we get that appropriate description of the effort, I don’t think we’re going to consider that a letter of notice to move forward, and so don’t know, Mara, when that ninety-day window would start and what would constitute a time-zero.

MS. LEVY: The regulations say a signed and returned receipt for the notice serves as an adequate evidence of the date of the notification, and so it’s contemplating written notice by certified mail and a signed receipt.

CHAIRMAN FRAZER: Is that certified receipt from your office or the council’s office?

MS. LEVY: It’s received by the appropriate council or the director, which would be -- I think it’s your office, and so you’re supposed to send it to the council certified. As soon as you sign that return receipt, that starts the ninety-day clock. I mean, I suspect that this was written before emailing was prevalent, and you could probably, if you were okay with it, get the information by email and then the receipt of that date. I think, if you really want the hard copies, you could ask for that.

CHAIRMAN FRAZER: Okay. As a follow-up, if we have, based on that initial correspondence, outstanding or significant questions that need to be addressed, how does that affect the ninety-day timeframe?
MS. LEVY: It doesn't affect it. I mean, the regulations basically say, if no action is taken to prevent the use of the gear or the new fishery, that then they're allowed, after ninety days, to engage in whatever activity they want, and so it contemplates that, as soon as you receive the notification, the council immediately begins consideration and that you send a copy to the Regional Administrator and then you make a recommendation to the Regional Administrator, and so, I mean, I think what we did last time is you got the notification, and you put it on the agenda for the next council meeting, which was within the ninety days, and you talked about whether you wanted to recommend some sort of emergency action to prohibit it or you wanted to start a plan amendment or something to address it, and so I think that would be the process that you would generally follow.

CHAIRMAN FRAZER: Okay. Thank you. I think we have enough information at this point. Ms. Myers, thank you for your presentation.

MS. MYERS: Thank you, and I will respond as quickly as possible when I get questions, so that everybody is comfortable.

CHAIRMAN FRAZER: Thank you. Thank you for being here. I think we're going to continue to move along in the agenda, and next on the agenda would be the Alabama Law Enforcement Efforts, if Major Downey is ready and prepared.

PRESENTATIONS
ALABAMA LAW ENFORCEMENT EFFORTS

MAJOR JASON DOWNEY: Hello. I'm Major Downey with Alabama Marine Resources. We do have two K-9s here today. We're not going to bring them in at the same time right now, because they get really excited when they're around each other, and so we've got one in here now, and so we're going to have a brief presentation, followed by a demo, and then we'll bring both K-9s in and let you guys see them. I am going to turn it over to Officer Phillips. She is one of our K-9 handlers.

CHAIRMAN FRAZER: Thank you.

OFFICER PHILLIPS: Good afternoon. I'm here to give you just a basic overview of the program. We started the program circa 2015, in November, and Auburn University was tasked with going to select a K-9 and train the K-9, and so, the dog you're looking at right now, that is a working cocker spaniel. Mine in
is an English springer spaniel, and he is from the U.K., and mine was brought in from Germany. He’s a little vocal.

They brought the dogs back and trained the K-9s. We had to also be trained to learn how to read the K-9 and their responses and how they work, and so they’re very high-drive dogs. They are ball-drive dogs, and they’re lower to the ground, and so that helps with the scent, and so started out on petri dishes at Auburn University. We escalated to imprint boxes, building searches, and then, finally, the vessels.

With that, we were able to garner a lot of attention, as far as social media. We have a lot of public relations events that we get to do, and that has brought a lot of attention, and so it’s more of a deterrent at that point. You get out there and you run the dogs, and you have people that have never heard or seen anything like that, and so it’s brought a lot of attention, everything from elementary schools to high schools and career days, and local news stations picked it up, and so that helped a lot, and there’s just a lot of people interested in the program and what we do.

Like I said, it’s more of a deterrent than it is that you catch the people in the act, because they hear about it, and they don’t want to do it, and they don’t want to risk it. The dogs work a lot more quickly than the officers do. It takes us a long time to check a vessel, if we’re going to check it that thoroughly, and so, what these dogs do, they do it in seconds, what we can do in a couple of minutes, and so it gets everybody going, and it’s just more thorough at that point.

There is a few demos on these slides, and the first one is K-9 Gaines and his handler, Officer Cox, and this was uploaded multiple times and viewed by many people, and it’s helped in the process of getting the word out, and they come with life jackets, and they have handles on them, and they’re easy for us to maneuver.

They are not like your large, Belgian Malinois and Czech shepherds and all that. They’re very easy to maneuver to get into those places on the vessels. They’re a lot more what I guess you would say public-friendly, more personable, because nobody wants the German shepherd looking them in the eye, and so the spaniels are a lot better for that aspect. While we’re viewing it, does anybody have any questions so far?

UNIDENTIFIED: (The question is not audible on the recording.)
OFFICER PHILLIPS: Yes, that’s what the petri dishes were for. They don’t take a whole fish. That’s more our job, and so the fillet was put in a petri dish, and they moved up from that, and so in a barrier, in depth, a hot, human scent from fishermen touching the bag, and so, yes, that’s primarily fillets.

This is a clip from one of the local news stations, and that’s my dog, Morgan, and they were named after the forts, Morgan and Gaines. They played this, and that helped with the recognition. Like I said, they work very quickly, and they do passive responses, so we don’t have any damage with any vessels, and we do it boat-to-boat, and we can do it from the dockside perspective, near-shore perspective, and so that’s all the clips. Any other questions?

CHAIRMAN FRAZER: Thank you very much. Are there any questions from any of the council members?

MAJOR DOWNEY: Can I give one quick comment?

CHAIRMAN FRAZER: Absolutely.

MAJOR DOWNEY: Just real quick, the inception of the program was based on, as you saw at the beginning of the slide, that people were filleting and releasing, is the common term, and we were trying to decide how do we prevent that from happening, how do we deter that without being overly intrusive to the general angler, and, when everybody is coming in, we have the right of inspection, but that is a pretty in-depth search, to go through each vessel to that degree, and so, when we looked around the country, there were only two other dogs in the country that did something similar.

We approached Auburn University, at their K-9 Performance Science Center, who they train dogs to do a tremendous number of things, and we partnered with NOAA Office of Law Enforcement and the Coastal Conservation Association of Alabama to fund this project, and so it was a collaborative effort.

The goal, from the very beginning, was not to make cases. It was actually completely opposite of that. It was to prevent people from violating the law. Almost immediately, when the dogs went to work, there was a reduction in phone calls saying that people were catching fish offshore and shoving them under the seats and different things like that.

It was very apparent to me, at the top of the food chain, and I’m the one that gets the phone calls, and so that was the
design of the program, because we often get asked how many cases do they make, and I say, well, my goal is zero. That’s really the goal. They do make some cases, but it’s the preventive measure of this tool that is so amazing, and I feel that, if we can impact children, then we have changed the future. They have seen the dogs, and they know that, hey, Officer Gaines and Officer Morgan said don’t break the law, and so they don’t.

We see that as the biggest success of the program and not the how many cases do you make, and there is an argument to be made either way, but the dogs are amazing, to the fact that they can remember, from different boats that they’ve been, if we have used it as a training tool before, and they will go to that spot first, if you give them the opportunity. They remember that.

They know where the most common places to hide things are, and they can detect items through things as small as bolts on the deck of the boat, the odor of something being hidden in the bilge and coming up through any crevice, any bolt hole, with the bolt in it, and they are that sensitive. They smell in parts per trillion, and so, as she said, the amount of time that it takes to board a boat, they do it in about fourteen seconds, compared to a person, and we wouldn’t get through one portion of the boat in that amount of time, and they do it without the folks even realizing it, to some effect. The dog circles, and we’re done. We’re in and out, and so we’ve done two things. We have inspected the boat, and we have shared educational information with the public, and so now are you going to send him around?

CHAIRMAN FRAZER: That would be great, and, Scott, I really appreciate that.

MAJOR DOWNEY: We will go ahead and work him. While he’s working the room, TSA took a big hit recently about the intimidating dogs, and they were changing from shepherds and Malinois to other dogs, because we did take that into consideration with the breed of dog, that we were not going to intimidate people. We just wanted to do an inspection.

I will tell you that you see this is double-bagged and in ice, and they can detect it through multiple layers. We have double-bagged and placed it inside a soft-sided ice chest inside a dry box inside the compartment on a boat, and, the minute he got onboard, he started going nuts. He knew it was there, and so it’s the same as narcotics. You can’t make a clean enough environment that they don’t -- It’s not to say that they won’t miss it sometimes, but that’s the level of detection capability
that they have. There is Morgan. Again, she’s an English springer, and he’s an English working cocker. She’s going to come sit by me. Are there any follow-up questions?

CHAIRMAN FRAZER: I think we have a few. Mr. Swindell.

MR. SWINDELL: You know, if these dogs could be trained perfectly right for NFL referees to call pass interference, they would work great.

MAJOR DOWNEY: They are pretty good at smelling violations.

CHAIRMAN FRAZER: All right. Thank you, Scott, and, as always, we appreciate all the work that your team does. Thank you. Okay. Let’s see where we’re at. I know there are a lot of people who have travel plans tomorrow, and I know that we have lunch, but we’re going to knock out two quick committee reports, I think, so people can adhere to their travel schedule tomorrow. The first one, I think, if we are ready, is -- Phil, would you be ready to do the Outreach and Education? All right. Then we’ll start with that committee report.

COMMITTEE REPORTS
OUTREACH AND EDUCATION COMMITTEE REPORT

MR. DYSKOW: Thank you. The report for the Outreach and Education Committee, the council reviewed a draft of the Fishing for Our Future website that aims to display the council’s descending and venting policy and communicate best fishing practices. The website will highlight how much discard mortality occurs across the Gulf and consolidate all the outreach materials and research done on barotrauma mitigation in the region.

The committee made suggestions to improve the current draft, and committee members offered to assist staff in finding additional materials to add. Staff asked that committee members, council members, and the public contact her, and her in this case is Emily Muehlstein, with any more suggestions.

Next, staff presented the draft agenda for a barotrauma workshop, with the objective of creating an action plan to promote the use of barotrauma mitigation tools, enhance data collection efforts for discard mortality, and incorporate those results into stock assessments.

The committee suggested appropriate invitees for the meeting and asked that staff avoid hosting the meeting in late summer, to
ensure that for-hire operators who are interested are available to participate.

Finally, staff presented the council with preliminary results from their Something’s Fishy data collection tool. The tool has been used to collect anglers’ perspectives on what is happening with fish stocks prior to each stock assessment. The tool was launched for red grouper, and the results were reported to the stock assessment panel and the council’s Scientific and Statistical Committee.

The council recently launched the tool for yellowtail snapper, and Florida Fish and Wildlife Conservation Commission cross-promoted the tool. The tool has received 360 responses for far, and the council directed staff to include the results of each Something’s Fishy launch in its background materials when stock assessment results are presented to the council. Mr. Chairman, this concludes the report.

CHAIRMAN FRAZER: Thank you, Mr. Dyskow. Does anybody have any questions or concerns or comments on the report? Okay. Seeing none, we’re going to move on to the next available report, and I guess that would be the Data Collection Committee and Dr. Stunz.

DATA COLLECTION COMMITTEE REPORT

DR. STUNZ: This is the Data Collection Committee report. The agenda and minutes of the October 24, 2018 meeting were approved. For-Hire Electronic Reporting Implementation Update, implementation of the new reporting requirements is scheduled to occur in two phases, with the electronic reporting and hail-out beginning in the first half of 2019, while the archival GPS requirements will likely begin later in 2019.

Council and NMFS staff are working collaboratively to schedule and hold a series of stakeholder workshops about the upcoming changes in reporting requirements for federally-permitted for-hire vessels.

Council staff noted that eight meetings have been scheduled between January 24 and March 11, 2019 in each of the five Gulf States. The meetings are intended to make for-hire operators aware of the upcoming changes and address stakeholder concerns prior to implementation. A committee member noted that a workshop is scheduled in New Orleans on February 14 and that the holiday may reduce attendance. In response, staff rescheduled the meeting, so it will be held at 6:00 p.m. on February 12 at the La Quinta Inn & Suites, which is at 2610 Williams Boulevard.
in Kenner, Louisiana, 70062. Mr. Chair, this concludes my report.

CHAIRMAN FRAZER: Thank you, Dr. Stunz. Ms. Muehlstein.

MS. EMILY MUEHLSTEIN: I was hoping that Sue would be in here, but I don’t see her. I just wanted to mention something that we weren’t thinking about during the Data Collection Committee. I spoke with some of the implementation staff who is working on these for-hire reporting requirements, and they have asked for the council’s thoughts on what should be done about implementation dates.

As it stands, the plan was to implement the for-hire reporting requirements in two phases. The first phase, which would launch on April 15, was to require anglers to hail-out as well as start their electronic trip reporting, and then the second phase was scheduled for October 1, and that is the location data requirement, and so having that device on your boat.

The staff over at SERO has asked that the council consider whether or not -- How to shift that timeline, based on the lost work that happened due to the shutdown, and I think April 15 was chosen because it’s before the charter season really sort of starts kicking off, and, at this point, it looks like implementation would have to be pushed back, and there is fear that pushing it back to the beginning of the summer will require the anglers to get used to reporting at the very peak of their fishing season.

I guess the question that we would like to ask the council is, is maybe pushing it all the way back to October and having all of those requirements come online in the fall a reasonable option, or are there some other options that we might consider with the implementation timeline to make sure that these requirements are the most convenient that we can make them for our fishermen?

CHAIRMAN FRAZER: Robin.

MR. RIECHERS: Well, as I’m recalling, I don’t think we established the original timeline, and so, I mean, I hear what you’re saying, which is certainly, even as we try to think about when the agency starts to implement programs, we try to make sure it’s not in the peak of the season, so that you don’t have those kinds of issues with people trying to learn new things, whether that’s our own people or even anglers and hunters, and so, I mean, I guess I would be inclined to move it, but, like I
said, I’m not certain we had a lot of input on the first
deadline, and so certainly I think you all have that ability to
move that, if that’s what you all think is best, in working with
industry, though you might want to get some of their feedback as
well.

CHAIRMAN FRAZER: Sue, do you want to weigh-in on this at all?

MS. GERHART: I think Emily covered it pretty well, but the
timeline we currently have was what we thought we could get in
place, given the rulemaking and the approvals of gears and
things like that, and so that’s how we set up the original
timeline.

If we keep going as soon as possible, we can presume that we’re
set back a month right now, and that brings us into mid-May
instead of mid-April, and we were also trying to avoid spring
break time and things like that that we know are busy times for
the for-hire industry, and so our concern now is that, if we get
into May, then, yes, June 1, we start with the red snapper
season, and we didn’t think people would particularly want to be
working with new requirements during the season they had, and so
probably the earliest after the season would be August 1 we
could do, or, as Emily said, we could wait until the October
date that we were going to do the GPS unit for and do it all at
once.

We originally thought it would be easier for people to start
reporting first and then do the GPS stuff a little bit later,
but it may be just as easy to do it all at once, and we would
just like a recommendation from the council on what you think
the best dates would be, and maybe we’ll get something at public
testimony as well.

CHAIRMAN FRAZER: Thank you. Is there anybody around the table
that wants to weigh-in on this one? Mr. Anson.

MR. ANSON: I am kind of with Robin. I mean, you all can kind
of set those up. If you’re looking for some input, I guess my
comment would be to kind of follow-up with Emily’s
recommendation, or plan, I guess at this point, that you have
more of a start in October.

With the pilot program that was set up initially by CLS and then
carried forward with Woods Hole, certainly trying to avoid peak
periods would certainly help in the transition and the education
process and reduce the frustration level, potentially. I am
kind of with you. If you can kind of -- If just slowing it down
now will still allow for time for implementation of a locational thing, I think it would be better, more efficient at least, in having both of them roll out at the same time, both components.

CHAIRMAN FRAZER: Thank you, Kevin. I’ve got Greg and then Susan.

DR. STUNZ: Mine was the same comment. At this point, I think just let them roll out together in October would be the best thing, unless maybe there is some opportunity to do some pre-testing or some early testing things, but have an October 1 date rollout.

CHAIRMAN FRAZER: Thank you, Greg. Susan.

MS. BOGGS: Thank you, Mr. Chair. I know I stated this, I think back in August, that I had initially suggested that we might wait to roll it out all at once, because they’re trying to implement two different -- It seems, to me, like it would be an easier learning curve to learn how all the components and pieces work together.

I mean, I would like to hear back from the charter fishermen, and I haven’t really talked to any of them about it, and I know they’re anxious to get this on the water, but we want to make sure, once it’s implemented, that it’s working and working correctly and that they’re getting from it what they intend to get from it. Thank you.

CHAIRMAN FRAZER: Thank you. Patrick.

MR. BANKS: Mine is more of a question. I know that CLS, and then Woods Hole, did this pilot project. Any idea of the 1,200 or so votes and how many of those participated, because I see that as -- We had heard about giving the charter fishermen a chance to get used to it, and I was under the impression that that pilot project was specifically for that, and I was just curious to know how many of the charter fishermen around the Gulf participated. Does anybody have any idea of that total number?

CHAIRMAN FRAZER: I am looking around, and Emily is indicating no, and so I’m not -- Sue is indicating no as well, and so we’ll have to do a little more work there. Dave.

MR. DONALDSON: I don’t know the number, but I know they still have a number of units available, and so I don’t think they utilized all 1,200 of them.
CHAIRMAN FRAZER: To that point, Patrick?

MR. BANKS: Yes, and I know that we partnered with CLS and tried to get it put into Louisiana’s hands, but virtually none of our captains wanted to participate, and so I didn’t know if that was the situation in other states at all, and so --

CHAIRMAN FRAZER: Greg.

DR. STUNZ: I was just going to -- Lynn Stokes, who was the statistician on that project, gave us a presentation a couple of meetings ago, and I don’t remember -- That number was in her presentation, and so it’s somewhere in the record, if we need to just -- But I got the impression that it wasn’t a whole lot, Patrick, and there was a lot more needed.

CHAIRMAN FRAZER: Thanks, Greg. We’ll dig that up, and we’ll get back to you, Patrick, on that for sure. I am looking around the table here, and, unless there is -- It’s looking to me like the council is generally leaning towards October and kind of a double-implementation time, and so phase one and phase two. Is there any objections to that or any heartburn? I think that -- I am looking at Emily and Sue. Roy.

DR. CRABTREE: The only other consideration I have is we’ve got to deal with implementation of not just the Gulf program, but the South Atlantic program as well, and we probably have 370 or so dual-permitted vessels that are affected by that, and so, when we figure out the timing of this, it’s a little more complicated, because we’re going to take that into account.

CHAIRMAN FRAZER: I guess, at this point, the recommendation still is centering around the October timeframe, and we realize that there are some issues there, and, as those issues are revealed, perhaps you can get back to us and let us know.

Okay. I think it’s going to be time for lunch. I think the other committee reports hinge a little bit on public testimony, or there is some influence potentially there, and so we’ll break, and we’ll have public testimony at 1:30. I will see everybody then.

(Whereupon, the meeting recessed for lunch on January 30, 2019.)

---

January 30, 2019
The Full Council of the Gulf of Mexico Fishery Management Council reconvened at the Perdido Beach Resort, Orange Beach, Alabama, Wednesday afternoon, January 30, 2019, and was called to order by Chairman Tom Frazer.

CHAIRMAN FRAZER: All right. 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, please.

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

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. Before we get started, Dr. Crabtree has asked
that I give him a few minutes to make an announcement. Dr. Crabtree.

**DR. CRABTREE:** One of the questions I have had, since the shutdown occurred, had to do with fishermen whose permits had expired, and, because we were shut down for thirty-plus days, no one in the permits shop processed permits, and, come the end of January, people whose birthdays are in January, their permits are going to expire.

Our plan is to put out a Fishery Bulletin sometime in the next several days that will effectively extend the valid period of fishing permits, so that, if you’re a fisherman, and you have applied to renew your permit, and it has not been renewed, you will be allowed to continue fishing on the expired permit and be good.

I think we normally have a backlog of one to two weeks in the permits shop, and we were closed for about a month, and so we’re probably six weeks to dig out of where we are, and so we’re going to put that out.

Now, folks who want to transfer or do something more complicated, you’re going to need to talk to the permits shop, and you’re going to need to bear with us a little bit, because it’s not going to happen as quickly as it could, but our intent is to make sure that fishermen are able to continue fishing and not have to worry about being ticketed or anything like that. Thanks, Tom.

**CHAIRMAN FRAZER:** All right. Thank you, Dr. Crabtree. We’ll get started with the public testimony. The first speaker will be Jason Delacruz, followed by Ken Haddad.

**PUBLIC COMMENT**

**MR. JASON DELACRUZ:** Good afternoon. I’m Jason Delacruz, and I want to thank you guys for the chance to speak, and, as per direction, I own Don’s Dock, which is a marina that sells bait, fuel, and ice to charter boats, and I also own Wild Seafood Company, which is a wholesale seafood company, and I also own several commercial boats that fish for that company and whatnot, and so I truly have an understanding, I feel, that’s pretty deep in this business.

I would like to talk about, maybe first, 36B. It’s an amendment that has a movement that doesn’t know where it’s going, and I would hope that, Kevin, if you have a direction, let’s pick that
direction and let’s talk about whatever it is you really want to
deal with is, so we can have that communication, open and honest, and, if we get to the point that we can educate enough and everybody understands the situation, we can be clear about it. I hope the goals aren’t something else that are political and going in a different direction, but we are in a political scenario.

When it comes to the hail-in and hail-out requirement, I have had conversations with several people here, and I fear that we are looking to solve a problem that is small for a handful of operators that are bad apples, and, in doing so, we’re building a system that is going to penalize guys that are doing it legitimately right.

I have a boat come in with 8,000 pounds, and he’s been fishing for fourteen days and keeping track of eight or nine or ten numbers a day, and they’re jotting it down on a piece of paper and adding it all up, and, somewhere in the mix, he hits the calculator wrong, or he turns a six into a nine or a twelve into a two or whatever that may be, and, the next thing you’re know, we’re off by 10 or 15 percent, and it’s not because anybody did anything wrong. It’s a two-party process.

That captain wants to be paid for everything he caught, and he’s going to hold me to it, and I don’t want to buy too much than what he supposedly has, because I have to sell it, and so, in that party process, when we do our daily landing transaction, it’s very accurate.

If it’s a circumstance where it’s a boat that actually has their own dealer license, then maybe we should look at them a little bit closer. Maybe they need more scrutiny, and that should be something that law enforcement focuses on. Maybe it’s hiding in the puckerbrush and popping out and going, ha, we’re here, and you didn’t know, and that would help solve this problem, but, to penalize the large-volume guys by making a variable like this, it scares me to death.

The other thing, just real quick, is I wish we could do something about amberjack, mainly from the commercial side. This fishery is in a horrible position, and we catch too many fish too fast, and we shut down, and then we discard fish all year long, and it doesn’t make any sense. At least let’s do a better trip limit, so we can get some real management with amberjack and try to rebuild this fishery in a way that makes sense. Thank you.
CHAIRMAN FRAZER: Thank you, Jason. The next speaker is Ken Haddad, followed by Mark Tryon.

MR. KEN HADDAD: Thank you, Mr. Chairman and council members. I appreciate being able to speak to you today. I am going to first talk about allocation triggers. We like the basic approach that was presented yesterday. We do oppose that time be the only trigger and that some usual process be used in between time triggers.

The whole reason for the approach is bringing a technical level of triggers and processes for the actual allocation forward, and not just time, and so we recommend that you retain the indicators of public input and time as triggers, with time being the checkpoint when no other triggers have been enacted between that time. We believe that indicators, if developed effectively, they can be both triggers and criteria, and I’m kind of thinking of Assane’s graph that he used yesterday in his presentation.

Both triggers and criteria can be the same, and they can also be under public input and time, and, if this is then done, all triggers are effectively tested prior to a full allocation review, and so, right now, for example, with time, you bypass triggers and go straight to a full allocation review, and that’s, I don’t think, necessary.

However, in all of this, more important than triggers alone, is the need for an objective approach to help determine the final allocation, and that is going to be the real nut to crack, but I think you can’t leave that -- You can’t do triggers and think you’re done, is the message. Please make this a priority, getting the triggers done and the next steps, so we can get a process-oriented, accountable way to look at allocation.

We applaud the progress on 50. Please take it to the finish line. We’re excited about it. On the red snapper allocation options paper, right now, we’re thinking Action 2 may not need to be in there. We’re not seeing the real value of Action 2, or even understand why Action 2 is in there at all. That can come later, if it needs to. Thank you, Mr. Chairman.

CHAIRMAN FRAZER: Thank you, Mr. Haddad. The next speaker is Mark Tryon, followed by Dylan Hubbard.

MR. MARK TRYON: I’m Mark Tryon, a commercial red snapper fisherman from Gulf Breeze, Florida. I also do some recreational fishing. It appears obvious to me that the
recreational fishing lobbyists, including the boating industry, are exercising undue influence on this council, resulting in a seemingly perpetual attempt to reallocate red snapper from the commercial sector to the recreational sector.

There shouldn’t be any reallocation discussion until such time that the accountability within the recreational sector is on par with the commercial sector. I think I said that at the last meeting, and it seems like I always have to talk about reallocation, because it never goes away. It’s just an ongoing thing, which is kind of absurd. The council has finite resources. Does it make any sense whatsoever to invest a disproportionate amount of said resources to a perpetual attempt at reallocation?

Another thing is why, in the options, are there no options to reallocate from commercial to the recreational sector? The same thing happened last time we went through this exercise. There was no such option.

One of the wordings in your writeup before, that we went over this morning, it said, I quote, establish commercial and recreational sector allocation based on historical landings. The problem I see with this is that these historical landings on the recreational side are associated with chronic overfishing, year after year, and so why should you be rewarded for such behavior?

One of the things too that -- I guess you ran out, but I wanted to get the supporting documentation for your presentation on reallocation. In the morning, I went over to the table, and there was nothing there, and so I guess I’ve got to go online and get this information, but I thought that was kind of odd, that there is all this other stuff that I have no interest, but, what I want to look at, you don’t have it.

The last time we went through this exercise of reallocation, my recollection was that we picked up -- The recreational sector picked up I think one day of fishing, while the commercial sector lost a significant amount of revenue and profit, and so I think it’s -- As we said, there was lots of pain and little gain associated with it.

My final point is regarding the percentages discussed. Last time around, I seem to remember Assane saying that any reallocation, if done at all, should be in small increments. Clearly, they’re not small increments, what was discussed, and I just don’t understand why. Do we have some new method of
evaluating that or what? I disagree with that, for such large moves. It just doesn’t seem to coincide with what was discussed the last time around when we had these discussions. Thank you.

CHAIRMAN FRAZER: Thank you, Mark. Just for the future, and I appreciate your comments, but, if there’s a document back there that you can’t find, just let us know, and we’ll print it for you. Sorry for the inconvenience. The next speaker is Dylan Hubbard, followed by Mike Eller.

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

As far as state management goes, please continue to move forward with Amendment 50 without federal for-hire included, and this was an obvious trend in the multitude of public comments from the Amendment 50 workshops, and please also remove the sunset from sector separation.

Amendments 41 and 42, consider combining these amendments and put a time-specific pause on this newly-combined amendment for at least five years, to allow everybody in the industry to have a catch history and a landing history and for it to be calibrated with the MRIP charter/for-hire landings.

A longer time-specific pause is important not only for calibration, but also to prevent anybody from trying to artificially increase their landings and effort to try to get a bigger piece of the coming quota. Combining these amendments and getting catch histories will solve most of our issues and would allow a combined AP moving forward.

We cannot move forward with 42 at this time. The only reason that 42 has had preferreds for two years is only because any issues in 42 were pushed into 41, meaning many of the boats, including large headboats without catch histories, were all pushed into 41 to streamline one small section of the federal for-hire fleets and their attempt at allocation-based management.

Allocation of red snapper, please do not reward sectors for overrunning their quota, and do not penalize a sector for their under-allocation of days and accountability to not overrun their
quota. In the federal for-hire fleet, as we move into ELBs, we all need to become more accountable and less likely to overrun our ACT, and so we need smaller and smaller buffers in our sub-sector. We do not have an overallocation of quota, but we have an under-allocation of days, due to high buffers not required in our sub-sector.

The carryover provision, please keep moving this forward. In Action 2, please choose Alternative 2c. According to Action 1, we are only carrying over quota for fish that were closed due to management action and are not overfished. If there is quota left unharvested, then let us get that quota the next year. There is no need to be careful or conservative here, because the only -- Under the current preferreds, the only reason we didn’t land that quota the previous year was due to a quota closure when the ACL was projected to be met, but wasn’t.

Gray snapper, I support all the current preferreds in Amendment 51 about mangrove snapper, and please move forward with these preferreds, to ensure that our mangrove snapper fishery is not affected with new regulatory changes. The first ever stock assessment for mangrove snapper caused huge uncertainty and is causing large issues, and I’m hoping that this uncertainty does not cause changes in our ability to prosecute our gray snapper fishery.

A very similar issue has occurred in the hogfish fishery, with the uncertainty in the last hogfish assessment, and we’re looking at a likely ACL closure in a healthy fishery this year for hogfish, due to that uncertainty. Please don’t let this type of issue occur in gray snapper as well.

As far as electronic reporting goes, please don’t slow this down. I would like to see it rolled out as soon as possible. As soon as phase one is up and running, let us start reporting, even if it’s not mandatory, and it can be a voluntary thing. That way, we can work the bugs out, and, when it does become mandatory, it will be a lot easier for everybody involved. Thank you.

CHAIRMAN FRAZER: Thank you, Dylan. The next speaker is Mike Eller, followed by Avery Bates.

MR. MIKE ELLER: I’m Mike Eller from Destin, Florida, thirty-six years at it, and it gets hard to follow Dylan Hubbard, because he hit every nail right on the head, and he does his family proud.
On reallocation, there is so many data points that are on the cusp of changing, from the ELBs and the recalibration, and so, from the charterboat and the recreational for-hire side, we don’t need to change anything until we really get a grasp on what is going on there.

State management, we support state management for state guideboats and for the private sector, but, with giving access, there is a huge responsibility for us to collect accurate and robust, and I like that word, robust data. I think the State of Mississippi has put the best foot forward, and I think their plan of the hail-in and the hail-out seems to be what should be the gold standard for all of our states, and I know, for the State of Florida, we have the most boats, the most fishermen, the most commercial fishermen, the most landings, and so we have a greater responsibility, and our state has been stepping forward, and I would like to see them follow and continue, but, if we’re going to give this private sector more access, we have got to collect data from them and accurate data.

The historical captain, when we get a chance to vote on this, this is really important, and it’s a safety issue. These guys, or gals, can’t take a day off. Their whole charter operation has to have them on the boat. If they get sick in high-season, everybody in the operation suffers. They have to shut the boat down, and it’s just a safety issue, and so, when you get a chance to vote on that, please allow them to change their permits.

On 41 and 42, I’m an AP member that worked on 41. On 41, we tried very, very hard to look at all of the unintended consequences from the commercial red snapper IFQ and address those in our AP. I am sad to say that I think that, when they worked on Amendment 42, that they looked at the unintended consequences of the commercial red snapper IFQ and they doubled-down on them.

To me, in my humble opinion, it is a pure, unadulterated fish grab. They got their catch data, and they want this thing passed, and they want it passed right now. Some of them are at the cusp of retiring, I was told, and they want to get this thing done.

They agreed to wait for 41 to come through before they moved forward. Well, all of a sudden, that’s no good anymore. They don’t want to wait. They want their fish, and they want their fish right now. You’re going to hear from a bunch of people that will come up and talk about partyboat fishing, and I’ve got
a lot of respect for these partyboat men and women’s work ethics, but I’m telling you that it ain’t fair, and it ain’t right.

In Destin, we have three partyboats that dock down at the end of the dock, and these people walk past twenty charter boats to get to them, and, when the pilot program was going on, and these people would walk past every day with their red snappers and their groupers, while it was shut down for all the charter boats, it was a huge social disruption in our community.

It was brother against brother, and there were lots of social ills, and they can wait. They can afford to wait. They are trying to ram-rod this thing through. They looked at what happened with the commercial IFQ, and they are doubling-down on it. Please don’t allow it. Thank you.

CHAIRMAN FRAZER: The next speaker is Avery Bates, followed by Bill Kelly.

MR. AVERY BATES: I’m Avery Bates, and I’m a lifetime commercial fisherman, and I am Vice President of Organized Seafood Association. I have shrimped, I have oystered, and I have fished, and I want to tell you that we’re having problems with our inshore fishing, oystering especially, and we have probably 1 percent of what we had forty years ago. On our natural bottoms, we haven’t really been open for three years, but, this year, they totally shut us down.

Loss of habitat, it’s catastrophic in our state, and it don’t look like it’s going to get any better too soon. We’re hoping so, but the fresh water to kill the oyster, and the other thing we have today is the crab industry, and we mentioned this before, is almost non-existent from what it was ten to twenty years ago, and the predator is being the red drum. Everybody that either recreational fishes or is just out there crabbing will tell you the depletion is caused by the fish that eats the most of them, and that’s red drum.

For some reason, nobody knows how many is out there. People run through them by the miles, and they said there is no data. If you’re standing neck deep in redfish, there is too many redfish, and there is no crabs to prove it, and so keep in mind -- Any research you do, make sure that it’s not backed by the people that took them away from you. Special interests have got in there, and, when they have gamefish status for either trout or redfish, that is where you get the problems, and the public does not get that property.
Just try to ask any restaurant begging for fish, and I will tell you that we’ve had some good chefs say to please get me some fish, and there is no fish, and why? If you name a gamefish status, it ceases to get on the market, and just keep in mind that our public should have good, wild-caught seafood, and it comes from commercial fishermen, and we’re losing them by the bunches.

Don’t be afraid to stand up to the truth, and these people that is funding some of these resources, they’re the ones that brag on naming them gamefish. If you brag on something like that, and you’re afraid to say something and you’re on this council, you’re hurting the people of this country from having good, wild-caught seafood that the good Lord put out there. It is a common resource, and don’t take it away from the people that should have access through our commercial fishing industry. Keep the fish, the crabs, and all the other resources going to where they’re supposed to go, back to the people that deserve them. Eat wild-caught seafood.

I want to talk to these snowbirds back here. Some of the enjoyed wild-caught seafood. Keep eating seafood. Keep coming down here, and we want to keep supplying them for you, and so don’t forget that, without us, you don’t get the fish. Without the fish, we’re all in trouble. Keep that in mind.

God bless our seafood and our seafood producers, but I want to tell you one thing. It’s up to you all to use you all’s senses and your education to make sure that we have a healthy resource, and so think positive and do wise things. If it takes the wisdom of Solomon, remember that the profit of the earth belongs to all. Even the king has to eat from its resources, and that’s Ecclesiastes 5:9. I want to tell you that the President likes seafood, too. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Bates. Our next speaker is Bill Kelly, followed by J.P. Brooker.

MR. BILL KELLY: Mr. Chairman and council members, something is fishy with yellowtail snapper. That’s a catchy phrase, and I’m not sure that it captured the attention of our commercial fishermen, and some of the preliminary questions and so forth they kind of felt were is the council looking for something to move toward in yellowtail snapper fishing, something that’s in appropriate.

We kicked it around, and the other thing is that the basic
questions were pretty fundamental to anybody that has ever done any yellowtail snapper fishing. We would like to work a little bit closer with council staff, and I’ve already talked with Ms. Muehlstein in that regard, and yellowtail snapper is one of the greatest success stories in fisheries management, and some of it is by accident and some of it on purpose.

We would encourage the council staff to participate in cooperative research with us at the highest levels, and we can take you from Yellowtail Snapper 101 to a PhD in a day’s time on the water, and some recent graduates have been Dr. Roy Crabtree and Dr. Luiz Barbieri and Mr. Ryan Rindone and so forth, and, if you want to have a little discussion with them, they would be able to enlighten you considerably on what a successful story this is and what a fantastic fishery it is, and so we’ll continue to do that, and we welcome that program, and, again, I will work with Ms. Muehlstein and staff on encouraging commercial participation.

Allocation triggers, as you know, us guys down in the Florida Keys have some serious issues with allocation matters that we think the councils have not been effectively addressing. In the Gulf of Mexico, it’s king mackerel. There have been thirty-million pounds left out there unharvested over the past ten years by the recreational side. If it was only a buck a pound, but it’s probably that, in terms of ex-vessel value, that’s $30 million.

On the South Atlantic side, we’ve got yellowtail snapper and, over the past ten years, $15 million or more in ex-vessel value, and we’re dealing with closures that shouldn’t have to occur, and they are significantly impacting permit holders and things.

The financial loss is significant, obviously, and then we have the loss of product for consumers, and it’s devastating when we’re importing 80 to 90 percent of the seafood that we’re consuming here in the United States. We would like to see the councils address this sooner instead of later.

Regrettably, both councils rejected one of the finest transitional plans that we ever thought was introduced in fisheries management, and it became known as the Bosarge Plan. It was tweaked by Mr. Rindone, but this would have given you the tool that you needed to work your way into allocation that would benefit both sides, and so, whatever action you take, the South Atlantic Council has at least now formed an allocation committee to take a look at these things, and we would like to see the Gulf Council follow suit, and we would certainly like you to
speed up the timeframe.

That’s it for the moment, other than one parting thought with all of you, and that is that just, on behalf of the Spiny Lobster AP and the members of our association, we want to extend our sincere best wishes to Morgan Kilgour, and we want to thank her for all the hard work that she did with us, both groups, over the years, and be safe, and safe travels to California. Thank you.

CHAIRMAN FRAZER: Thank you, Bill. The next speaker is J.P. Brooker, followed by Bart Niquet.

MR. J.P. BROOKER: Thank you, Chairman Frazer, and thank you to the council for the opportunity to give comment. My name is J.P. Brooker, and I’m an attorney with the Ocean Conservancy, based in St. Petersburg, Florida.

At the onset, I want to be clear that Ocean Conservancy affirmatively supports the transition to state management under Amendment 50, but, with that said, we are obligated to point out some very severe problems that need to be rectified in order to make sure that Amendment 50 is legally sufficient and compliant with the Magnuson-Stevens Act.

Specifically, we want to underscore for the council that there is a high likelihood of overfishing and exceeding the ACLs under state management if discrepancies between state and federal reporting systems are not resolved. There are now upwards of seven different methodologies collecting catch and effort data on red snapper, with no way to compare between them. This is a fundamental problem, and, without a common currency for catch data, state-reported landings cannot be compared to the ACL or the state-specific quotas. However, that is exactly what is occurring in the management under the EFPs currently.

The ACL, and therefore the state-specific quotas, for 2018 and 2019 were developed and allocated by relying on one format of data, or one currency. With the EFPs, each state is now reporting against that quota in their own individual currencies, with no real conversion factors between them, and this leaves a significant possibility that states may exceed their share of the quota, even if their own monitoring programs indicate they are below the state quota.

Using rough conversion factors presented at the Gulf States Marine workshop in September of 2018, Ocean Conservancy has estimated how catch differs when reported directly from state
programs versus reporting in the same currency that ACLs were set in. When the states are combined, Gulf-wide estimated catch measured in state units is only 67 percent of the catch that would be reported in federal units.

The bottom line is that reporting catch in state units against a quota assigned in the previous federal units means that we are not comparing apples-to-apples. It’s apples to bananas to grapes to watermelon. It’s a data fruit salad.

Amendment 50 will face the same challenges, where data from different state programs are not comparable to ACLs, or among states, and cannot be easily input into stock assessments. Based on our estimates, not fixing the common currency problem could mean exceeding the red snapper ACL by as much as ten-million pounds between 2017 and 2022, when the next stock assessment is complete, and we have offered a handful of solutions in our written comments, a couple of which I will touch on, and I’ve also got a shorter document, which I can circulate, if you are so inclined.

First, the council should consider adding buffers to the amendment. Buffers may be a politically bitter pill to swallow, but council staff should be directed to conduct an analysis of what size buffers would be appropriate to overcome the potential exceeding of the ACL that could occur.

Second, pick strong state and sector-specific paybacks. Adding strong state-specific and sector-specific paybacks that actually translate to MRIP equivalencies will allow managers to avoid penalizing groups that fish within those sustainable limits.

Third, require states to address common currency issues in their state management plans. Council staff could be instructed to include analysis of the problems that occur without having a common currency in the amendment.

Again, Ocean Conservancy supports the transition to state management of the recreational red snapper fishery, conditional upon the acknowledgment and correction of these significant data discrepancies, and correcting the discrepancies will prevent future overages and mitigate damage caused by previous overages. I thank you for the opportunity to give comment.

CHAIRMAN FRAZER: Thank you, J.P. The next speaker is Bart Niquet, followed by Jim Zurbrick.

MR. BART NIQUET: I’m glad to be here. I’m Bart Niquet, and
I’ve been fishing forever, it seems like. Not too long ago, we were told that there would be no reallocation until all sectors were in compliance, and here we go again.

After listening to the council discussions on Tuesday, one thing became clear. Some members either haven’t read or didn’t understand what was decided years ago. The need for a permit was discarded, as well as the need to own a vessel. This program is working exactly as it was sold to the council when it was first presented, and why change it?

My sons and I lease allocation that is used by at least thirty-one boats. Any of your proposed changes will adversely affect these individuals. Don’t be guilty of micromanagement. Look what the rules did to the red grouper fishery. No one can put a lot of faith in your scientists. Remember, according to your scientists, a -- can’t fly.

It’s really apparent to anyone around the docks that there is little or no effort to enforce regulations on the private recreational sector. There are too many fish found in dumpsters to think these fishermen are legal. Use the wolf-pack strategy if you have to at various ports, and you will see results. The legitimate catchers will be grateful.

As Dr. Jacques Cousteau said in his National Geographic special, the fisheries of the world are too vital to the food supply of the world to be subject to the cruelties of the fish people who fish for sport. With the limits on commercial catch and the recreational for-hire businesses, both are compliant. The only one that is going over are the private recreational, and you have no control over them. There is your problem. If you correct that, we won’t have to worry about this other stuff. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Niquet. The next speaker is Jim Zurbrick, followed by Greg Ball.

MR. JIM ZURBRICK: I want to thank the council for allowing me to speak today. I’m Jim Zurbrick from Steinhatchee, Florida. I’m a long-time charter guy, and I went from there to commercial fishing, and my wife and I are seafood dealers. I’m also one of the directors for Fish for America USA.

In our logo, it says “accountability and sustainability”. Sometimes, when I hear some of the comments from the council, the accountability part is like not taking the oath as a doctor. I mean, it’s so reverse, and I know it’s really tough to achieve
recreational accountability, but, the more I see, all we’re deriving is comfort food.

We start talking about state management, and I support state management, but, if we don’t have stringent accountability, counting every time an angler comes in with a confirmation number on that app, which is so doable -- Heck, all of us could order from Amazon right now while you’re listening to me if we wanted, and we could order one or two, and it’s a no-brainer. We’ve got to take it to the next step, and those are personal comments.

Amberjack, Jason Delacruz, we were waiting on this 500-pound trip limit. In the industry, we have all kind of succumbed to the fact that amberjack is just not responding to rebuilding, and so we select the guys, like myself and other guys that fish for me -- If you get on some jacks at different times, there is no discarding and killing an amberjack. I think we can just about stretch the season out, and the guys are going to stop going to target them, and that’s the main thing.

The guys get on -- You know, right now, we’ve got, I believe, the 1,500-pound trip limit, and it is going to hurt those guys, but they need to come to the podium and tell you that. I don’t think I’ve ever heard an amberjack, in all these years, an amberjack fisherman come up here and argue against the trip limits that we’ve reduced. I think everyone realizes that it’s got issues, and we need to work on it.

Reallocation, obviously I’m not for reallocation, going back in time at the nine-million pounds, but I’m going to be honest with you that I am one of those guys, and some of the industry disagrees with me, but I am open for a more current, real-time, whatever that is, if it’s two years or whatever it is at that time, but possibly going forward and looking at a split. There’s got to be some compromise, and it’s starting to wear everybody out, and we need to move on, but, when we do move on, we’ve got to set some of these in stone. We can’t be reviewing this every few years. It’s very frustrating for everybody.

Also, I want to pat the commercial sector on the back for not going over its triggerfish and its amberjack, because of what we know we’re catching, and NOAA did a great job of shutting it down before we went over, and so kudos to everybody, and me too, for not going over those two limits, and thank you.

CHAIRMAN FRAZER: Thank you, Jim. The next speaker is Greg Ball, followed by Jake.
MR. GREG BALL: Thank you, all, for giving me the opportunity to speak today. I’m Greg Ball from Galveston, Texas, and I own and operate a couple of federally-permitted charter boats, and I’m President of the Galveston Professional Boatmen’s Association.

I would like to see Amendments 41 and 42 moved forward and continued to be worked on. I would like the reef species that are currently in 42 to be also put into Amendment 41 and remove the sunset provision from Amendment 40, sector separation, and move forward with the ELBs and get that implemented, and, like somebody said a while ago, go ahead and get us to start reporting in the first phase of it and remove the crew limits from dually-permitted boats. Also, we would like to see our sector stay out of Amendment 50, stay separated and not be included in Amendment 50, state management, and that’s it.

CHAIRMAN FRAZER: Thank you, Greg.

MR. BALL: Thank you.

CHAIRMAN FRAZER: Our next speaker is Jake.

MR. JAKE CRESSIONIE: My name is Jake Cressionie, and I’m a third-generation fisherman, and I’ve been fishing for like eight months, and the red snapper is something that I see a problem with. I mean, there is an abundance of red snapper out there, and, every trip, we send back a lot of snapper, and the lack of availability of allocation is something that I see a problem with.

If it gets rebooted to -- If some of the allocation gets sent over to the recreational side of everything, it’s going to be even harder for the commercial fishermen to get more allocation, which is already something we have a problem with, and this is the first time that I’ve ever been to a council meeting, and that’s about all I have to say.

CHAIRMAN FRAZER: Jake, thanks for coming. I hope you enjoy the meeting. The next speaker is Chris Niquet, followed by Rusty Reardon.

MR. CHRIS NIQUET: My name is Chris Niquet from Panama City, Florida, commercial fisherman. I’m going to try to briefly explain to the members of the council and the audience something they already know.

We have a severe problem with the red snapper allocation issue.
The demand for allocation is here. The amount of allocation is here. In that case, along with any other commodity or service, the price rises. If there’s not enough allocation to take care of the demand, the price goes up. I don’t care if it’s peanuts or paint or anything in between.

I leased all my allocation this year, and I’ve got people that will take 170,000 more pounds if I can find them. I can’t find them. They aren’t available. If this is not addressed by the council, by issuing more allocation or raising the TAC or whatever you do, this is going to be a continuing problem.

Right now, my allocation goes on over thirty boats, and your suggestions at this council were to restrict the use, by way of making me get a reef fish permit, or making me be on the boat when they’re caught, or maybe it’s cut off one leg, and I don’t know, but I know that anything you do to restrict this is going to make the price go up, but, if you have a holdback for 20, 40, or 60 percent at the first of the year, that restricts the supply, and guess what happens to the price? It goes up.

Now, the way to increase this allocation, or what I think, and I may be wrong, is, instead of giving a 40 percent increase, like you did red grouper, and ruined the allocation prices, and they went from $1.10 to a nickel, and sometimes for free, just please catch them, but it’s to have small, incremental increases in the TAC for commercial people of 4, 5, or 6 percent a year until you stabilize the prices or the demand comes down.

I think this would solve your problem, and I don’t think you need to have any more rules or regulations on dually-permitted charter boats, as far as the crew reporting and their catch and everything. You’ve got VMS to take care of all that, and you know where they’re going, and you know where they’re at. Thank you very much for your time, and I will take any questions.

CHAIRMAN FRAZER: Thank you, Mr. Niquet. I think we have a question from Mr. Banks.

MR. BANKS: Thank you, Mr. Niquet. I appreciate your comments. One of the things that we as council members look at, and we hear about, is overfishing in one sector, in the private recreational, and we heard it today, with a comment that that shows that they need more allocation.

What you just said, and this is the first time I’ve heard this, is that there is some indicators out there that show that the commercial sector needs more allocation, because the demand is
way up here and the allocation is way down here, and I am interested to know how could we as council members see that in a way that proves it to us, I guess you would say? We see it on the other side as a way that shows they need more allocation, but we don’t see it as easy on the commercial side, and I would like for you to --

MR. NIQUET: Let me answer two questions you just asked. The reason you see the catch numbers that you do in the recreational sector is multifold, and here is one of them. Here is one reason. You have an -- You don’t have a good enough system of real-time reporting to say, okay, the allocation for the private recs is three-million pounds and when are we going to reach that goal, and is it going to be thirty days, or is it going to be fifty, or is it going to be nine?

If you don’t have real-time, accurate reporting, you are going to have continuous overages. Look at your catch history. Almost every year, except 2010 and a couple more, they have been over. Now, on the commercial side, you have so many rules and regulations governing commercial catch that it’s virtually impossible without suffering a penalty, a personal penalty.

Now, the reason the commercial people do not go over is because of these rules and regulations, and, just because they don’t go over, it doesn’t mean that they don’t need more allocation. It means that your rules and regulations are working on the commercial side.

Now, the recreational side, the opposite is true. For years and years, I have come before this council and told them that you need tags or permits or special licenses and reporting with vigorous enforcement in order to solve the overages of the private recreational sector, and, if you don’t do this, in some form or another, it’s going to be a continuing problem, not only for the recreational, with their demand, but for the commercial, with the demand for allocation that’s not there.

I literally -- I said 170,000, and I misspoke. 250,000 more, and that’s from the people that I know personally. That isn’t industry-wide, but I don’t want, like I said, the 40 percent increase. 4 or 5 or 6 percent a year, until the prices are stabilized, and the allocation will slowly rise. Now, if the demand continues to be great, the prices are going to continue to go up, and so I’m not a -- I am not a scientist, but I know this.

Unless you address the problem of allocation in the commercial
sector, or the lack thereof, these young fishermen, and I’m going to call them new entries, that I am personally financing three with my catch, are going by the wayside with the investment they made and money in their future.

CHAIRMAN FRAZER: Patrick, did you have a follow-up?

MR. BANKS: Just a quick follow-up. It sounds like what you -- Again, on the private recreational side, there are indicators that seem to indicate that there is this great demand that can’t be met with the allocation, which is why we’re looking at reallocation, and that indicator, as it was mentioned today, is the fact that it overruns its quota every year. What indicators, on the commercial side, can we look at to prove this extra demand? Would it be a gradual rise in price of a share each year?

MR. NIQUET: Let me tell you what it is, okay? With the success of the IFQ program and the greater range of the fish, everywhere from Brownsville to Marathon, Florida, they are catching commercial red snapper where, years ago, there were very few, or if any. It’s been a rolling success. Thank you, council, for this, but, if you will look -- I remember the first time I leased my fish, and they a dollar-and-a-quarter a pound. Now they have far exceeded that, and, when I first leased them, nobody, and I knew forty or fifty people in the industry, called and said that I need more fish.

Now I’ve got forty or fifty people, right there on my phone, that I can call any time and say I’ve got X number of pounds, and they don’t even hesitate. It’s just, I will take them. You know what, I will take them, because they have no access to the allocation. The steady rise in price, and you’ve got the figures right on your computer, will show you the need for more allocation to stop the rise in price, but not to give so much allocation that you ruin the fishery, because it would be -- Look at the records.

It is crazy to reallocate from a commercial sector, or any sector, where there has been such -- Has stayed within their limits and has been such a good steward of the program as the commercial fishery. To relocate fish from them, that are following the rules, to a sector who cannot be kept within their bounds, well, we’ll have to see if a judge thinks that is fair and equitable.

MR. BANKS: Thank you.
MR. NIQUET: Thank you. Anybody else?

CHAIRMAN FRAZER: Mr. Swindell.

MR. SWINDELL: Another point on this, trying to judge your ability or the need for more allocation, are you catching the fish much faster, or are you filling up the -- Do you have a lot of time that you have caught your allocation and now you have nothing else to do?

I mean, you know, I get to the point that is opposite of the recreational, who are overfishing, and allowed to overfish, because of the lack of regulation, but are you catching yours so fast that the resource is so abundant that you have a lot of extra time to catch other fish?

MR. NIQUET: That depends on which part of the Gulf you are fishing at and the rate at which you catch fish. If you’re off some parts of Alabama or Louisiana or Mississippi or Texas, red snapper is the predominant inshore species, and they can catch them literally, if they want to -- We’ve got a boat, that I know of, who has 40,000 pounds of allocation, and this is January 28 or 29th, and he don’t have none no more. He’s caught them. He made two trips.

Now, on the other hand, you have people off of Naples and Fort Myers, central Florida, who catch a lot of grouper in certain areas, and they don’t use up their allocation quite so fast, and there is a dollar quotient in this figure, and the dollar quotient is this. If the price of a product falls, the people are not going to go produce it, and, when it rises, you go out there and try to catch them, so that you can absorb the market price.

In answer to your question, it’s a regional thing, and it’s an effort, because, right now, I guarantee you, off of Louisiana and Texas, if I went on a boat that was capable of staying in the weather we’ve been having, you could catch easily 30,000 pounds a week, easy, without even a try, and so the demand is there, the market is there. If the market wasn’t there, the price would fall drastically with these fish, but it doesn’t. That’s the best way I can answer you about the allocation.

CHAIRMAN FRAZER: Thank you, Mr. Niquet. We appreciate it.

MR. NIQUET: Yes, sir.

CHAIRMAN FRAZER: Our next speaker is Rusty Reardon, followed by
Dale Woodruff.

**MR. RUSTY REARDON:** Thank you, Mr. Chairman and ladies and gentlemen of the council. My name is Rusty Reardon, as the sign says, and I’m from the State of Ohio. I’ve got two senators that are very involved in the fisheries on Lake Erie, Rob Portman and Sherrod Brown. They are great advocates.

We come down here as snowbirds in the wintertime, and, every once in a while, I’ll turn around and say, what are all these old people doing down here, and I happen to be one of them, but, in talking to some of the locals, talking about what it was like back in the 1970s, when everything shut-down down here, and then, as we began to come down, businesses started to flourish, and the economy grew. Then, up north, we saw the Deep Horizon oil problem, and we watched people talk about how they were going to lose their businesses.

Well, what happened was we continued to come down, and we saved a lot of those businesses, and I talked with Herb Malone, which is the tourism guy, the head of that, via email, and he sent me to a lot of the different sites to talk about the impact that we have down here.

I think sometimes that, because we come back every year, everybody sort of takes us for granted a little bit, but, right now, the numbers are -- There is about 280,000 snowbirds that come every single year, and Herb Malone said that the industry is about a $6 billion industry, the tourism, and we drop about $136 million every single year here.

That sort of translates into approximately 64,000 full-time jobs that we support here, and we know that everybody is appreciative of us, but we’re starting to know what you’re going to do for us a little bit, and the last gentleman talked about needing more allocation, and we go out on the headboats, primarily, and we watch 50 percent of our catch of snapper float away, roughly, and what happens is the dolphin get to eat them and we don’t.

If you could just allow us the fish that floats away, give us that, I don’t think that’s going to hurt your summer industry the following summer, and so, in passing, I am a school psychologist, and I have dealt with data, all my life, and I know you all are academics and PhDs and scientists, and, if you would allow us to have a little bit of that, I don’t think it’s going to hurt your summer industry. I know that that’s a tough thing, because everybody is trying to get some of the piece of it, but, if you would support us, I promise you that we will
stop riding twenty miles an hour in the left-hand lane with our right turn signal on, and so thank you very much.

CHAIRMAN FRAZER: Thank you, Rusty. Our next speaker is Dale Woodruff, followed by Billy Neff.

MR. DALE WOODRUFF: Good afternoon. My name is Dale Woodruff, and I’m a dually-permitted, two-charter-boat owner. I remember when we grew up, back in the day, some of us older people, we used to have records, like the round ones, and, every time I come to this meeting, it sounds like a broken record, reallocation, reallocation, reallocation. Then you want to give it to something that’s not going to be able to properly use it. It just don’t make no sense.

We would love for the recreational fishermen to fish as much as they want to, but we just can’t do it. It’s not feasible, and it really don’t fall under the Magnuson, from what I remember. I mean, you’ve got to be accountable. If you keep going over, then everybody else on the other side gets nothing in return.

Now, I’m glad -- Thank God we got Amendment 40, where we’re going to have maybe sixty days this year. That’s pretty awesome. Not too long ago, I had ten days or nine days. Now we’re looking down the barrel at sixty days, and that’s pretty good. I shouldn’t say “down the barrel”, because that’s a bad -

41 and 42, eventually they’re going to be good. We’ll get it all together, and I would like to see all five fish, snapper and grouper and amberjack and triggerfish, be bottled into 41 and 42 and that they be passed together. We can’t really have 42 go through without 41 with it.

I understand that they have all the scientific data they need to make it work, but that’s a part of the fishery that doesn’t need to be broken up until my side of the fishery, which would be 41, could be in effect, because, again, we could possibly lose a percentage for the charter/for-hire also, along with the recreational. The recreational season, they overfish, they overfish, they overfish, and then they get to overfish again, and so it’s just not right.

I would like to see maybe some conversation about lifting the crew requirements on the commercial dually-permitted boats, the federal permit and commercial-permitted boats. Lift the crew requirements. I mean, I’ve got a multi-passenger, and, if I put my commercial permit on that boat, I can only carry four people,
and I’ve got all the equipment to carry twenty, but it would be
nice to have maybe one or two extra crew members, if I wanted to
use that boat to go commercial fishing.

Historical captains, I don’t know where we’re at on that, and I
haven’t been paying attention, but it would be great to go ahead
and let’s get these guys their permits. Let them be part of the
fishery. They are already in the fishery, and they are
accounted for. Go ahead and make them a full-time captain, and
that’s pretty much all I’ve got to say.

CHAIRMAN FRAZER: Thank you, Dale. The next speaker is Billy
Neff, followed by Ed Walker.

MR. BILLY NEFF: How are you doing? I’m Billy Neff with Class
Act Charters here in Orange Beach, Alabama. We’re a dually-
permitted operation with two boats, out of Zeke’s Marina, and I
just wanted to say a few things.

We support state management for private recreational anglers,
and we like to -- But we want to leave the federally-permitted
charter boats under federal management. We support the
historical captains transferring their permits to full
charter/for-hire permits.

Under Amendments 41 and 42, we would like to support taking
action to include red grouper, red snapper, triggerfish,
amberjack, and gag grouper all together, but we would like to
postpone any final action until the charter/for-hire boats have
time to gather sufficient electronic logbook information and
data, which could take a couple of years. That’s all I have to
say. Thank you.

CHAIRMAN FRAZER: Thank you, Billy. The next speaker is Ed
Walker, followed by Gary Bryant.

MR. ED WALKER: Thank you, Mr. Chair. My name is Ed Walker, and
I am a charter captain, and I’m a commercial fisherman, and I’m
a recreational fisherman. I do a lot of research trips, and I’m
on several of your advisory panels. I am from Tarpon Springs,
Florida, west central Florida, and there’s a lot of things that
I would like to talk about today, but I have narrowed it down to
just three, the first being dear to us in west central Florida,
the gray snapper issue.

I was part of the data assessment for the gray snapper working
group, leading into the assessment anyways, and that assessment
has some flaws, and there’s a lot of uncertainty, and I don’t
know if I can say flaws, but the uncertainty seems pretty high.

I can tell you, from personal fishing experience in that area, that we haven’t noticed any significant decline in average size or abundance of gray snapper, and we call them mangrove snapper, and so I have to keep checking myself and call it the right kind of snapper.

The catches are stable, and your records show that the catch has seen no big decline, and I think that, with the uncertainty involved, and as Mr. Dyskow pointed out the other day, the reports from the area captains are that the stock seems pretty stable, and so my concern, or what I would like to ask the council, is to select the least restrictive of those parameters that you have to choose from, and I can’t even list all the acronyms that are involved in that, let alone debate each one, the MFMT and MSST and OY, and I can’t get into all that, but I would say that, due to the uncertainty and the seeming abundance, give us the benefit of the doubt on that one a little bit.

Moving on to red grouper, just as a representative of red grouper land down there, I would like to let everybody know that, people from other states and all, that there is a real problem with the red grouper. Nobody questions it, and I don’t know what it is, and I don’t think anybody does. Is it a cycle? Maybe, but it’s pretty extreme, but the catch has dropped way off. We see hardly any where I live in Tarpon Springs now.

My last commercial trip, we caught one red grouper, and it was a gag grouper trip, but we usually catch a couple of hundred pounds, and one more thing. Amendment 41, I’m on the advisory panel for that as well, and we have worked really, really hard for a long period of time on that, and, to me, in the end, we figured out that it doesn’t work. That’s what I figured out.

We tried it, and it didn’t work, and, myself, after all of this, don’t want anything to do with an allocation-based plan in the charter boat industry anymore, and a lot of the guys where I come from feel the same way. We tried it, and it seemed like a good idea, and, after hashing it all out, it wasn’t a good idea, and I don’t want any part of it, and I don’t want to meet about it again. We have met about it for hours, and it doesn’t work. I am probably not even going to go to another meeting about it. To me, it’s done, and so I think that’s pretty clear. Did you get that part?

I guess I have a little bit of time, or, no, I’m over time, and,
if I could talk about the illegal charter operations and where
we are, and that’s a big deal now too, but another time I would
be happy to talk about it.

CHAIRMAN FRAZER: There you go, Ed. We’ll catch up with you
another time on that one. Thank you. The next speaker is Gary
Bryant, followed by Tom Steber.

MR. GARY BRYANT: Good afternoon. I’m Gary Bryant, President of
the Alabama Charter Fishing Association. I would like to start
off speaking for the association. On behalf of our association,
I want to reaffirm our support for state management for private
recreational anglers. I would also like to reaffirm that, as
fellow charter boat operators, we would like to stay under the
federal system. We think the recreational anglers deserve
something better, and we hope you all vote for it with that.

I would also like to reaffirm our support for the ELBs. Full
steam ahead on the ELBs, and we hope, as that goes into effect,
that we’ll also be able to work on our buffer. Now, it’s my
understanding that we’re going to lower the buffer for one year,
and we would like to see you all take some steps to make that
longer than one year, and also tie it into the ELBs, where
hopefully we can reduce that over time.

For my personal comments, I’m a charter boat operator, and I
also own a commercial vessel, and I even hold a seafood
dealership license, and some of the things that -- We do not
have an official stance on 41 and 42 for the organization, and
our personal comments, and as someone who is on the AP, I would
like to see what 41 would look like down the road, when we have
data, and I would like to see it using the same species as 42.

Now, using our data that we have now, dividing the fish equally
by number of permits, nobody came out, and that didn’t work for
anyone. No one wants any part of that, but I would like to see
what this looks like in the future, once we have data, and we
know it worked for the headboats, but we do have issues with
like the headboat definition and some of these big -- We have
some issues we have to work out, and that’s not going to happen
soon, and so I would like to see that in -- I would like for us
to look at that in the future and see how we address it.

As far as some things as being fairly new, and I don’t qualify
as being young, but I have only done commercial fishing for
about three years, and some of the issues that I struggle with
is having a small boat, and we’re rod-and-reel fishing, and the
crew size is a thing for me.
I have a boat -- I have three charter permits and three boats, and I only use charter permits on two boats, because, if I put my charter permit on my third boat and it’s dually-permitted, I can only have four people on the commercial trip, or I do some catch share trips, but I also do wholesale trips, and it’s a whole lot easier to fill my boat up when I’ve got six people back there with rods and reels, as opposed to three.

As a small-time operator, it does affect me. I am not able to utilize that boat, and, also, I would love to put that boat into the charter fishery during the summer and make that money, but then that restricts me from doing the commercial fishing, and so I would like for you all to look at why that was implemented.

I believe, if you all look at that, that was put in before the IFQ system, before we had hail-in and hail-out, before we had designated landing areas, and so, if you all will please just look at the rationale of why that was put in, but I do not think it applies anymore, and, to follow up on some of the earlier comments, my bigger struggle is trying to find quota.

In the three years that I’ve been doing this, it’s went up seventy-five cents a pound, and I will gladly pay it if I can find it, but, even coming to these meetings and seeing these guys and knowing these guys, it’s a struggle to come up with fish, and so I know it has to be harder for someone that doesn’t have connections or know people, and so that is an issue.

I think, right now, any sector could catch the whole entire quota, no problem, and so it’s just a matter of what’s fair and what needs to go to the public at the grocery store and what needs to go to the non-boat-owning public and what needs to go to the private angler, and any sector could catch the whole quota, and that wouldn’t be an issue. Thank you for your time.

CHAIRMAN FRAZER: Thank you, Gary. You have a question from John Sanchez.

MR. SANCHEZ: More of a comment. I wanted to thank the Alabama Charter Association for that party on Monday. The food was great, and I appreciate your hospitality.

MR. BRYANT: Thank you. We appreciate you all coming, and we hope that you enjoy your week here.

CHAIRMAN FRAZER: Thank you again, Gary. The next speaker is Tom Steber, followed by Jeff Senarighi.
MR. TOM STEBER: I’m Tom Steber from the Alabama Charter Fishing Association. I’m a recreational angler and a marina operator, and I’m glad to have Dr. Shipp off the couch and back in here producing something.

I would just like to thank all the people that have been involved with the APs, and I’ve been involved with 41 and 42, and we have spent a lot of time, and I totally disagree with Ed Walker, because he wants to have all his grouper and his snapper too, but I do agree with almost every other charter captain that came up here that Amendment 41 and 42 will work.

We have to get mandatory electronic logbooks in place and get the data, and both of the charter/for-hire and headboat will easily work together and move down the stream and have a great management plan including all five species/

I want to thank you for all you’ve done, and I will really commend Amendment 50, because it’s working. I know it’s working in Alabama, and I have many of my friends that complain, complain, complain. Well, the only thing they had to complain about this year is it stopped too quick. They were expecting to go all summer, but it did work, and it will continually get better, and so thank you.

CHAIRMAN FRAZER: Thank you, Tom. The next speaker is Jeff Senarighi, followed by Gary Bahn.

MR. JEFF SENARIGHI: Hello. I’m Jeff Senarighi, and I’m from Mora, Minnesota, for nine months of the year, and Gulf Shores, Alabama for three. I am mostly a charter customer, headboats and occasionally for-hire, and daily from shore.

I guess, representing the snowbirds, our concern is that, although we do spend a good deal of time down here and support the economy quite a bit, I have always said, from deckhands to doctors, and I have done both this year, and I had a stent put in about two weeks ago, and I was fishing last week on two different days out on the boat, and so that turned out good for me. I lived up to what I had told everybody, but we appear to be a forgotten part of the sector for the red snapper and trigger season.

I know, last January, you allowed a two-week trigger season, and it was a double daily catch per person, and so I call it a one-month trigger season, as compared to the rest of the year, and NOAA has a site where you can run queries, where you just plug
in whatever data you want to pull out, and I noticed, during
January, that we caught 0.44 percent of the triggerfish that
were caught during the year, which is slightly less than one day
during July or August, and so I didn’t think that we overloaded
that fishery.

Everybody talked about it all summer long, about how we had it
last January, and we were anticipating some bone to be thrown
again this year, but it didn’t come to pass, but we were hoping
that it would.

Beyond that, I was reading Amendment 42, and Alternative 2 seems
like it’s a Christmas present to us snowbirds that come down
here every year, and it seemed to touch all the bases for
allowing more access to the fishery and better profits for the
companies that are running the charter services, and, also, it
was proven out by the headboats that won’t exceed the
environmental requirements of that particular fishery.

I think that you have enforced that, because I noticed that you
lowered the buffer between their limit and their target, and so
I know that the council is also seeing that this portion of the
recreational sector is coming through with what they need to do.

I also know that, for the last three years, I have kind of been
throwing a lot of emails your way, and the original ones were
along the lines of, hey, you kids, get off my lawn, and I was
hollering because we weren’t getting the fish we thought we
wanted, and we actually went into a little more research on it,
and I really appreciate the fact that you showed enough interest
to answer. It showed that at least you’re hearing us, and so I
guess my time is up. Thank you very much.

CHAIRMAN FRAZER: Thank you, Jeff. The next speaker is Gary
Bahn, followed by John Reardon.

MR. GARY BAHN: Hello. My name is Gary Bahn, and I’m from
Alexandria, Minnesota, and I was just going to let you know that
this morning, at my house, if you think it was cold here, it was
minus thirty-one at my house, with a wind chill of minus fifty-
six. It was so cold in Minnesota that the politicians kept
their hands in their own pockets for a change.

I’ve been coming down to Orange Beach, Alabama, for eight years
now for the winter months, and I want to thank you for letting
me speak today about our concerns. Many have said things that I
hope that I’m not repeating, but I feel the current system in
place is not fair to winter-birds and our fishermen.
Some of the things that I would like to bring up are that most of us winter-birds also purchase out-of-state fishing licenses while down here, for the months that we are here, and, in my case, that fishing license costs forty-nine dollars, and it’s just for saltwater and not for fresh.

That being said, I would just venture to say that, in the summer months, the number of guests staying here for only a week probably do not purchase fishing licenses, but instead just go out on charters, where they do not need to have a license.

As mentioned before in some of my earlier correspondence with the council, we do spend a lot of money down here during these months that we stay, and we keep a lot of people employed, as mentioned by some of our previous speakers, and I would like to also mention that I observed, in the past eight years, while living on the beach, that, during those winter months, while the snowbirds are walking the roadways and bike paths and shoreline of the beach, many of them are carrying bags and picking up what little trash has been left behind or washed up on shore, and so we are good stewards and respect your environment that you have here. I have stayed until late March, and at times have seen the trash left on the beach, and it’s not a pretty sight.

I, for one, think everybody should have a chance to catch a red snapper or a triggerfish and keep it, which we have not been able to do in the past years. My thoughts are that, if you buy a saltwater license, maybe one could have the option to buy tags that would allow one to keep some of those fish.

If the reason of the red snapper season and the trigger season is to help in letting the red snapper and the triggers make a comeback, I have some doubts. First of all, I said that I’m from Minnesota, where you know that walleye fishing is what the people that visit want to catch the most, and we do close the season on those from March to mid-May, when they spawn.

From my research about red snapper, the spawn here is from May to October, and they begin, at the age of two years old, to do that on rocky ledges and reefs, and this is where you have the largest harvest of these fish being taken out, and, to me, that doesn’t add up.

Our chances of reducing the number of fish in great numbers is somewhat limited in the fact that, in December, January, and February, the number of charter boats going out is less, and the amount of fishable days, due to weather factors like cold, wind,
and participants also comes into play into how much we would actually reduce the fishing numbers.

I have talked to people on the beach about going out on charters, and some say, while the cost of the trip is reasonable, they found it very frustrating to go out and catch some really nice fish only to have them all thrown back, and I’m only making an assumption here, and I do not have the facts to back this one up, but I see many pictures on websites where six-pack boats and charters in the summer and the entire catch with six -- They’re holding up huge red snapper, and, that being said, I suspect there was some culling going on, and they probably caught and released many fish that may or may not have died after the ordeal.

We, on the other hand, are forced to throw them back, and it would be nice to be able to keep at least one. I commend the charter captains that I go out with on headboats. If they see all that we are catching is fish that are out-of-season, they move as soon as possible, so we don’t damage the fishery. I appreciate you taking the time to let us speak about our concerns, and thank you again, and please try to come up with a plan that will include all the visitors, both summer and winter. Thank you.

CHAIRMAN FRAZER: Thank you, Gary. We have a question from Mr. Swindell.

MR. SWINDELL: Gary, a question. How long do you stay here when you’re here?

MR. BAHN: I come down on December 1, and I fish the shoreline, as much as possible, and I go out on the headboats as much as possible, and so we stay for December, January, and February. I used to stay into March, but, in March, everything goes up, including the amount of people, and so I head back to Minnesota.

MR. SWINDELL: How many fishing trips do you take while you’re here?

MR. BAHN: If I could go on a headboat, I would go in the -- Obviously, they don’t have many trips in December, but I would say that I average about seven trips in a season, in January and February.

MR. SWINDELL: Thank you.

MR. BAHN: Thank you.
MR. SWINDELL:  Keep coming down.

MR. BAHN:  I will.  Thanks.

MR. REARDON:  I am also Rusty Reardon.  You can pass me up.  John Reardon.

CHAIRMAN FRAZER:  Okay.  There you go.  Then we will move on then to Ashford Rosenberg, followed by Vic Stini.

MS. ASHFORD ROSENBERG:  Good afternoon, council, and thank you for the opportunity to speak.  I am Ashford Rosenberg, and I’m with the Gulf of Mexico Reef Fish Shareholders Alliance.  I wanted to take a little bit of time to speak about Amendment 36B.

I do appreciate the council’s sentiments to help the next generation of commercial fishermen, but it is still unclear how this amendment will do that, especially while there are actions within this amendment that will directly punish commercial fishermen.  Action 4 seeks to punish those attempting to skirt the system, but instead puts accountable, rule-following fishermen at risk.

As outlined yesterday, there are concrete, real-world examples where it will be very difficult for fishermen to be within a certain percentage of their hail-in estimates.  We support the AP’s motion to maintain status quo for the hail-in requirements.  We also support the AP’s motion to make Action 1, Alternative 1 the preferred alternative.  It is unclear what the problem is that this action is trying to address or how the action will address it.  Again, it could have unintended consequences for the next generation of commercial fishermen.

Regarding state management, we still support Amendment 50 for the private angling sector only.  The charter/for-hire sector has continually spoke to remain under federal management, and we also support removing the sunset provision for sector separation.

Lastly, I would like to thank the council for their continued work on reducing the red grouper ACL.  We appreciate you considering the concerns of fishermen who have voiced their concerns over the last several years, and we look forward to continuing to work with the council to conserve this fishery and ensure that it is sustainably harvested and sustainably managed.  Thank you.
CHAIRMAN FRAZER: Thank you, Ashford. The next speaker is Vic Stini, followed by Steve Perkins.

MR. VIC STINI: Good afternoon. My name is Vic Stini, and I’m from Marshfield, Wisconsin, and I live in Marshfield for nine months of the year, and I live in Orange Beach, at the Breakers, for three months of the year, and we come down right after Christmas and stay through into March.

The thing that we enjoy most, or I enjoy the most, is fishing, and my wife also goes fishing, and we’ve been going out on the charters, and it is phenomenal the amount of fish we catch that we have to throw back, and I don’t know -- The commercial fishermen are talking about their quotas, and I understand where they’re coming from, but, to me, there is enough fish out there that we can all catch enough to eat. The people from the north that come down and go out and do the recreational fishing are just down to take a couple of fish home and have a meal or two of good fish, and we’re happy about it. The way it is now, we’re limited to the amount of fish we can take.

The amount of money that we bring down and sustain the businesses in the area, not only the charter fishing people, but the restaurants, the condo owners, and everyone else, I think would make a huge difference on the local population, as far as jobs and the economy.

I am a member of the Wisconsin Club, and, every year, we put on a brat feed, and the proceeds from that brat feed alone exceed $100,000, and those funds are totally donated back to the City of Gulf Shores and Orange Beach for their fire departments, and so it’s a huge contribution to their maintaining their equipment, and I think our money brought down is what helps the people get through the rough spots of the winter, until the summer people come, and I guess all we’re asking is a few days of being able to go out and catch the preferred species of fish, which are red snapper and triggerfish. I thank the council for listening, and I’m glad that I’m here.

CHAIRMAN FRAZER: Thank you, Vic. We’ve got a question from Mr. Swindell.

MR. SWINDELL: Thank you, sir. I forgot the question that I was going to ask. Go ahead.

CHAIRMAN FRAZER: That’s okay. Mr. Banks has a follow-up.
MR. BANKS: I was just curious. Without the snapper and triggerfish, what are you hoping to target and bring home?

MR. STINI: Mostly, right now, we’re catching the vermilion snapper and white snapper, and once in a while we’ll get a squirrelfish or ruby red lip or something like that, but, primarily, it’s vermilion snapper right now.

I’ve been out five times already this year, and we got down here on the 28th of December, and I’ve been out on the Reel Surprise five times. Last year, I was out twelve times on the Reel Surprise and twice with the charters out of Zeke’s and once out of Destin, and so I fish a lot, and I love it.

CHAIRMAN FRAZER: Mr. Swindell.

MR. SWINDELL: The fish that are being thrown away, are they due to being undersized?

MR. STINI: No, and the size of the fish that we’ve been getting, according to the rules, which the deckhands tell you which fish you’ve got and if they’re the right size, but I know the red snapper I think are fourteen inches, or sixteen inches, and the ones we’re catching are few under that size. Most of them are over that size limit.

I caught one the second week that I was down here that was twenty-seven inches long. It was huge, and it was just a great time bringing it in. I don’t know if any of you on the council have had the enjoyment of going out on the Reel Surprise or any of the other charters, but, if you haven’t, take the time and do it. You will never leave it. Thank you.

CHAIRMAN FRAZER: Thank you, Vic. Our next speaker is Steve Perkins, followed by Bob Zales.

MR. STEVE PERKINS: Hello. I’m Steve Perkins, and I’m from Roscoe, Illinois. I have been coming down here for eight years, and I started out by fishing the surf, and thank you to one of our other speakers, Gary Bahn. He showed me everything about it. He’s from Minnesota, and we call him Mr. Fisherman.

Anyway, then we got started on going out on the charters, which is the Reel Surprise, and I got a group up, after all the fish that we had to release, and, just like Vic said, we catch the red snapper, and, if they’re hungry, they’re going to swallow that bait, and getting them out is pretty tough, and, the next thing you know, they’re floating out in the water. I mean, it
just happens trip after trip.

We average about twelve times a year going out, and I just love it, and I missed catching the triggerfish. That’s one of my favorites. Anyway, I started the group, after all this was going on, and I have emailed the council, with some of you, and I’ve gotten responses, and we all have.

Like I said, I’m a snowbird, and, anyway, we usually go out on the headboats, and we appreciate so much that we got to catch the -- That you opened the season for us for triggerfish last year. We would love to do that again, and that’s my favorite fish of all, and, anyway, as far as the snapper, if you could -- If either one or two days of the summer could be given to us.

I mean, the amount of fish that they catch in those one or two days, we could fish for a month in January or February. I mean, I just don’t understand, and everybody has talked about how much money we’re bringing into the community. I mean, it’s unbelievable. If you look down here and look at all the condos that is being built since we’ve been coming down year, since I’ve been coming eight years ago, and it’s unbelievable. There is not very many places for them anymore.

We just -- We help this community so much, just like Vic said about the brat fest and everything, and we do a boil for the zoo, and, I mean, it’s just very big, and I know all the rules and everything, but I just know that you should be able to help us. I mean, we’re doing a lot for the community, and so thank you.

CHAIRMAN FRAZER: Thank you, Steve. The next speaker is Bob Zales. Excuse me, Steve. Can you come on back? We’ve got a question for you. I apologize.

MR. BOYD: Steve, thank you for your testimony. A question for you. When you charter fish, do you primarily fish in state waters, or are you out in federal waters?

MR. PERKINS: We’re probably in federal waters, but I surf fish an awful lot, whenever I can, but I’m down here from December 15 to March 15, and so that’s what I’m doing.

MR. BOYD: Thank you.

CHAIRMAN FRAZER: Okay. Thank you, Steve. Bob Zales is the next speaker.
MR. ZALES: Bob Zales, II, President of the Panama City Boatmen’s Association and also the National Association of Charter Boat Operators. I am not really here for fisheries stuff, to be frank. Since October 10, fisheries hasn’t been a big priority for me.

You know where we stand on most of the issues that are out here, but one thing I want to reiterate, and I don’t know where the numbers are on amberjack, if they’re even out there, but we need that May fishery in the spring for amberjack.

I am primarily here to publicly thank some people for some help that they’ve been giving us on some issues, Chris Oliver and Dr. Crabtree. Several days after the storm, I sent them an email regarding permitting issues for commercial and charter and headboat fishery permits, because several boats had been lost, and permitting, because they’re good for a year and then they’re grandfathered.

In some cases, some of these people may not have boats to put a permit on by the time it grandfathered over, and it’s bad enough to lose the boat. If you lose the permit, where you have to go out and purchase one from somebody else, it’s going to be a big problem, and so they have told me that they’re going to try to work something out, and so we’re looking for that.

A few days after the storm, the International Gamefish Association contacted me, and they have a financial fund called the Worldwide Angler Relief Fund. They wanted to know if NACO would be willing to work with them to try to identify charter boat owners and operators and crews who needed financial help in the area of the storm and if we would help identify those people and help distribute some money.

I jumped on that opportunity, and they contributed some money, and, since then, we’ve had several other organizations -- The Destin Charter Boat Association gave us some, and Panama City Boatmen kicked in some, and several other charter associations have, and the American Sportfishing Association has, and we’re still seeking more donations.

The State of Florida -- First off, Gulf States contacted them, and also Martha, and, shortly after, I was contacted by GFA to help identify the charter people in that area, and both of them worked really good with us, and I appreciate the help from Greg Bray, working for Dave, for his help. Martha and Jessica and Beverly Sauls have been fantastic.
The state, because of the state licensing, they were more encompassing of the people in the area, which basically is from Panama City Beach to Steinhatchee that was affected by this storm. It’s 461 charter boat owners that have been identified, and the State of Florida sent out a mailing trying to let these people know about the ability to maybe get some financial help.

We haven’t received very many applications back, and I know, from talking to Beverly, that they received a lot of those letters back, because addresses are no longer available, where homes have been completely destroyed, and you can’t contact them. I have personally gone through some of that mailing situation, to where the mail service is just not there.

We are actively working to try to identify those people and get them applications, so that they can apply for this money. In the meantime, we’re still looking for donations, and so anybody that has a company, personal or whatever, no donation is too small, and none is too big. If anybody wants to help donate to try to help these people, we’re looking for that, and so I just wanted to publicly thank everybody, and I appreciate all the help that you all gave me. Thank you very much.

CHAIRMAN FRAZER: Thank you, Bob, for those comments. The next speaker is Mike Rowell, followed by Joe Nash.

MR. MIKE ROWELL: Hello. I’m Mike Rowell, owner of the Charter Boat Annie Girl, here in Orange Beach, a federally-permitted vessel. I don’t have a whole lot to say today. The last time I was up here, I was telling you that I was kind of happy the way things have been going, and it’s been a little more positive in the last year or so, and I still feel that way.

I know we need to keep going with certain things to change and adjust, as time goes on, but, for right now, I would like to see 41 and 42 just sit to the side, and don’t let it go away, but let’s get these -- I have a VMS on my boat, and I had it all year last year, and we understand how the electronic logbooks will help, and we would like to get some good data coming forward from that.

I would like to see the state waters managed for the recreational anglers, but I want to stay with the federal. I have been a federally-permitted vessel since I got that permit, and so I want to stay with it. That’s what we work under, and it seems to be working for us. I think that’s about all I really had. That’s all I have for today. Thank you.
CHAIRMAN FRAZER: Thank you, Mike. The next speaker is Joe Nash, followed by Sean Heverin.

MR. JOE NASH: My name is Joe Nash, owner and operator of Cool Change Charters right here in Orange Beach. It sounds like a heavy push here for 42, with the winter-birds in here, and we understand that 41 and 42 need to be passed at the same time, if they’re going to be passed at all, and we’ve got to hold off on that for just a little bit.

Also, I would like to see the sunset lifted on the federal boats for the separation. As far as reallocation, naturally we hear that all the time, that we want to reallocate. If you all want to get some kind of grasp on these recreational fishermen and what they are actually catching, have you ever thought of possibly putting a permit on their boats?

That way, it will weed out -- There will be a lot of boats that will say, well, if I have to get a permit, I’m just not going to snapper fish, and so that will bring down the amount of boats, and you will actually have an idea of how many boats that are out there that are going to be targeting some kind of red snapper, and they will have to do the same thing that we do, hail-in and hail-out and report their fish.

Then the fines can be a little more imposed, and they don’t have to be heavy fines, but they just have to be fines, and whoever owns the boat, when it leaves the dock, is responsible, and he would be the one, or she would be the one, that would get the fine, and, that way, you would have an idea. If you’ve got 10,000 boats in Orange Beach, instead of saying that we’ve got 10,000 boats going fishing every day, there might only be a thousand of those boats that are really going fishing.

You’ve got to get some kind of grasp on what’s going on before you can even consider any kind of reallocation. I mean, we have our electronic logbooks, and you know where we are at all times, and so why can’t we -- If you want to have some kind of idea, and that’s a growing field right there, and, every year, you see more and more boats with two, three, four, and five motors on them, and so, yes, they might not fish all the time, but, if they are interested in fishing and they want to be active in fishing, maybe a permit would be in order for them as well.

That way, you will know how many people are really serious about utilizing the snapper fishery, or any fishery, for that matter, and then they would have to report their catch. Then, if they do get stopped -- Have a little more presence of the patrol out
there, and, instead of seeing a charter boat in the middle of the eight or ten boats on a public reef, check the little boats first, and then check the big boat, because, once you check the big boat, the little boats that are doing something illegal are gone, and we see that quite a bit.

I mean, I don’t know if they’re just giving them a chance or what, or if we’re just a bigger target, but, I mean, there is bad eggs in every group, and I don’t care what group it is, and so just keep that in mind, but that’s all I have to say tonight. Thank you for letting me speak.

CHAIRMAN FRAZER: Thank you, Joe. We appreciate it. The next speaker is Sean Heverin, followed by Jay Mullins.

MR. SEAN HEVERIN: Hi, everybody. My name is Sean Heverin, and I’m a commercial fisherman, currently fishing out of Louisiana. I’m an owner and operator, and I have longlined for deepwater grouper, tilefish, and I also recently became a seafood dealer, about a year-and-a-half ago, and I have a second bandit boat that a captain runs, and I just recently bought a third boat, but, just two-and-a-half short years ago, I came from the South Atlantic.

I know Chris from over there, and I fished over there for four or five years, and I recognized that there was a bigger opportunity to come to the Gulf, and there has been a lot of challenges coming here, because of the IFQ system and being a new entrant into this fishery.

When I first came over here, I was negative 180,000 in debt from building the boat and being in the boatyard and leasing a permit. I mean, I didn’t own anything, except for the boat, and there’s a lot of opportunity if you put the hard work in, and the IFQ has worked for me, but, when I first came over here, I was selling to a traditional fish house, and it took me a while to get a production history and a reputation over here to get access to leasing quota on my own, and it’s was very challenging to come up with the money to lease the quota. Luckily, I was able to find a couple of people that believed in me and leased me quota, that fronted me the quota and allowed me to be my own dealer.

Now, what I’ve seen in the Gulf, in my travels, is a lot of older captains, and there’s not a new crop of fishermen coming up to replace them, especially in the longline sector in the eastern Gulf, and there’s not a lot of hope. The cost of the allocation and the control -- The big consolidators here have a
lot of control, and they will lease you the quota if you sell fish to them, but it’s hard to be an independent owner/operator in this fishery.

I think that one suggestion I had was, whenever you have a quota increase, like there is a 9.9 percent increase on snapper this year, instead of giving them to the existing shareholders, maybe put it in a quota bank and finance it to new entrants or to grouper fishermen fishing for other species, and I’ve caught I think 8 percent of the deepwater grouper last year and 13 percent in the Gulf of tilefish, and so most of my fish are not snappers. I don’t have access to catch snapper.

I have been able to get access to them on some other boats, giving up some ownership in them, but it’s really tough for new entrants, and, unless we do something about it, it’s going to deter a lot of young people from getting into this industry, unless there’s a finance program or something that we could do.

Also, and I don’t have much time left, but I believe in the -- Don’t do the reallocation. I don’t believe in that, unless we can get recreational reporting better, and then there’s definitely a big need for snapper with the younger guys, because there’s not a lot to go around, but I’m out of time.

CHAIRMAN FRAZER: All right. Thank you, Sean. All right. Our next speaker is Jay Mullins, followed by Clarence Seymour.

MR. JAY MULLINS: Good afternoon. My name is Jay Mullins, and I own Grace Fisheries. I’m an owner/operator for an eastern Gulf longline vessel. Everyone is saying that there is a shortage of red grouper, and grouper period, and, now, it’s not a shortage of red grouper or nothing, but there’s a shortage of fishermen out there in the Gulf.

I have my last trip ticket in my pocket, and I think there’s 14,000 pounds that I had in ten days, and I laid 33.2-mile sets. When they implemented the IFQ program, we were allowed to use unlimited gear and unlimited hooks in the eastern Gulf, and, by all rights, what you all did when you put the IFQ program into effect is you should have cut our numbers in half, because you shut us down to 750 hooks.

I have seen nothing but an increase in the grouper fishery, and I’ve caught probably a million pounds in the past five years, and they say that I’m one of the top producers, if not the top producer, in the eastern Gulf.
When I read papers about them saying that you’re all using the best scientific data available, I scoff at it. I have never been contacted to take an observer out there, and people talk about my catch history all over the Gulf, and I just come to you with trying to have a humble spirit and ask if there is a way that I can -- I will volunteer to do eastern Gulf stock assessment, and I volunteer for this.

When you all did the IFQ program -- I have been around, and I’m forty-four years old, and my brother started taking me offshore when I was eight years old. My brother was, hands down, the best fisherman in the Gulf of Mexico, and there is other people in this room that will agree to that.

I have done nothing but try. When you all did the stock assessment on an IFQ program for red snapper, that was the western Gulf, and we have never had nothing in the eastern Gulf, and the shares -- All the shares that’s going on with these red snapper, it’s money laundering. There has been nothing but all kinds of illegal activity that has come into our business.

You know, I own 150,000 shares of my own grouper, and why have an IFQ program and have a quota? Then you all are going to take 60 percent, and I didn’t ask for no 30 percent increase in fish. I have to go and lease, on average, 50,000 to 100,000 pounds of fish a year. I have to come out of my pocket, and that’s on top of how many fish I already catch.

The only thing this is doing is -- There are no new up-and-comers. I have two little boys that are coming up in the business, and we’re going to pass down the legacy to them. This is a very selfish motive, what’s going on. All I have heard for the last hour or so is poor me, they’re going to take away my quota. What about the next generation of people coming up?

You know, there is new people coming into this business that can’t afford it, and the lease prices of fish are ridiculous. You all took the red grouper quota and shut it down by 60 percent, and all that did was take the people that had a lot of quota and increased their price again. I mean, where is this rational? I have seen no rationality at all in this. Anyway, am I out of time?

CHAIRMAN FRAZER: You are, but, if you want to have some more words, I am willing to listen.

MR. MULLINS: Yes, sir. You know, I volunteer for anything to do with showing you all what’s truly out there, and, if you get
a bunch of people that only care about one thing, and they’re so
preoccupied with satisfying some kind of craving they’ve got,
they’re going to go out there and make a few dollars until they
can get what they need and head right back to the dock.

I grew up in the late 1970s and early 1980s in Madeira Beach,
when there was over 200 longline boats in there, and I have
never seen a quota met, never, and then the size of fish gets
reduced from twenty inches to eighteen inches, and we still --
We want to talk about sustainability, and my mark on my boat is
still twenty-and-a-half inches long. I have never kept a fish
under that. That’s an embarrassment to drop the size limit on a
red grouper.

Where is our sustainability at? This is the panel that is
supposed to do something for us, and I have never come to one of
these meetings before, because I always thought that it would
take care of itself, and then I get phone calls from people
asking me to come in and speak, and I thought, you know, you all
ain’t but five hours, and I moved from south Florida up to
Apalachicola, and so I was real close to you all, and so I have
called Dr. Crabtree and left a message on his voicemail down
there in St. Pete.

I have talked about doing reef survey stuff, and they sent me up
to Panama City, but, when it comes down to brass tacks, I
am pushed to the back of the line, just because of my numbers.
I have them in black and white, and I’m not up here saying that
I do this or I do that. I have black and white, and you all can
pull my permit. There is no shortage of fish out there in the
Gulf.

The red snapper have overtaken our Gulf, and I go fish off of
Tortugas Bank down there off of Fort Jefferson, and I have never
seen a red snapper down there until about ten or twelve years
ago. If I have a thousand-pound set of grouper, a thousand-
pound set down there of grouper, I have at least a thousand
pounds of red snapper to go with them.

I brought in 690 pounds of red snapper. Out of 14,000 pounds,
how many red snapper do you think that I really caught? Those
were grouper that I brought in, and I only got to bring in 690
pounds. I look like Moses parting the Red Sea sometimes. It’s
just a fact. I have got videos and everything to prove this. I
got in touch with -- I met a real good man that’s a lobbyist out
of this great state of Alabama, and we got some business
attorneys that came in from New England, and I’m just asking for
a little help.
CHAIRMAN FRAZER: Okay, Jay. I thank you for taking the time to come and tell us what’s on your mind. We appreciate that. The next speaker is Clarence Seymour, followed by Michael Pittman.

MR. CLARENCE SEYMOUR: Hello. I’m Clarence Seymour from Biloxi, Mississippi, a federally-permitted charter boat with twenty years now, and so let’s see. I wanted to make sure that the snowbirds know that I’m fifty-two years old, and about thirty years ago was the last time that I caught a red snapper in the wintertime, and so they’re not the only ones. We live on the coast, and somewhere around the 1980s or -- I can’t even remember, but the season went to opening on April 21, just to let everybody remember how it was.

Then, of course, we went to a nine-day season, and so it’s just not the snowbirds that were affected by the whole fishery, but it’s everybody in the Gulf and so it’s what is fair for -- It’s not just them.

I heard another fellow talk about the red drum was eating all the crabs, and, well, guess what? Let’s bring the EFP back up from the State of Mississippi. It’s on the table, but we just need to get it up and running again. Let us go do research on the red drum that never has been done for years, and we’ve got the guys to do it. We’re going to fish in state waters 82 percent of the time anyway, and so that EFP may be something that we might want to reach back out and look at again, and so that might help the guy in the crab business.

The next thing would be remove the sunset of Amendment 40 at the moment and postpone Amendment 42 until Amendment 41 can come along.

The ELBs, there is going to be some screaming and hollering in two weeks in Mississippi over the ELBs, but they’re going to have to get ready, because I think they need to go online just as soon as they can so we can go ahead and get the pain out of the permit holders that is out there, which is not very many, and so they will go ahead and get their effort in, and we can go ahead and get through the season with getting used to our ELBs and such.

The charter/for-hire buffer, I think we need to support reducing the buffer, or at least let’s get it in play, so, the next year or so, we can make sure that we have viable -- That we can keep that 9 percent buffer going.
Amendment 50, I still haven’t seen in the document there that says that all private anglers must hail-out and hail-in, and so there’s -- Just I think it’s not -- That’s another thing like the logbooks. If we try to get Amendment 50 online by 2020, if we could get a hail-in moved in there also, that could be done in say 2021 and have all of our private anglers used to doing a hail-out and a hail-in, and it’s the same thing with the logbooks. We all have to get used to doing it. That’s it, and thank you, all, for having us here in Alabama.

CHAIRMAN FRAZER: Thank you, Clarence. We’ve got a question from Patrick Banks.

MR. BANKS: Thanks, Mr. Seymour, for your testimony. My interest is in the ELB logbooks. You said it will be a couple of weeks of screaming and hollering. In your estimation, did any of the fishermen, like yourself, participate in the CLS American pilot program? If so, how many do you think?

MR. SEYMOUR: Three. It was myself and two other charter boats.

MR. BANKS: How many -- Like what percentage of that is your --

MR. SEYMOUR: Well, there’s only -- There’s probably about twenty-seven federal permits addressed in Mississippi, and there’s probably thirteen that actually logged into our state Tails ‘n Scales that actually fished the fishery, and so it’s only going to be a number of -- But the CLS program was three of us that was actually involved in that.

MR. BANKS: Any idea what the hesitancy was from your sector in Mississippi, because we had a lot of hesitancy in Louisiana as well, and I’m just curious to know. When I heard from you, I was wondering how many did it, and it sounds like you all had a lot of hesitancy as well, or not you personally, but --

MR. SEYMOUR: Correct. It’s not that -- Because I remember the Louisiana guys talking about being able to navigate in the river, and I’ve been listening to the public comments for years, but the federally-permitted guys -- It’s going to be them that’s going to give us the resistance in the next couple of weeks in Mississippi, the older group that’s not -- They may have like maybe ten years left in the fishery, and they might not want to put an archived unit on their boat, but they have to make that big decision that this council made that I want to maintain a federal fishery, but, in words, a guy doesn’t really have to have a federal permit, because some of them just use it for catching pelagic species on the three-mile boundary, and so,
like I said, only thirteen or fourteen of us actually catch red snapper through the Amendment 40 season. Any more questions?

CHAIRMAN FRAZER: I think you’re good to go. Thank you, Clarence.

MR. SEYMOUR: Thank you.

CHAIRMAN FRAZER: The next speaker is Michael Pittman, followed by Bubba Cochrane.

MR. MICHAEL PITTMAN: My name is Michael Pittman, and I’m from Dauphin Island, Alabama, a commercial boat and charter boat, federally-permitted. I came up here and I just wanted to -- There’s some things, and this is my first time speaking, and I’ve done some of those webinars and things like that, but I guess it’s getting to a point where you feel like you need to try and make a statement on some of the regulations and things that are going to change.

One thing I will say is -- The thing is, about the reallocation, is you’re not affecting just the old-timers who own the IFQ or whatever. You’re making it harder on us younger fishermen, the next-generation guys that are coming into it, and it’s already hard enough to get in, and that’s just going to make it that much harder at the end of the day.

I don’t agree with that, and, also, the hail-in, I think it’s 36B, the hail-in and being in the 10 to 20 percent buffer, we run fast boats, and we run dayboats, and trying to get that exact weight -- I can’t see where that is doing anything actually productive for the fisheries itself that is already heavily managed, the heaviest-managed fish in the Gulf, actually, but I just feel like that’s a -- You’re getting the exact weight at the dealer, at the end of the day.

Having to sit there and try to weigh out these fish like this, scared to death that we’re going to be 11 percent off, or 1 percent over, of what the allotment is, that’s nerve-wracking, especially when we have all this money tied up in it, from the permits to the boat regulations. I mean, we’ve already got enough on our backs, and this isn’t going to help anything, at the end of the day.

Besides that, on the for-hire side, I would say that we do all support state management for private anglers, and we would encourage you to leave the federally-permitted vessels under federal management. Besides that, I just hope you all consider
some things that I’ve said, and, like I said, this is my first
time standing up here, and I’m a little nervous, and I ain’t
going to lie, but that’s about all I have right now.

CHAIRMAN FRAZER: All right. Thank you, Michael.

MR. PITTMAN: Yes, sir. Thank you.

CHAIRMAN FRAZER: The next speaker is Bubba Cochrane, followed
by Johnny Williams.

MR. BUBBA COCHRANE: I’m Bubba Cochrane from Galveston, Texas.
I own and operate a commercial fishing boat out of Galveston,
and I also have a federally-permitted charter boat. On
reallocating, I think we should hold off on looking at
reallocating until recreational management is fixed. I think
we’re on the right track, but we still have a lot of work to do
and work out with the states, taking over management of red
snapper, especially when it comes to data collection and being
more accountable.

On the charter/for-hire, I think it’s pretty obvious that the
federally-permitted charter boats -- We want to continue to work
through the council process and not be managed by the states.
We would also like to see the sunset provision go away, and
sector separation needs to be permanent.

On the historical charter captain permits, I think that, being
that it’s a small number of users, it makes sense to go ahead
and convert them to regular permits, and I think that should be
a no-brainer there.

On Amendment 36B, commercial fishermen are already doing the
best they can at estimating their landing weight, and trying to
hold us to a 10 percent limit isn’t going to help law
enforcement. I think the way it is right now is just fine.

There was some discussion at the council the other day about
trying to take snapper quota away from some shareholders who are
not actively fishing. These shareholders provide allocation to
fishermen who want to lease fish to make a living, and I don’t
think that eliminating these fishermen’s access to leasing quota
is going to improve anything. Thank you.

CHAIRMAN FRAZER: Thank you. The next speaker is Johnny
Williams, followed by David Krebs.

MR. JOHNNY WILLIAMS: Johnny Williams from Williams Partyboat,
Incorporated, Galveston, Texas, third-generation partyboat operator out of Galveston. I’ve been involved with this council for a lot of years, about thirty, as a matter of a fact, and I got involved with Amendment 1, and Amendment 1 did a couple of things.

It kind of divided the fishery up between the commercial sector and the recreational sector. At that point, I argued that there actually should have been a third sector, the for-hire sector, but it didn’t go through at that time. Finally, we came to the conclusion that that was the way to do it, and I think we should continue the sector separation, and I don’t think that we should keep the sunset in place. I think we should do away with the sunset.

Another thing it did is it distinguished what was a partyboat from a charter boat. In Amendment 1, it required all partyboats that were selected to report their catches, and I wasn’t selected, and so I told the fellow that normally collected my reports that I would do it on a voluntary basis, but I wasn’t selected, and so I wasn’t reporting, and, about two weeks later, we got a letter in the mail that said that all partyboats were selected, and so, if you reported, then you were a partyboat. If you weren’t, you’re a charter boat, and that’s how Beaufort handled that, and so I think that’s a pretty good recommendation on what a partyboat is and what a charter boat is.

I first got involved with the fishery as a child. My dad, like I said, started the business in 1946, and we had snapper, and that was, and continues to be, our bread-and-butter there in Texas. As a matter of a fact, according to Amendment 1, 90 percent of the fish that were harvested on partyboats were harvested on partyboats off the coast of Texas, and so red snapper are very important to us over in Texas.

In other parts of the Gulf, over in the eastern Gulf specifically, they depended on other fish, such as grouper and triggerfish and grunts and vermilion snapper, things that weren’t as abundant off of Texas as they were off of other parts of the Gulf, and they were sustaining their businesses with these other fish that we couldn’t sustain our businesses with, like say red snapper were extremely important to us.

Amendment 1 kind of changed all of that, because, in the rebuilding process, the fish spread throughout the Gulf, and so our seasons became shorter and shorter, and it made it difficult for the partyboats in Texas to survive. As a matter of a fact, there were several partyboat companies in Freeport that went out
of business, which is just a little way to our west.

Over to the east of us, in Sabine Pass, they had some partyboats, and those all went out of business, because they couldn’t sustain their fishery with a reduction in red snapper bag limits and the season shortening from year to year, and so the partyboats over in Texas, like I say, depend on red snapper. We need them.

I am trying to look at a way that would historically protect some of us that are still over there in Texas, and one thing that seemed like a good option to me was a catch share program, such as they have in the commercial industry. In the commercial sector, they took measures to protect the historical red snapper fishermen, and that’s how it evolved, the current program that we have now.

I would like to ask the council to move forward with 41 and 42, like I have in the past, and I’m not exactly sure what the status is on 41. I mean, they voted to take no action, and so I suspect that means that they don’t want a catch share program, but I’m not sure about that.

In 42, we agreed to go together, but, when we agreed on that, I think we were considering that everybody was operating in good faith, and that’s what the plan was to try to go forward with that, and I don’t think anyone would argue that it’s a bad process. It has worked wonderfully in the commercial sector, and it was great in the pilot program that I was in, and I see that I’m way over time, and I’m sorry.

Anyway, I would like to urge you all to go forward with a referendum on 42. Like I said, on 41, the ad hoc committee recommended no action, and apparently they -- I mean, I think they like the program, but they couldn’t figure out how to work it out, and so they recommended just to go with what they have right now, status quo, but we don’t really want that, or at least I don’t, and I want to know if the rest of the people in 42 want it or not.

I mean, if we could go through with the referendum, we could find out, and we could -- If we have systems such as 42, like the pilot program that was so successful, we could let these folks from up north that come down here in the winter have access to a fishery that they don’t have access to anymore, and, as it says in the Magnuson-Stevens Act, these fish belong to all Americans and not just somebody that lives along the Gulf coast and has a big boat that they can go out fishing. I mean, it
belongs to all Americans, and let’s give these folks an
opportunity, and let’s have a referendum on 42 and see what
happens. If that doesn’t pass the muster, then we’ll try
something else. Thank you.

CHAIRMAN FRAZER: Thank you, Johnny. The next speaker is David
Krebs, followed by Dewey Destin.

MR. DAVID KREBS: Thank you, Mr. Chairman and council. My name
is David Krebs, and I own Ariel Seafoods in Destin, Florida and
Sebastian, Florida. Thank you for allowing me to serve on your
advisory panels, and I am happy to be here today.

Well, once again, we’re back to reallocation, reallocation,
reallocation, and I come from an industry that has never asked
for anything, and now, today, I hear that’s one of our problems.
We don’t come to this podium and say give us more fish.

In Amendment 1, when the cherry-picking, cafeteria-style form of
selection to get allocation set came up with the 51/49, we
didn’t say anything. Our feeling back then was, if we don’t
rock the boat and we get along with the recreational sector,
everything will be okay.

Well, it’s not okay. We have a penalty phase, and we have
permit sanctions, and, if we overfish our quota, we get in
trouble. We get put out of business, and now I hear today that
we’re going to be penalized, because we don’t show that we need
these fish. My boat fished only eight months last year, and
he’s not a fish hog. He’s a good fisherman, but that’s the
allocation that he caught.

He could have fished those extra four months, but, again, we
don’t ask, because we think we’re being good stewards and that
the science of setting these quotas -- That, by staying within
these quotas, we’re acting in good faith and in good conduct.
It’s not fair to take that away from my industry. They deserve
to be heard, and they deserve their share of the fish, fair and
equitable. It’s a 51/49 fishery.

Good grief. We have this conversation four times a year, four
times a year, and then, every other year, we come back to the
podium, and then, every fourth year, we end up in court. It’s
ridiculous. Why are we wasting our time? We can share this
resource. We can share it effectively and efficiently without,
as Captain Tryon said, this being a baby Washington, where
lobbyists rule the day. This isn’t about lobbyists. This is
about people getting along and working together within the
framework of the law, and we can do it. Thank you very much.

CHAIRMAN FRAZER: Thank you, David. I think we have a question from Patrick.

MR. BANKS: Thank you, Mr. Krebs. I agree with you that we need to all get along and figure out a way to make it work, and so I applaud you for that comment, but, like I asked a gentleman previously, we have these indicators that we’re able to see in the recreational sector that shows that there is a need for more fish, and you’re exactly right that it’s hard to see those indicators in the commercial fishery, because you guys are constrained.

What are some indicators that you think that we should be looking at that would help prove to us what you’re stating, that you all need more fish as well? Again, in the recreational, it’s pretty clear to me, but I don’t know what indicators to look at in the commercial sector.

MR. KREBS: The American consumer, in 2006, the last year of the derbies, was paying $3.50 a pound at the market for these fish. After the first year of the IFQ, it stabilized in the $3.50 to $3.75 range. Today, it’s $7.50, and so, just like everybody has been talking about, supply and demand and how it dictates the market.

If there’s not enough fish, the price goes up, and it doesn’t matter whether it’s a king mackerel or a choffer, and it doesn’t matter. If there is not enough, the price goes up. The seafood industry is one of the simplest businesses there is to track. It’s supply-side economics.

We’ve talked about this forever. I mean, it’s just either you have it or you don’t. If you don’t -- Even a house, land, a piece of property, if you don’t have it and somebody wants it, and there is a limited amount, they are going to pay extra for it, and so, other than the fact that we’ve made a mistake that we don’t come in here and keep saying that we need more -- You hear the guys coming in and the young fishermen saying that I can’t find allocation, and that’s a great indicator, because it’s not available. The existing people that are there need to catch the fish for their own businesses, and so thank you for the question.

CHAIRMAN FRAZER: All right. Thank you, David. The next speaker is Dewey Destin, followed by Hubert Haskins.
MR. DEWEY DESTIN: I’m Dewey Destin from Destin, Florida. I appreciate the opportunity to speak to you. I am here today representing a group of restaurants that is operated by my family and an organization that I’m a member of called the Gulf Coast Seafood Alliance.

The Gulf Coast Seafood Alliance is a group who advocates for fact-based, rational fishery management, and our motto is Fish on Your Hook and Fish on Your Plate. We think it’s possible to advocate for both sides of this conflict, and the reason we would be motivated to do that is a lot of the people who come into our restaurants are recreational fishermen, and we are in favor of increased access for those folks.

I was listening to some of the testimony earlier of the snowbirds and some of the folks that are fishing and talk about the fish that they throw overboard that die. In my opinion, the greatest challenge facing the recreational fishing industry right now is that very issue.

We have never quantified, and I have been to these meetings since the Magnuson Act formed the councils back in the late 1970s, I believe it was, talking about the fish that we’re killing and throwing in the water. It seems to me that the answer to increasing the quota for the recreational fishermen would actually be to quantify that number with scientifically peer-reviewed research and then come up with ways to reduce that amount.

We can take those extra fish that we saved by reducing those fish that die from barometric trauma and add some percentage of that back to the recreational fishery. That way, we could increase their quota, maybe by 400 or 500 percent, and my anecdotal testimony to you is that eight out of ten fish that are thrown back in the water, and this is based on the science that I’ve read, die.

If you count that and extrapolate it out over the year, that’s probably four or five-times as many fish as the recreational group lands, and so, if we could get a handle on that problem, then we could automatically increase the number of fish they can bring in and extend their season dramatically, I would think. Some people say that’s just an accounting accommodation, but the fact is that we wouldn’t be killing a single more fish as long as we did it through science and do it in a rational manner.

As to reallocating snapper to one sector or the other and not based on any kind of understanding of the socioeconomic impact
it will have on the citizens of the United States who own the
resource, that borders on insanity. It doesn’t make rational
sense, and it’s not science-based, and so I would ask you folks
to think outside the box.

It’s within your power to fix this. As I said, I’ve been coming
to these meetings for forty years, and I hoped that in my
lifetime I would see a solution to the regulatory problems we
have in the red snapper fishery. You’ve done a pretty good job
on the commercial side. They don’t kill fish and throw them
over. They fish within their quota.

We still have the really hard nut to crack, and you have made
some good steps in that direction, by expanding the season, but
think outside the box and use all the tools at hand and fix that
problem, too. I am going to be sixty-six next year, and you
guys are going to have to pick up the pace.

CHAIRMAN FRAZER: Thank you very much. The next speaker is
Hubert Haskins, followed by Eric Brazer.

MR. HUBERT HASKINS: Council members, my name is Hubert Haskins,
and I’m from northern Wisconsin, about 1,300 miles away, and
this is as close as I can get to fishing saltwater, and so I
come down here to enjoy the weather, enjoy the fishing, and
enjoy the people.

What I want to talk about is the limits on some of the fish that
we catch on the headboats. The first year I fished, six years
ago, we were allowed to catch red snapper, a limit of two, until
we met the quota, and then we were allowed to catch triggerfish,
and I think it was two then, and we were allowed to catch
amberjack, which we cannot catch all three of those, we cannot
catch them this year to this point, although we will be able to
catch triggerfish on March 1, for the ones that stay beyond
that.

From what I’ve seen out on the boats is we have to move off of
some of the reefs that we fish, some of the structure, because
we catch too many red snapper, and I think the population of the
red snapper is holding its own, and the triggerfish as well, and
we catch just about as many as we did six years ago right now,
and so I don’t think we’re damaging the resource.

I think the resource is viable, and I do think that we should be
keeping some of these fish that we bring on the boat. Like the
gentlemen ahead of me said, a lot of the fish that go back do
not survive and so it’s kind of a waste of the resource at that
point, and then I’m from Wisconsin, and I happen to be in a city that has a Department of Natural Resources district headquarters, and they sometimes change their regulations on the fly.

If they see something that’s going bad, they will change the regulation on the fly to make sure that the resource is protected, and sometimes it needs to be done. Things change, and we have bad winters and drought, and you have hurricanes and wind that affect your resources, and so sometimes you have to go with the flow and change things to match what is going on.

We don’t have so much of a commercial fisherman issue up there as you do here, and so you’ve got a bigger puzzle to try and put together than what we do up there, but we would just like to have a chance to catch some of these species that we just don’t have and can’t catch up there, and I think there is room, if they change the allotment, so we can do that without damaging the fishery and without hurting the commercial people or the six-pack boats and the smaller charter boats.

Now, I graduated from surf fishing to headboats, and we did some individual charters, and we’ve done a little bit of everything, and we’ve enjoyed it all, but I would never probably have done the charter boats that I did, beyond the headboat, if I hadn’t met all the people there and learned from those people on what is available out there, as far as other options.

Of course, when you do that, you talk to different people, and then you have a trickle-down effect on the economy, because you’re not only learning about fishing and options there, but you’re learning about good places to eat and good things to see and good things to do. I mean, if I tried to do everything that I heard on those boats from the people that I have fished with, I would never stop moving, and I couldn’t sleep.

I would be going all the time, and so it’s a trickle-down effect, and it affects everybody, and we have heard from different people on the economy side of it, and so you know that it does affect the economy, but, in our case, we’re kind of a small piece of your big puzzle, and so it’s kind of just been pushed aside, because we’re not -- Whether you give us a season or not, it doesn’t make a big effect on a lot of the stuff that you’re trying to accomplish here, but we would appreciate it if we could get a limited season. We’re not asking for big catches or anything, but we just want to have a taste of everything that is available down here, just like if you traveled to Wisconsin and --
CHAIRMAN FRAZER: Hubert, I’m going to have to ask you to wrap this up, okay? We’re limited on time.

MR. HASKINS: Well, I appreciate you listening to what I had to say.

CHAIRMAN FRAZER: Quickly, we have a question from Dr. Shipp.

DR. SHIPP: Mr. Haskins, thank you for coming. Did you mention that you surf fished?

MR. HASKINS: Yes, sir.

DR. SHIPP: You’re here December, January, and February?

MR. HASKINS: I arrive at the end of December, and I stay until March 15.

DR. SHIPP: What kind of success do you have surf fishing?

MR. HASKINS: Well, this year, it’s been tough, because of the weather. Last year, the whiting were plentiful, and I talked to a local fisherman who said that was the best catch he had in thirty years. That’s not true this year. It’s been spotty for most of them, but they’re out there.

DR. SHIPP: I guess the reason I ask is I’m kind of wondering whether, with the difficulty of fishing offshore, that you have substituted some and spend more days surf fishing that you used to, or do you still go the same number of trips offshore with the charter fleet?

MR. HASKINS: I usually try and do the same number of trips. We have kind of the social aspect that I talked about. We’ve got a group of guys that like to go together, and we sometimes do as much talking as we do fishing, that type of deal, and we’ve enjoyed going with the same group, pretty much, and the fishing has been good, and, like I said, I think the numbers of fish are still out there, but it’s just a matter of whether the allotment will allow us to catch them, but thank you for listening to what I had to say.

CHAIRMAN FRAZER: We have one more quick question from Kevin Anson.

MR. ANSON: Thank you, Mr. Chair. I don’t know if it will quite be quick, but I will --
CHAIRMAN FRAZER: Use your discretion.

MR. ANSON: Mr. Haskins, thank you for coming. I am with the State of Alabama, and I’m not in the economic development department, but, as a resident of Gulf Shores, I appreciate you and all of your friends that you bring with you from the Midwest and help our economy and help our taxes and such.

I just want to make sure that I heard you correctly and are clear, but you represent a segment of the stakeholders that we don’t often hear from, and so I just wanted to see if your perspective, and you might have to look over your shoulder and confer with your friends, but you mentioned that you’ve been coming down for six years.

MR. HASKINS: That’s correct.

MR. ANSON: Fishing offshore for red snapper for six years. I am just wondering if you can compare that first year to this year, if you’ve gone this year, and just generally what the condition of the red snapper catch has been. Has it been the same, or has it been increasing, or --

MR. HASKINS: Well, it’s probably been the same in some of the areas. Like I said earlier in my talk here, some of the reefs hold more than others, and we have actually had to go off of reefs because we were catching too many and we couldn’t catch the vermilion snapper that we were targeting, and so I think they’re there.

MR. ANSON: Thanks again for coming.

MR. HASKINS: Thank you for listening, and you guys have a good day.

CHAIRMAN FRAZER: Thank you, Hubert. The next speaker is Eric Brazer, followed by Laura Chicola.

MR. ERIC BRAZER: Thank you very much, Mr. Chair. I’m Eric Brazer, Deputy Director for the Gulf of Mexico Reef Fish Shareholders Alliance. Thank you for your time. I would like to first speak to reallocation. As I said before, if you have any questions about our prior positions, I refer you to the Amendment 28 minority report, which is online.

Putting that aside for a second, this current reallocation document really is a solution in search of a problem. The
trouble is, number one, the document hasn’t identified the
problem, and, number two, you already know that reallocation
isn’t the solution, and so we ask you again what is broken and
how would reallocation fix that?

You’ve spent a lot of time today, and you will probably spend a
lot of time over the next few meetings, going through
alternatives and options and looking at years and baselines, but
you still haven’t explained why you’re doing this.

My second point on reallocation is I would like to point out
that page 8 in the options paper references the NMFS policy
directives that talk about triggers, and it even says that step
one, a trigger, has been met, but that document does not
identify what that trigger was, and so, again, the public is
left wondering what’s the point of all of this.

My third point on reallocation is we would urge the council to
provide the public an analysis of the Modern Fish Act and the
implications of these allocation-related studies on your
activities. The Modern Fish Act was apparently a big deal.
What does it mean for you and what does it mean for us?

I can’t say enough about we continue to support keeping the
federal charter/for-hire out of Amendment 50 and the removal of
the sector separation sunset provision. Then, finally, I would
like to thank Morgan for all of her service and her work here at
the council. It’s been a pleasure working with you, and we wish
you well on the west coast, and I want to welcome the agency
back. We’re glad you’re here. We really do appreciate
everything you have done, and your hands have been tied, and I
know it’s been frustrating for you, and it’s been frustrating
for us, and, again, we appreciate everything you’re doing to
keep fishermen on the water, and so thank you. Thank you, Mr.
Chair.

CHAIRMAN FRAZER: Thank you, Eric. The next speaker would be
Laura Chicola, followed by Ronald Chicola.

MS. LAURA CHICOLA: Good afternoon. Thank you for the
opportunity to speak to you and please excuse my English.
Spanish is my first language. My name is Laura Chicola, and I
was born in Mexico. Currently, I live in Ruston, Louisiana, and
I’m married to Ronald Chicola, a long-time commercial fisherman.
That’s the reason that we met.

He came to Mexico in 1987 to teach the local fishermen how to
longline tuna fish, opening an industry that is now a twenty-
eight-boat fleet that exports all their tuna to the United States, and we also own a tuna boat in the south Gulf and a processing plant, which I have managed for fifteen years. In 2004, I moved to the U.S.A. so that our children could finish their education, and both are engineers now.

In 2017, we decided to build a boat for our son that wanted to follow his father’s footsteps, and my husband had a close friend that promised to lease us some quota, but, unfortunately, he passed. Last year, we leased some allocation, quota, and, this year, it’s almost impossible to find any. If you do find some, the prices are so high that it’s too hard to cover the expenses, and so here we are stuck with a half-a-million-dollar investment and no allocation. I am here today before you to ask for the opportunity to keep working and earn a living in the fishing industry that we know very well and love. Thank you.

CHAIRMAN FRAZER: Thank you.

MR. RONALD CHICOLA: We are currently fishing b-liners and grouper, because we don’t have any allocation for the snapper, but there should be some trigger by some way for the discards. When we’re fishing b-liners, the best you can find is about four-to-one, but, if you weigh the b-liners compared to the snapper that you caught, the snapper will outweigh the b-liners, and so you’re really taking pound for pound.

If you catch 5,000 pounds of b-liners, I discard 5,000 pounds of snapper out in the deep water, and I vent them and watch the sharks eat them, and this man from Minnesota would like to have one to eat, which is against the law by all the Gulf states about discarding natural resources, but we don’t have any choice in it without allocation, but there should be allocation for the discards, the same as Jay Mullins says. Whatever we catch has got to come on the boat, and it should be registered and not fed to the sharks. That’s all I’ve got to say about it. Any questions? Thank you very much.

CHAIRMAN FRAZER: Thank you for your comments. The next speaker is Tracy Redding, followed by Chris Garner.

MS. TRACY REDDING: Hi, there. I’m Tracy Redding with AAA Charters, Incorporated. I book inshore, offshore, six-packs, multi-passenger and headboats, and I also offer dolphin cruises and some snorkeling, and I’ve been doing it just under twenty years.

I am pretty pleased with the progress that the council is
making, but I have one deep-felt suggestion. I hope that we all
can do a better job of getting through the media that our
charter boats can catch red snapper seven days a week. About 60
percent of the people that called in to book charters this year
assumed that they could only catch snapper on Friday, Saturday,
and Sunday, and part of that is the way that our local media
interpreted it, but the charter boats are very important,
because not everyone who recreational fishes owns their own boat
or has their own means to get out there.

I think we should all do a better job of announcing the progress
that we’ve made by accomplishing sector separation, and I would
like to see the sunset clause drop off, and I also am urging
that we get some more cooperation with our Alabama reporting
systems.

We have got Snapper Check, and I think our participation, both
with private recreational, is pretty darned low, but I would
love to see the charter boat participation numbers go way up.
We absolutely need accurate, timely data collection, and we’ve
got to get our managers the tools to be able to do their jobs
effectively. That’s it for today. Any questions?

CHAIRMAN FRAZER: Thank you, Tracy. Our next speaker will be
Chris Garner, followed by Gary Jarvis. Chris Garner? Then
we’re going to move on. Gary.

MR. GARY JARVIS: Captain Gary Jarvis, Mayor of the City of
Destin, the luckiest fishing village in the world. The 125-year
history of Destin revolves around commercial, charter/for-hire,
and recreational fishing, and so it’s a no-brainer that managing
these resources for abundance is critical for the continuance of
that heritage.

The economic and social importance of these fisheries in Destin,
Florida cannot be overstated, and I stand before you to
encourage this council to manage these fisheries in a manner
that above all, in spite of all these interim fights between
sectors, that is good for the fish.

Our community consists of many different user groups who wish to
access these resources, and, as its mayor, it reminds me that we
must share these resources among us all, and we must strive to
be accountable in what we harvest, and we should find management
systems that would increase these user groups’ access to
rebuilding fisheries.

State management of Gulf resources for the private angling
community is a test of its capabilities and its ability to better get the assessments and data to assure us that they have a better feel for the level of that effort and harvest of these important species like red snapper, and I hope, after the red snapper EFP is completed and evaluated, and if it’s implemented into a federal management plan, that it provides a level of knowledge and scientific results needed to make better management decisions for this sector and to provide those anglers increased access to rebuilding fisheries, but everybody in this room knows that accountability is the key.

Accountability is what feeds and opens the door to more access to rebuilding fisheries. That accountability also has a revolving door when you have a fishery that’s in decline. You are going to lose access, but that’s a necessity to try to rebuild the fisheries that are in decline.

It’s important you listen real carefully when Destin captains and businessmen and women come to this podium. They are true experts in the field, but they also are the ones that have the — They understand the importance of these fisheries, not only to themselves and their families and their businesses, but to our community as a whole. There is a large social factor in a coastal community like ours, and it’s not just in Destin, Florida. It’s in every coastal community in the Gulf.

The availability of wild-caught seafood to the consumer is also a key component, not only for Destin, but in every working waterfront in the Gulf. In the management decisions you make, I implore that you always put high value on the public access that the commercial industry provides.

Not everyone can own a boat, and not everyone can even hold a fishing pole, but everyone in our country should have the ability to access wild-caught seafood and eat a fish, whether you catch it or whether you buy it.

No one group is more important than the other, and that’s the main message that I want to get at, because that’s the underlying factor in these council proceedings all the time. Each individual sector tries to get across their importance to the community, but all three sectors are important. They all provide economic and social benefits to every coastal community in the Gulf of Mexico, and so what I really want to implore this council, in the form of encouragement, is that all of your focus should be on fish first.

The decisions, the management, the ideas and plans that come...
before you, they should have an end result that is good for the
fish, because, in the end, without an abundant, resilient
fisheries, a community like mine is going to have issues. Our
heritage will be in jeopardy, and so, especially on these
allocation fights, I really, really, really wish that this
council, and you’ve been listening to me for almost fourteen
years now, would put the highest value on the fish first, and I
think, if we have abundant fisheries, the allocation issues will
be less and less of an impact on all of us. Thank you.

CHAIRMAN FRAZER: Thank you, Gary. The next speaker is Scott
Hickman, followed by Abby Webster.

MR. SCOTT HICKMAN: Good afternoon, honorable, esteemed
Chairman, Dr. Tom Frazer, and members of the Gulf of Mexico
Fishery Management Council. My name is Captain Scott Hickman
from Galveston, Texas.

First off, I would like to thank Dr. Morgan Kilgour for her
service here at the council, and, being somebody from the Flower
Garden Banks National Sanctuary Council, we would like to thank
her for all of her work in working with us on our boundary
expansion working group. That was hundreds of hours of phone
calls and emails and getting us a really good compromise and a
good product through our Sanctuary Council. Thank you for all
you’ve done, and it was much appreciated, and we’re going to
miss you.

Speaking on corals, we would love to see Coral Amendment 10 move
forward. That’s some exciting stuff, and I am also a commercial
shareholder of red snapper in the Gulf of Mexico and a thirty-
plus-year participant in the charter/for-hire fishery.

We would like, in Galveston, to keep working on Amendment 41 and
42. We see a lot of promise in that, and there’s been a lot of
good points brought up at this meeting about certified catch
history and other issues, and I think we can work through all of
that and get a really good product.

As a commercial fisherman, I would like to see no reallocation,
and I bought into the fishery, and none of mine was based on
catch history, and I made a big investment, and it’s a great
fishery, and it’s a great management program, and it’s working
really, really well.

I would like to see you remove the sunset on Amendment 40. I
would like to see the ELB program implemented as quickly as we
can, and we’ve been begging for that for ten years, and, hallelujah,
we’re finally going to get it. Accountability is a huge part of this fishery, real-time data, and I would like to remove the captain and crew size limit on dual-permitted vessels, even though both of my vessels are not dual-permitted. There is a charter boat permit on one and a commercial permit on the other, but there’s a lot of guys that have both permits on vessels, and it’s a discriminatory, old policy that was prior to the IFQ system.

I would like to leave the federal for-hire charter boats out of state management, Amendment 50, and I would like to see mandatory iSnapper for recreational boats in Texas, and that was a very loud message that we heard at the Amendment 50 hearing in League City here a week or so ago.

Barotrauma is a big issue, and Greg and I have talked about this and how these devices will work and won’t work. If you devise good management, where it incentivizes the anglers not to throw fish back, and high-grading is a problem in the recreational fishery, we can attack that first and solve the problem a whole lot easier and give people access to more fish. That’s all I’ve got. Thank you, all, and I appreciate everybody’s hospitality here in beautiful Alabama.

CHAIRMAN FRAZER: Thank you, Scott. The next speaker is Abby Webster, followed by Conner Cochrane.

MS. ABBY WEBSTER: I’m Abby Webster, and I own and operate a charter boat out of Freeport, Texas, and I’m also the Executive Director for the Charter Fishermen’s Association. We would like to see the captain and crew size limits be removed for dual-permitted vessels, and we would also like to see that 41 and 42 are postponed at this time.

We would like the charter boats left out of state management, as well as the sunset provision on Amendment 40 removed. We would also like to see continued progress on getting the ELBs implemented Gulf-wide. Thank you.

CHAIRMAN FRAZER: Thank you. The next speaker would be Conner Cochrane, followed by Bobby Kelly.

MR. CONNER COCHRANE: Hello, council members. My name is Conner Cochrane, and I’m fifteen years old, and I’m a commercial red snapper fisherman from Galveston, Texas. I don’t like to think of the commercial fishing industry as a job. I like to think of it as a way of life. Getting to provide fresh seafood for the public is a great thing. Getting to come to these meetings with
my dad is a great opportunity to learn new things and support our industry. When I see a red snapper, I see a family eating a restaurant and saying, damn, that’s good.

I would like to see this fishery keep going the way it’s going, so I can one day follow in my father’s footsteps and be a successful commercial fisherman like him. Thank you for your time.

CHAIRMAN FRAZER: Thank you, Conner. The next speaker is Bobby Kelly, followed by Jim Green.

MR. BOBBY KELLY: I am Bobby Kelly, and I’m out of right here in beautiful Orange Beach, Alabama. I commercial fish and I charter fish, and here is a few things that I am thinking about that is going to affect me coming up.

Since we’re in commercial season, I commercial red snapper fish in the wintertime, right now, and I want to talk about reallocation. The last time with reallocation, when this council took fish away from an accountable sector and gave it to an unaccountable sector, I lost fish. I’m the newest guy in the fishery, and this is my fourth year going into it, and I lease all my fish.

When I call shareholders up, and I need fish, they say, hey, we had 4,000 or 5,000 or 6,000 pounds taken away from us, and I’m the last guy on the list, and I’m the one always to lose the fish, and it’s not a perfect system, but it’s the system that it is.

If you guys want to start talking about reallocation even to the recreational sector, it would be nice that all places were in compliance. The recreational sector still overfished a little bit last year, and so, before we start taking the fish away from an accountable sector and throwing it down the other side, we ask that it go somewhere that counts.

Second, and it’s going to be hard for me to do this, but one of the things I’ve heard this council talk about on the commercial side is, when you call in your three-hour notification, that you have the weights within 10 percent.

Have you all lost you all’s mind? I mean, seriously? One more restriction on the most restrictive fishery in the Gulf, and I am icing up, and we’re probably going to go out on Friday. If one of you council members want to come ride with us, and I’ve got a real nice boat and everything, you all can sit there and
count the fish, and you all tell me how much when I’ve got when
I get back the dock, because you look at those deckhands, and
they go, uh, and so, man, it doesn’t benefit anything. The fish
are weighed anyway, and it’s going to be all right.

I fully support the states and Amendment 50. It’s a great deal,
and take away -- Leave those federal charter boats out of it.
In the State of Alabama, we’ve got a great relationship with our
state director and our commissioner and our chief marine
biologist. However, these guys retire and get promoted, and
sometimes it’s not always going to be that way, and so we ask
you to just leave us under federal management.

Amendment 42 and 41 seems like the hot topic of the afternoon,
and, first, I want to say to my northern friends that come here
and want to catch a red snapper, I don’t go to Wisconsin and
Michigan in June to kill a whitetail deer. It just doesn’t
happen. When there are seasons on everything in this world,
we’ve just got to participate in it when it happens.

42 will be detrimental to Orange Beach, Alabama if it goes
forward without 41, without the charter boats. There is eight,
right now, right here, within a half a mile, there is eight
headboats within right here, within a half a mile, that have the
average carrying capacity of almost seventy fishermen per
vessel, which equals -- There is only sixty charter boats in
Orange Beach, Alabama, and so it actually equals the capacity of
the private for-hire boats.

If they go forward, and I’m not saying that I’m against it, but
I’m just saying that it needs to go forward at the same time.
Let us get our ELBs, and let us get our data, and then we can
move forward if we want to go to an allocation-based management
system. Thanks.

CHAIRMAN FRAZER: Thank you, Bobby. All right. The next
speaker will be Jim Green, followed by Randy Boggs.

MR. JIM GREEN: Hello. Thank you. I’m Jim Green, President of
the Destin Charter Boat Association. Right now, the DCBA
supports postponing 41 and 42 to a time certain of three years.
We believe that, as an industry under the same permit, we should
all move forward together.

During this time, the DCBA would like to work on sector
allocations, effectively implementing the ELB program, and,
finally, removing the sunset provision. For the for-hire
sector, allocations are proven, through Amendment 40, to be
effective, not only biologically for the fish stock, but also by
restoring angler access and stabilizing season lengths for the
industry, and we would like to see an amendment started to
address the for-hire sector allocations for amberjack,
triggerfish, gag, and red grouper.

By allowing the sunset provision to say in force, you are
hampering and overshadowing one of the most effective management
policies passed by this council in recent years.

When it comes to state management, the DCBA expresses its
continued support of federal management for the federally-
permitted for-hire fleet. When it comes to red grouper, the
DCBA supports reducing the quota to previous years’ harvest
levels. This fishery is in trouble, and we support any measure
that will turn it around and get it back on track.

When it comes to the dual-permitted -- I guess this framework
action, or what we’re talking about there, but the DCBA supports
the removal of this regulation. We believe that vessel owners
should have the freedom to execute the fishery the same as
others that bear the same permit.

Historical captains, the DCBA supports the standardization of
the thirty-some-odd operating historical captain permits. They
have proved their stake in this fishery, and all of them should
have the ability for a business to operate while they’re away,
for whatever reason.

I would also like to touch on the buffer, the 9 percent buffer.
We hope that it keeps us -- It gives us more access, and we hope
that we stay under the quota, and, if that proves true, and that
9 percent is a sweet-spot for us, we would like to see that
continue through more than -- We would like to have it more than
one year. We did support the one year in the beginning, and
that was mainly as a safety net, in case there was an overage.
That’s all I’ve got. Thank you.

CHAIRMAN FRAZER: Thank you, Jim. We have a question from Doug
Boyd.

MR. BOYD: Jim, thank you. A question. We hear testimony every
time that red grouper are in trouble, and you just said red
grouper are in trouble. We heard, a little earlier today,
testimony from a gentleman who is a longliner, and he was pretty
passionate about it. His testimony, if I remember correctly,
was they’re not in trouble, and can you give me some background
as to why most of your guys say that they are in trouble?
MR. GREEN: Well, you know, ours is from experience. We have steadily -- Through the DCBA, we have meetings monthly, pretty regularly like that, and, over the last couple of years, we have all agreed that we are seeing less and less of the gag and red grouper in our area. I don’t know where this gentleman was fishing, and I heard his very candid testimony to you, and I can’t speak for him, but I know that, in the northern Gulf, we have seen a reduction in these fish, and I can’t speak to him, Mr. Boyd, and I appreciate the question, but that’s just what we’ve seen over the last handful of years, and this year was probably -- Out of the last four years, this is probably the least amount of red groupers I have caught on my boat this year, this past season.

MR. BOYD: Thank you, Jim.

MR. GREEN: Thank you.

CHAIRMAN FRAZER: Thanks, Jim. The next speaker is Randy Boggs, followed by Buddy Guindon.

MR. RANDY BOGGS: To start with, I am going to speak on the red grouper. They are absolutely right that, in this part of the Gulf, the red grouper, the gag grouper, and the king mackerel are in dire straits here. At our marina this year, we probably saw less than twenty-five king mackerel caught in the whole charter and recreational fleet that came to the dock.

I saw one red grouper come in, and I saw one gag grouper come to our dock here out of the whole fleet, and we’ve got thirty-something boats that run out of our marina, and those fish are really in trouble.

I have been at this council process since 1997, and I’ve been here a long, long time. I was here when the moratorium was put in place, and I was here when the commercial IFQ was formed, and I’ve been here a long time. We are heading down a path that scares me to death, and it’s with a very heavy heart that I stand here today.

I worked very hard on Amendment 42. On Amendment 42, approximately on one of my boats, I would get about 1,800 red snapper. That’s enough fish -- My license is for sixty-four, and I carry thirty-two people, and that’s sixty-four fish a day. Because I’ve got 1,800 fish, that would give me twenty-eight days of fishing. Not sixty days or not seventy days or not ninety days, and not double trips. That would give me twenty-
eight days of fishing.

During the Collaborative, I learned that I could do more with less if I’m allowed the freedom to do that. With the road that you’re fixing to go down, it’s a road that is very dangerous. You are allowing the fishermen to go forward and create a history, knowing the future. If I could have done that, I would have bought Apple stock, and I would be a multibillionaire right now, and I wouldn’t be standing here.

I watched the commercial fishermen in the 1990s ramp up their catch effort, and, one of my dear, good friends, I watched him bust his ass to catch 125,000 pounds of fish a year, but he fished day and night. He would come in and grab cigarettes and food and throw them back on the boat and away they went again. Rough, bad weather, in a small boat, and it didn’t matter, to ramp up their catch effort.

When you go down that with the ELBs, and we start building the data going forward, I am being asked to tie my headboat deal to historical data. If we’re going to go down this road and we’re going to do this, everybody is going to ramp up their effort. They’re not going to stay here and tell you that, but they’re going to ramp up their effort.

They are going to run two trips a day, three trips a day, and you’re going to see thirty-five or forty or fifty and sixty-dollar fishing trips, as cheap as they can run, and it’s more fish, more fish, more fish, and you’re going to see region-wide depletion in this Gulf right out front, and you’re going to see the fish nosedive, and you’re going to see a huge amount of the population taken, because every charter boat out there sees the future.

The number of fish that you’re going to get at the end of this derby is based off of what you’re catching. If they can cheat on the logbooks, any way that they can cheat or short the deal, any way that it can happen, that’s what is going to happen. I watched them do this with the landings in the commercial fishery, and I was here in the 1990s, and I watched it happen, and you’re fixing to go down that road. I would love to see something done to fix this, but you can’t build a history when you know the future. The outcome will not be good. Thank you, guys.

CHAIRMAN FRAZER: Randy, we have a question from Kevin Anson.

MR. ANSON: Thanks, Randy, for coming. Did you know those folks
that came from the Midwest and testified today? Do you know them? Is that some of your customers? You don’t have to answer, but I --

MR. BOGGS: I did. I know every one of them well, and, since you opened that door, and thank God you asked me a question, because I am going to tell you something, guys. The guys got up here and they talked about the fish that they would throw back, and there are dead discards with what we threw back, and, just like they said, when we get on a spot that’s got ten-inch snapper, and you’ve fished with me, and you know. Kevin was on a trip with me, and we fished for about an hour-and-forty minutes, and we had a full boatload of vermilion snapper, and we had zero, zero, discards on red snapper.

MR. ANSON: Let me get to my question that I wanted to ask. That is he mentioned that he had been fishing for six years, and he may have been fishing with you during that entire time, but I’m just curious. Off of Alabama, what is your experience over the last six years, as far as the number of red snapper? Has it been the same, or has it decreased, or has it been going up?

MR. BOGGS: In 2011, after the oil spill, we saw an increase in the large number of -- They told me it was a large stock recruitment of bigger fish, and, in the nursery grounds for smaller fish, we see hundreds and hundreds and hundreds, and we try to stay off the rocks where the little bitty ones are, and we see lots of those, but, to be honest with you, to propagate the vermilion snapper fishery, I pick a larger wreck that I go there, and we sit down and fish the larger wrecks, and we try to target the vermilion, and you’re going to have a few snapper that you have to release, but, if the catch becomes excessive, if we start getting too many snappers, we pick up and leave them and try and move somewhere where we’re not.

The guys were telling the truth that we do throw a lot of fish back, but you have to understand that these guys fish twelve or fifteen times a year with me, and they fish. I mean, they really do, and I’m not saying that they wouldn’t exaggerate just a little bit, but, hell, give me 42 back, and my discard rate would go back down to what it was instead of what the snowbirds are telling you that it is.

MR. ANSON: So, in your opinion, in the last five to six years, what’s been the snapper count generally, compared to five or six years ago off of Alabama? Has it stayed steady?

MR. BOGGS: You’re going to have to ask me again, Kevin, because
I didn’t hear you.

MR. ANSON: The fishing off of Alabama, red snapper fishing, in the last five to six years, do you think it has stayed the same from five to six years ago, or has it gone down, in the quality and quantity of fish, or has it gone up in the quantity and quality of fish?

MR. BOGGS: The quantity of fish has stayed the same. The quality of fish from 2011 and 2012 has fallen off, when I’ve seen the ten to twelve-pound fish. The reason why is depletion gets really bad toward the end of the summer, and you have to get outside that twenty-mile circle of death, but there is still plenty of fish. There is still plenty of fish that bite, and it’s still a very viable fishery.

Since you asked about the red snapper, I am going to tell you about triggerfish. In the northern Gulf -- Sorry, but you let me have the mic. This is personal opinion here, but, if you left the state waters of Florida open, and, Martha, don’t throw anything at me, and I’m sorry, but I don’t remember how many days, but they left the state waters open in Florida for a few days, and they caught the whole entire Gulf quota in Florida state waters.

It doesn’t take but -- I am not a scientist, but I can figure out that, hell, if you can catch them all within nine miles, there ain’t a whole lot of problem with that stock. If you went over by 164 percent in a ninety-day season, and be it it’s only a very small stock of fish, and you went way up on the size limit -- Guys, I stood up here and told this a long time ago, but triggerfish run in seven-year cycles, and that stock assessment was done on a year that it was an absolute low.

When you do a stock assessment like that on those low years like that -- If you go back and look at my GPS book, and I keep a record of all the fish that I catch, and, when you get on one of those low years, you will think that every triggerfish in that Gulf of Mexico crawled under a rock and died, because they ain’t here.

Then, about three-and-a-half years later, you can’t get away from them, and so I think the 163 percent overage is probably correct, and we’ve got tons of fish up here, and I don’t know about everywhere else, but we’ve got them, and don’t ask me nothing else, because I -- Everybody here has got to go pee, Kevin, and so, I mean, I need to get done.
MR. ANSON: Everyone else including me, Randy.

CHAIRMAN FRAZER: That’s correct. Buddy Guindon.

MR. BUDDY GUINDON: I’m Buddy Guindon, commercial fisherman from Galveston, Texas. National Standard 4 requires that allocations be fair and equitable. Fair and equitable. I guess that’s an interpretative statement. Section 303(a)(14) of the Magnuson-Stevens Act expands on that requirement.

It talks about allocations of the benefits of stock recovery between the commercial, recreational, and charter sectors. In order for such allocations to be fair and equitable, the council must consider the economic impacts of the harvest restrictions that it took to rebuild the stock on the fishery participants in each sector.

The participants in the commercial sector suffered economic impacts to rebuild the stock. When the red snapper quota was cut in half in 2007 to rebuild the stock, we complied with that reduction, and it was hard, and we suffered, and our families suffered, but the commercial sector never exceeded its quota.

By contrast, the recreational sector did not comply with those quota restrictions. In 2007, the recreational sector exceeded the quota by about 100 percent, meaning that cutting the quota in half had absolutely no effect on the recreational sector. The same trend continued for years. About every year, the recreational sector took millions of pounds of red snapper out of the Gulf more than it was supposed to. The participants in that sector, meaning the recreational anglers, suffered no economic impact whatsoever from the rebuilding of the stock.

We are not seeking any favoritism, but we are asking for basic fairness. Don’t penalize the commercial sector by taking the that course, when we were the ones that put in the work and developed an accountable management program and complied with catch cuts and endured real economic pain to help rebuild the stock. No other sector can say that, but now the recreational sector wants to penalize us and take our benefits of stock rebuilding for itself. That’s just not fair.

MSA Section 407(d)(2) says that any regulation submitted by the Gulf Council for the red snapper fishery shall contain conservation and management measures that “ensure that such quotas reflect allocations among such sectors and do not reflect any harvest in excess of such allocations”.

104
You may recall Amendment 28, and the judge said it was unfair to reallocate based on overharvesting, because, due to an IFQ program, only the recreational sector could possibly overharvest, and so, before we go down that road, we really need to look at what the regulations are and what the rules are and change them, if necessary, before you waste a lot of time moving forward.

We really need to allow continuity in the commercial fishery, and we’re throwing these things at the wall, to try to reallocate, to try to reduce the access, and, in the commercial fishery, when we started with the IFQ, the lease prices were fifty-cents and a dollar on red snapper. This year, they are $3.75 to $4.95 is the highest advertised price that I’ve seen this year, on a fish that returns $5.50 dockside value to a vessel.

If that doesn’t show that there is a need for allocation in the commercial fishery, nobody else -- I mean, there’s nothing else you can say. The guy that came up here and said that any one of the sectors in this fishery could catch 100 percent of the allocation is absolutely correct, and so why are we going to shift allocation?

Let’s fix the management problem, and let’s get them in a management system that really counts their fish, and let’s raise all boats with higher allocations. That is what really needs to be done out here, because there’s a lot of fish, and we’re not capturing that, because we don’t have the data. I hope that you’re not too mad that I ran a minute-and-thirty-four seconds over. Thank you for your time.

CHAIRMAN FRAZER: Thank you, Buddy. The next speaker is Patricia Davis, followed by Casey Streeter.

MS. PATRICIA DAVIS: I’m Patricia Davis, and I’m an Alabama resident, and I am not a fisherwoman. I was going to discuss something, actually, that has nothing to do with the federal government. After talking with Fish and Game, I think that I have all the answers that I need, and it had to do with nutria and the red algae, and so, instead, all I can say is do exactly what Buddy and Johnny say to do, and have a wonderful day, and thank you for being here.

CHAIRMAN FRAZER: Thank you, Patricia. The next speaker is Casey Streeter, followed by Mike Jennings.

MR. CASEY STREETER: My name is Casey Streeter, and I’m a first-
generation fisherman, and I own three permitted boats, one
dually-permitted boat, and I own a fish market, and I’m a
shareholder, and I just wanted to step up. It’s my first
council meeting, and I always follow on the webinars, but it’s
good to see exactly what happens here and how things are
working.

I’m a little surprised with a few things and talking about
reallocation from the commercial to the recreational sector, and
I’m really surprised to hear the fact that the need for more
fish was evident through over-catch. In southwest Florida
and central Florida, we have a massive red snapper population,
and no fisherman that I speak with wants to fish destructive,
and there’s a lot of areas that we avoid, and access to
allocation is a major issue.

With this inability to get the allocation, and because of the
price or the connection to receive it, it’s detrimental to my
business. It’s detrimental to my fish market. I mean, owning
these boats and not being able to go catch these fish and take
them to my market, where we make our real money, it makes our
business model not work, especially with red grouper being cut
back.

With the charter side of it, I am definitely in favor of the
electronic reporting, and I think accountability in the fishery
is very important, and it’s how you have the ability to continue
with business as usual, and that’s why I would like to see more
action taken with the recreational sector. They are everyone’s
fish, but it’s everyone’s responsibility to do it in a manner
that is responsible.

You see two-and-a-half-million pounds of red snapper coming
through Florida in eighteen days, and it’s dangerous. I mean,
it really and truly is to the population, and, when you look at
these landings, from what they’ve done in the past, and it was
really the first time that I had seen the landings from the
historical point, and, if it was the commercial sector, first of
all, everyone would be out of business. You would have no
permits, and there would be no one involved with it, if you were
over-catch like that, and it’s not the desire to not have
people out there fishing, just as long as they’re doing it the
most responsible way.

I am not in favor of the call-ins and being set within a certain
percentage of the actual call-ins themselves. I call in and
report my notification through a satellite phone, and so it
gives me about an hour extra to fish, and, some days, that hour
makes the day. I mean, when you’re fishing, and when you’re pulling up to spots, it’s like pulling a slot machine. You’re just waiting for that right one to catch and make the trip worth it, and so I’m definitely not in favor of that.

That’s all, and I appreciate you guys, and I know this is, after seeing it, a lot of information to take in, and a lot of people talking at you guys, and we’re grateful for the good decisions that you make for us. Thank you.

CHAIRMAN FRAZER: Thank you, Casey. The next speaker is Mike Jennings, followed by Bryan Reeves.

MR. MIKE JENNINGS: Hello. My name is Mike Jennings, and I’m a charter boat operator, and I own two federally-permitted charter boats in Freeport, Texas. I am the President of the Charter Fishermen’s Association, and I guess the first thing I want to talk about is 41 and 42, and I guess, if you all listen here today, trying -- As a Gulf-wide association, trying to get everybody on one side or the other on that thing is about as big a stretch as you can imagine.

The discussion from the association last night was to basically -- Our stance is we would like to see the council back up. Another word today was “postpone” 41 and 42, and there is some -- There is a couple of questions that are still out there, and one of them is why we haven’t moved forward with the same multispecies approach on 41 that we currently have in 42 and to work on some other things that would bring the 41 sector, or the sub-sector under 41, up to a position and an ability to work on an even playing field as we move forward with these two amendments.

We iterate that we would still like to see the sunset removed from Amendment 40, and I think that’s probably what drives this haste, when it comes to some of these other amendments, is this death sentence, as we see it, looming over our heads, and it’s silliness. Moving and trying to do something in a hurry, because you’re got an industry under the gun, or under your thumb -- Let them out from under that sunset and let everybody back up and breathe and think a minute, and maybe we’ll accomplish something that actually works for all of us.

On Amendment 50, we’re pretty clear that we would like to see the charter boats, federally-permitted charter boats, left out of state management, although we support that amendment wholly, and we would like to see you all come up with something that works a lot better for the private recreational angler, and I
think 50 can do it.

I think you all proved it, to a point, and there were some mistakes made throughout the first year of the EFP, but they weren’t catastrophic mistakes. They were a few stumbling blocks that we will all learn from, and even the states will learn from, and I think they did a better job in year-two.

We would like to see you all move forward with the historical captains permits and make those fully-transferable permits. It’s a small handful of guys. Among the biggest majority of them are fishing right beside us every day, and I actually have two in my port that I see almost daily on the water, and give them that opportunity for that transferable permit or a transfer to their children in the future that they worked hard to maintain, so it’s just not a worthless paper, and that would be nice.

I guess that’s about it. The only issue I’ve got is we would like to ask the council to, and you heard some testimony on it today too, is to move forward with the removing that crew size limit on the dual-permitted vessels. I am personally not a dual-permitted vessel, but we’ve got a few in our association, and we see it as nothing more than an antiquated rule that has no biological or enforcement reasoning behind it under today’s IFQ fishery. Other than that, I appreciate you all’s time, and thank you for having me.

CHAIRMAN FRAZER: Okay, Mike. We’ve got a question from Kevin.

MR. ANSON: Thank you, and thanks, Mike, for coming. You mentioned that there were some mistakes made in the EFP, and can you elaborate on what those mistakes were.

MR. JENNINGS: I guess what I meant by that was I’ve been hearing about some coming close to overfishing some allocations here or there or things along those lines. If I misspoke on that, then maybe I am --

MR. ANSON: All right. Thank you. For Alabama, we overshot it, but we --

MR. JENNINGS: I know that I looked at you too, and that wasn’t a personal shot, I promise.

MR. ANSON: We closed the season early, based on information, and so we were trying to be accountable.
MR. JENNINGS: I meant that as I think we’ll all learn from that, and we’ll do a better job on it next year, we as in all of us involved in this fishery. Thanks, Kevin.

CHAIRMAN FRAZER: Thank you, Mike. The next speaker is Bryan Reeves, followed by Bud Miller.

MR. BRYAN REEVES: I am Captain Bryan Reeves, owner and operator of Wild Orange Charters, which is an uninspected six-passenger vessel here in Orange Beach, Alabama, located at Zeke’s Landing. I am in support of state management for the recreational anglers, private recreational anglers, and, with that being said, I think Mississippi’s program, in my opinion, works the best.

I may be wrong, but I think it was 97 percent of the anglers reported their fish, and so their system actually works. I think the issue with the Alabama state system is people are going out there fishing, but they’re not being held accountable. They don’t have to report their fish, and, obviously, the way Mississippi is working, they are not allowed to go back out on the water until their fish from the previous trip are actually reported.

Now, with that being said, I am also in support of the federally-permitted charter boats being left out of state management. I would like to be managed under the federal side of.

As far as Amendment 41 and 42, I think that should hold off on that until more of the electronic logbook and more data is taken. Last year, during snapper season, I ran ninety-four trips on my boat, ninety-four snapper trips. If those fish were divided up equally, I would be done in a week, and so I am not in favor of that whatsoever, of 41, and I think 42 should hold off until we have historical data with these logbooks. That is the key, being able to prove what we’re catching, not just for red snapper, but for every species.

Also, I think that the five species should be included in that, the 41 and 42, the snapper, trigger, amberjack, and gag grouper and red grouper, and, also, the last thing, and not the least, is the historical captains. I think those guys deserve to have those permits changed from historical to their boat, just for the reason of their kids.

I’ve got five kids myself, and three of those five kids are looking at following in my footsteps, and, if I had a historical
license, then, when my oldest child was old enough and able to run my vessel, he wouldn’t be able to, and so that’s pretty much it, and I appreciate it, guys.

CHAIRMAN FRAZER: Thank you, Bryan. We’ve got a question from Kevin Anson.

MR. ANSON: Hi, Bryan. Thanks for coming and giving your testimony. Just to follow back up on the reporting system for Alabama, the Snapper Check, you’re right that we don’t have 100 percent reporting. It is mandatory, and we’ve been enforcing that mandatory reporting requirement, and that mandatory reporting requirement is for all recreational vessels, and so, last year, we estimate that about 40 percent of the private recreational vessels were reporting, but it was somewhere around 50 percent for charter boats too, and so, if you could help get the word out and make sure the charter boats are reporting too, that would help make that system better. Thank you.

MR. REEVES: I appreciate it, and you’re right. You’re absolutely right that we need the numbers higher, definitely. I appreciate it. Thank you.

CHAIRMAN FRAZER: Thank you, Bryan. The next speaker is Bud Miller, followed by Brad Gorst.

MR. BUD MILLER: I will be brief. I am Bud Miller from Fish and Game Scales out of Destin, Florida, and I’m the one that came with the fish scale for recreational anglers to start weighing their fish. I just wanted to give you some real quick information, I believe, and some need.

Last year, two states estimated their harvest of red snapper at 2,997,024 pounds of red snapper harvested in two states. Out of these two states, through the Freedom of Information Act and information they have published on the internet, the states reported that they weighed 11,974 pounds of red snapper, and that’s 0.003 percent of the fish that were harvested in those two states.

We can do better with best available data. We can do better. Get them to hail-out and weigh-in, and we will capture everything you need with the hail-out and then weigh-in. Thank you.

CHAIRMAN FRAZER: Thank you, Bud. The next speaker is Brad Gorst, followed by Richard Fischer.
MR. BRAD GORST: Thanks for letting me speak today. My name is Brad Gorst, and I’m from Clearwater, Florida. I manage two federally-permitted, dual-permitted charter boats in our marina in Clearwater.

I would like to start out by saying that I’m in favor of the Amendment 50 for the recreational fishery and keep the federal for-hire boats out of it. I would like to see the sunset removed and remove the crew size limit.

The historical captains permits, convert them all, for consistency and administrative purposes, and it helps everybody out. I, for one, have been in the business for a long time, fishing under other permits, and I am one of the historical permits that has been enacted before the end of this last calendar year, and so I would like to be part of the rest of the guys that got it. I have not enacted it as an insurance policy, just in case something happens.

Let’s get the ELBs moving in high gear. There is no reason to let them sit around. Let’s get them going and get some Nitrous oxide on them. The 9 percent buffer is good, and it gives us a little bit of a safety net, but it lets us fish to the maximum capacity.

Being dual-permitted, I’m not too crazy about the idea of reallocation. Again, I am managing, and there’s another thing. I just bought a bunch of quota this last year of red grouper, and I mortgaged my house, which was paid for, and my cars were paid for, and my kids are out of school, and so I could finally afford to start doing this stuff.

In a sense, I’m a new entrant, but I’m a historical entrant, and I have just now put my money up, and I haven’t built a boat yet, like somebody that didn’t have quota earlier. I am going to buy my quota first and then build the boat. It’s just my business model and the way I think it should be.

I don’t really see the reason for reallocation. Don’t penalize the program and the players that look to be responsible and staying within that program, and, if you think about it, all the resource in the commercial fishery and all the resource in the for-hire fishery ends up where? 100 percent of it ends up in the general public. They take all the fish home when they go on charters. They take all the fish home from the restaurant, and they take all the fish home from the fish markets, all over this country.
They represent that percentage of the people, that the private recreational anglers represent, and they represent the people that live on the coast. The commercial industry and the for-hire industry, we represent thirty to forty-million possible customers, and think about that ratio. I will leave it with that. Thank you.

CHAIRMAN FRAZER: Thank you, Brad. The next speaker is Richard Fischer, followed by Lisa Schmidt.

MR. RICHARD FISCHER: Good afternoon. Richard Fischer here, and I’m the Communications Manager of the Louisiana Charter Boat Association. Thank you, all, for having me here this afternoon. I am here once again to ask you all to consider the options for states to be allowed to manage its federally-permitted sector in state management.

You know, among the many concerns we’ve heard is that the majority of captains in the whole Gulf, or in some states, might not want state management, and, yes, that could be true, and so our proposition to maybe alleviate that and make it a pretty democratic process is for the council to re-word any final preferred that becomes whatever it becomes to say that federally-permitted charter operators from each state will be able to have a vote to decide if they want to be included or not.

It’s kind of a mini referendum, where we think that’s a pretty fair compromise, and it will not force any state into anything that they don’t want, and it will allow states to do what they do want.

Among some of the other concerns for the federally-permitted charter sector being in state management, we’ve heard that it will be difficult to know what state the charter captains are landing in. You know, we’ve heard a lot about private anglers having different rules in different states, because we’re obviously going to have different seasons in the private recreational piece of this, and so, if that’s the case, why is that a completely different scenario than if the rest of the Gulf is federally-managed, but Louisiana is under state control?

We are kind of a bit confused as to why that’s the reason there, but, if that is an issue, you all have been talking about these endorsements, and that’s a wonderful solution that we think would alleviate that concern.

We have also heard that NOAA Fisheries cannot prohibit
federally-permitted charter guides from fishing in the federally-set season if their state-managed season is closed, and this is true, but we have shown in Louisiana in the last few years, and, fortunately, we have struggled to reach our quota, and, therefore, the dates could be concurrent, and that’s a pretty easy solution there, we believe, for the State of Louisiana.

We have heard the different rules for captains from different states wouldn’t be fair and equitable, and, you know, I think our response in Louisiana would be that it’s not really fair to us that in other parts of the Gulf that they can take two and three trips per day for red snapper.

In Louisiana, we can’t do that, and so we feel like that’s not fair and equitable, and, when you rally break down the numbers, that is what is causing the days to be what they are. It’s the multiple trips that they can take that we can’t take that is causing us to have fewer days and reach a smaller percentage in Louisiana.

I have got several others that I’ve got to address, but I’ve only got thirty seconds left, and I do want to go ahead and touch on something that is very, very important. With the government shutdown, I’ve gotten some calls from federally-permitted guides who are concerned that their permits are expiring or did expire during the federal shutdown, and I think there’s a lot of confusion out there as to like what that means.

Are these captains at risk of losing their permits, or is it possible that, if it expires, are they going to be able to go out and fish? I know this shutdown is not what you all wanted, and it’s not you all’s fault, but I do think that it would be good to put out some kind of education to captains saying, okay, this is what is going to happen when there is a federal shutdown, and this will give you peace of mind to know that you’re not going to be operating illegally and that you’re not at risk of losing your permit.

CHAIRMAN FRAZER: Thank you, Richard.

MR. FISCHER: All right. Thank you, all, very much.

CHAIRMAN FRAZER: The next speaker is Lisa Schmidt, followed by Chad Haggert.

MS. LISA SCHMIDT: Good afternoon, council. Thank you for allowing me to speak. I am Lisa Schmidt, and I own three
commercial longline vessels out of Madeira Beach, Florida. I took over in 2015, when my husband passed away, and we’ve been talking about red snapper, red snapper, red snapper, and I’m kind of sick of that, and I want to talk about red grouper and the lack of.

Anyway, regarding 36B, please remove Action 4. Requiring fishermen to be within a percentage of their hail-in estimate punishes an entire industry just because of a few bad apples. Please focus on the few bad apples and find them. The commercial industry already has strict reporting requirements, a three-hour-hail-in requirement, and they have to notify law enforcement when they come to the dock.

In the interest of fairness, law enforcement then should also come to every recreational fishermen’s offload, and imagine that. Instead of spending time trying to find a good way to punish good fishermen, focus instead of improving recreational data.

Reallocation, why is it being discussed? The commercial sector has consistently stayed within its quota. Reallocation would not only impact current fishermen, but it will also make things more difficult for the next generation of commercial fishermen, as if it isn’t already difficult.

Reallocation also will make things harder for fishermen in the eastern Gulf, and it will increase red snapper discards, and we already are having it difficult, because we aren’t getting the red grouper that we did three years ago.

I hope that you will all listen seriously to Sean Heverin’s story, because he is a young fisherman who has worked very hard to get where he is, and he wants to continue working hard to provide fish for people to eat, fish for restaurants, so everyone can have fish, and I also hope that you listen to Jay Mullins’ story, because what he said is correct, that the red snapper has taken over the eastern Gulf. Thank you.

CHAIRMAN FRAZER: Thank you, Lisa. The next speaker is Chad Haggert, followed by Blakeley Ellis.

MR. CHAD HAGGERT: Good evening. I’m Chad Haggert, owner and operator of Double Eagle Deep Sea Fishing in Clearwater, Florida. I will make it short and sweet. Most everybody here knows what my feelings are and what I support, but I will touch real quick first here on the red grouper. I sent in the survey that went out.
In my view, fishing for red grouper off of Clearwater has declined, and what is even more scary is, without catching the legal-sized fish, I am not seeing near the number of juvenile fish.

A few years ago, on an eight-hour trip, we might throw back seventy-five or a hundred twelve to sixteen-inch red grouper, and I think we may get six or eight on most trips now, and so there is definitely something going on with those. Certain pockets of the Gulf off of Clearwater, pieces of bottom, will hold some fish, but it’s nothing like what it was, and so there is definitely something happening with that.

Amendment 41 and 42, I think they both should move forward, and I believe that 42 should be put forward to a referendum, and I believe we are ready, or close to being ready, for that. I know there has been talk that they want to get logbooks up and going for 41, and I agree that if that happens that you’re going to see a ramp-up in effort, and there was discussion a couple of years back in the joint AP meeting in New Orleans about just that.

My comment at that point was, if that’s what you want to do, then I’m going to take my two permits that hold a hundred people and seventy-five people, and I’m going to fish the hell out of them, and we’re catching them in fifty and sixty feet off of Clearwater now.

I don’t need that many fish, and I was a participant in the Headboat Collaborative, and I had allotted to me 750 to 800 red snapper, and I increased my trips in the times of the year where the demand was there for my customers, and it helped bring my slow months up even with the rest of my months, where I got a season. In June, there are people that like to fish the four to eight-hour trips, and I don’t have to run the long trips.

There is a lot of talk that they don’t think we have the votes in the headboat industry, and I say put it forward to a referendum and let’s get the votes, and, if we don’t have it, we can start working on something else. Thank you.

CHAIRMAN FRAZER: Thank you, Chad. The next speaker is Blakeley Ellis.

MR. BLAKELEY ELLIS: My name is Blakeley Ellis, and I’m the Executive Director for CCC Alabama. I will be even shorter and sweeter and to the point. I just wanted to thank all of you at
the table here, the council and the staff, for all the hard work
that you all have put into Amendment 50. I can tell you that’s
what our members and the recreational anglers now want, and
they’ve been asking for, and it’s nice to see some progress on
that, and just keep up the good work. Thank you.

CHAIRMAN FRAZER: We’ve got a question for you, Blakeley.

MR. BANKS: Did you guys have any discussion within your
organization here in Alabama about your thoughts on keeping
charter/for-hire in or out of Amendment 50?

MR. ELLIS: We have, but I think it’s pretty clear that the
charter folks in Alabama don’t want to be part of it. You know,
I wouldn’t make a statement on that, as far as an organization.

CHAIRMAN FRAZER: Okay. Thank you, Blakeley. I am going to
give one final call for Chris Garner. Is Chris Garner in the
room? Okay. I guess we’re done with our public testimony, and
I want to thank everybody for being patient and allowing
everybody the time to speak, and we will see you guys tomorrow.
For those on the council, we’re going to have a closed session.
It’s 5:16. We all need a break, and so we’ll meet in here at
5:30.

(Whereupon, the meeting recessed on January 30, 2019.)

---

January 31, 2019

THURSDAY MORNING SESSION

---

The Full Council of the Gulf of Mexico Fishery Management
Council reconvened at the Perdido Beach Resort, Orange Beach,
Alabama, Thursday morning, January 31, 2019, and was called to
order by Chairman Tom Frazer.

COMMITTEE REPORTS (CONTINUED)

SHRIMP COMMITTEE REPORT

MS. BOSARGE: Thank you, Mr. Chairman. The Shrimp Committee
Report, the committee adopted the agenda and approved the
minutes.

Draft Shrimp Amendment 18, Evaluation of Shrimp Effort Threshold
Reduction in the Area Monitored for Juvenile Red Snapper Bycatch, staff presented the document to the committee. It has been determined that this document is a categorical exclusion, and so the format is slightly different than what the committee typically sees.

The first action would modify the effort threshold on the shrimp fishery in the area monitored for juvenile red snapper bycatch, Statistical Zones 10 through 21, depths ten to thirty fathoms. The committee discussed Option b of 60 percent and Option c of 56 percent.

The committee recommends, and I so move, in Action 1, to make Option b the Preferred. Action 1 is Adjust the Target Reduction Goal for Juvenile Red Snapper Mortality in the Federal Gulf of Mexico Shrimp Fishery in Statistical Zones 10 through 21 in the ten to thirty-fathom depth zone. Option b is modify the target reduction goal for juvenile red snapper shrimp trawl bycatch mortality on red snapper from 67 percent less than the benchmark years of 2001 to 2003 to 60 percent.

CHAIRMAN FRAZER: Okay, and so we’ve got a committee motion on the board. Is there any discussion about the motion? Is there any opposition to the motion? Seeing none, the motion passes.

MS. BOSARGE: Staff reviewed Action 2, which modifies the shrimp FMP framework procedure. Two changes are highlighted, allowing a change in the ABC via abbreviated framework and allowing changes in the effort threshold via framework procedure. Staff noted that the inclusion of the abbreviated framework ABC was pulled from the Generic ACL Carryover document and put into this document, since it is a shrimp document.

The committee recommends, and I so move, in Action 2, to make the Option the Preferred. Action 2 is Revise the Shrimp FMP Management Measures Framework Procedure. The option is to revise the Shrimp FMP Management Measures Framework Procedure to allow changes to the target effort reduction goal for juvenile red snapper mortality through the standard open framework documentation process. Modify the abbreviated documentation process to allow specification of an ABC recommended by the council’s Science and Statistical Committee based on results of a new stock assessment and using the ABC control rule.

CHAIRMAN FRAZER: Okay. Again, we have a committee motion on the board. Is there any further discussion on this motion? Okay. Is there any opposition to the motion? Seeing none, the motion carries.
MS. BOSARGE: Staff will conduct a webinar to collect public comments on this document following the Shrimp AP meeting on March 21, 2019. Mr. Chair, this concludes my report.

CHAIRMAN FRAZER: Thank you, Ms. Bosarge. We are going to head on now, I believe, to the Sustainable Fisheries Committee and Mr. Diaz.

SUSTAINABLE FISHERIES COMMITTEE REPORT

MR. DIAZ: Thank you, Mr. Chair. The Sustainable Fisheries Committee Report, the committee adopted the agenda and approved the minutes.

Presentation on Update on Deepwater Horizon Open Ocean Restoration Planning, Mr. Fraga presented information on the Saltonstall-Kennedy Grant Program. Committee members requested information on how studies are funded, if the proportion of the funds generated in a specific region were used for studies in that region, and how much discretion the chair of the selection committee has in determining which studies are funded. Staff noted that there is a link to the studies that were funded in the past.

Draft Replacement of Historical Captain Permits with Standard Federal For-Hire Permit, staff presented a revised document considering the replacement of reef fish and CMP historical captain permits with the standard federal for-hire permits.

Staff noted that, as directed by the council, only historical captain permits issued prior to the October 2018 meeting would be eligible for replacement with standard permits. Outstanding letters of eligibility will be invalid as of the implementation date of this action. A newly-issued standard for-hire permit would have the same permit passenger capacity as the permit it would replace.

Dr. Crabtree noted that, for historical captains who do not own a vessel and are unable to acquire one, the mandatory replacement of their historical captain permits with standard for-hire permits could cause a hardship. Staff indicated that this action is scheduled for final action in April 2019.

Discussion and Selection of Allocation Review Triggers --


MS. LEVY: Related to that idea that we’re probably still going
to have historical captain permits, because at least one, I think, application has come in since October of 2018, and that the mandatory replacement of the historical captain permit with a regular permit might create hardship for those historical captains that don’t have a vessel and don’t have one available to put that permit on, did you want to consider making that optional, so they have some time to choose those -- I think it’s thirty-two permits that we’re considering, that those people have some amount of time to choose whether they want to keep the historical captain permit or make it a regular permit.

CHAIRMAN FRAZER: Ms. Gerhart.

MS. GERHART: We have additional information that we’ve gotten about the ownership of vessels, just so you know. There are nine vessels where the owner is not the same -- The vessel isn’t owned by the person who is the permit holder. However, of those, five of them, the corporation owns the vessel, and the person is like the president of the corporation or the major stockholder, and so that really leaves just four vessels, one of which the owner has the same last name, and so we assume there is some sort of relationship there.

In the end, there are three historical captain permits that are associated with vessels that are not owned by the permit holder in any manner, and that’s just so you know the magnitude of where we are with that.

CHAIRMAN FRAZER: Ms. Bosarge.

MS. BOSARGE: A kind of related question. For those permits, is it similar to some of our other moratorium permits, where you can put it on anything? I mean, you can put it on a johnboat if you want to, and so the second question is, if you did that though, and you put it on whatever little boat you might have, do you then though have to abide by all the reporting requirements? Would you have to put the ELB on the johnboat and have it working with the VMS and everything? Okay. All right. I’m just wondering.

CHAIRMAN FRAZER: Is there any more discussion on this issue? Okay. Go ahead, Dale, and continue.

MR. DIAZ: At this point, can we put the preferred alternative up on the board and see if we can modify that, because I would like to make it optional for the folks, if possible.

CHAIRMAN FRAZER: Assane.
DR. ASSANE DIAGNE: Thank you, Mr. Chair. I think, during the discussion of this agenda item, we mentioned that this is an abbreviated framework, and it’s a categorical exclusion, and so we don’t really have preferred alternatives, and so, if the council wanted to consider a modification to make this optional, you would just tell us, essentially, and the text will reflect that, and so there is no alternatives, per se, in the document, as we motioned in the past.

MR. DIAZ: In that case, I would like to make a motion to make the -- I am trying to think of the right word, but the replacement of the permits optional.

CHAIRMAN FRAZER: While that is going up on the board, Sue.

MS. GERHART: Just for clarification, our intention was this was like a one-time thing, and so, if this is optional, you’re saying those people, if they opt to retain their historical captain permits, that would be it, and they couldn’t come in next year and say I’ve decided now that I want to convert it, and is that what you mean by this or not, just to be clear?

MR. DIAZ: That would be my intention, for it to be a one-time -- To make the replacement of the historical captain permits with standard for-hire permits optional at the first opportunity to renew the permit, and would that do it?

CHAIRMAN FRAZER: Roy, did you want to weigh-in on this?

DR. CRABTREE: Yes, and my thought on how we would work this would be so the final rule publishes and then becomes effective, and we would say in it that historical captains have until X date to notify the Fisheries Service of whether they want this permit or keep the historical captain, and, if they fail to notify us, they would -- We would, by default, do one or the other with them, but, if they notify us that they want to keep the historical captain, then that’s it. They have got it, and it can’t be converted, and that’s what they have, but I would think we would put some date in there by which they had to make a decision.

CHAIRMAN FRAZER: Ms. Gerhart.

MS. GERHART: Assane just reminded me that, in the document, it does say that they would have two years to get a vessel to put the permit on, and so that’s actually in there.
CHAIRMAN FRAZER: Okay, and so the motion on the board is Dale wants to remove the highlighted part at this point, and is that the motion that you want to go with, Dale?

MR. DIAZ: Yes, sir.

CHAIRMAN FRAZER: Okay. Is there a second for that motion? It’s seconded by Mr. Swindell. Is there any discussion on the motion? Seeing none, is there any opposition to the motion? There is no opposition to the motion, and the motion carries.

MS. BOSARGE: Did we have a discussion also, I think, during committee where there was like one more letter than had been requested, and I guess this is for you, Roy, but I vaguely remember something about there was one more letter that you all had received to change that, and there’s this letter that gets switched over to this historical captain permit, and you had received one of them, but, obviously, you all had been closed, and so we haven’t been through the mail in about a month, and can we talk about that and how that’s treated right now in our document or if we need to do something with this or not?

CHAIRMAN FRAZER: Dr. Crabtree.

DR. CRABTREE: Yes, you’re correct that there was one captain who has a historical captain’s letter that came in after the October deadline in the amendment, and he wants to apply. Now, there is a bunch of mail in the permits shop, and it could be there is another letter or two in there, and I don’t know at this time, but I do think that one thing you need to think about is, if we get to whenever we take final action, and there is only one permit out there, do you want to just go ahead and let him in, and, if you did that, then, if the rest of these historical captains took the option of getting a regular permit, then the historical captain’s permit would be gone and off the books, which would be the cleanest way, and it does seem to me, regardless of the problem with the boat, that, if you’ve got a historical captain’s permit, I would think that you’re going to want to get a transferable permit that has value to it and deal with the boat issue somehow.

CHAIRMAN FRAZER: Ms. Bosarge.

MS. BOSARGE: I think that’s the cleanest way to handle it, too. In order to handle it that way, do we have to have a motion right now, because I have no idea what that motion would say.
CHAIRMAN FRAZER: Ms. Levy.

MS. LEVY: I mean, if you’re going to decide -- If you want to decide now that you’re going to give anybody who submits a letter, up until you take final action, a regular permit, I mean, I guess you can decide that now, and we did have a lot of discussion at the October meeting about whether that’s what you wanted to do, meaning the basis for this whole action was there were these thirty-two people who had these permits for at least -- I think the most recent one was maybe three years ago, but a lot of them for a long time.

The whole idea of giving them the regular permit, and we specifically said that nobody else is going to be allowed, because you didn’t sort of want people to speculate and come in and get their permit and never had it and then get a regular permit.

You obviously have the option to change your mind on that, but just know that, if you say that, that you are willing to give anyone who turns in their historical captain letter a regular permit, you could have up to I believe it was sixty-some people come in, and I think we had sixty letters or something like that outstanding, but that’s your decision.

CHAIRMAN FRAZER: Dr. Crabtree.

DR. CRABTREE: Could we though, Mara, say -- I mean, today is January 31. Could we say that anyone who has come in prior to January 31 is in? That would preclude the rest of these sixty permits from coming in, and it would let the one guy who has come in, and maybe there are a couple more in the mail, and we could choose some other date.

I get that we had the discussion and all of that, but I’m trying to balance that, yes, our intent was the people who were fishing would get one of these, and so there’s that, but, if it’s just one captain who gets one, I am balancing the benefit of cleaning up the permits system and taking one off the books, and so there’s an administrative gain for us by doing that, and it seems to me that there’s relatively little downside to one guy that got a permit, and so I’m trying to balance those kinds of things.

MS. LEVY: But what we said is the letters of eligibility are valid until the final rule is effective, and so you could make January 1 the cutoff date and include this one guy and anybody who came in with it, but you could still have people that come

122
in from January 1 to the effective date of the final rule and
get a historical captain permit, and so, unless you’re going to
say that anybody who comes in with the letter prior to the
effective date of the rule is going to get the regular permit,
then you can’t effectively ensure that there are going to be no
historical captain permits.

DR. CRABTREE: Okay.

CHAIRMAN FRAZER: Ms. Bosarge.

MS. BOSARGE: Just one final question. When we did all of this,
obviously this is an open and public meeting, and so, if they
were listening in and they followed the Gulf Council, they would
have known what was going on, but those people with those
letters -- Obviously we know who they are, because we know how
many letters there were, but did we send any kind of
notification to those people to let them know what we were going
to do?

CHAIRMAN FRAZER: Ms. Levy.

MS. LEVY: Well, no, because those letters are from the 1990s,
and so we don’t have any mechanism to know that those addresses
are the same and that we would be reaching the people, and so
our notice is the discussion here, and we’re going to publish
it.

The whole reason we said that you have up until the effective
date of the final rule is because they get notice, through the
proposed rule process, that this is happening, and they have up
until the effective date of the final rule to turn those letters
in for the historical captain’s permits that they said they are
entitled to.

CHAIRMAN FRAZER: Okay. Is there any further discussion on this
issue? Seeing none, carry on, Dale.

MR. DIAZ: Discussion and Selection of Allocation Review
Triggers, staff gave a presentation on the fisheries allocation
review policy and the procedural directive on triggers for
initiating allocation reviews. Staff described the steps
included in the adaptive management process recommended by the
policy and reviewed Gulf allocations subject to the policy.

Staff discussed a draft letter outlining potential review
triggers for Gulf allocations. Allocation review triggers
suggested including time-based triggers and public-interest-
based triggers that would utilize the council’s public comment process.

Committee members discussed the use of indicator-based criteria. Staff indicated that the use of public-interest-based triggers would include the consideration of relevant social, economic, and ecological indicators as an intermediate step before determining whether an allocation review is triggered.

Committee members indicated that the draft letter should include a detailed discussion of indicator-based criteria. Committee members also requested that a table providing the time intervals for the time-based criteria be added to the letter. Staff will revise the draft letter to reflect the comments made by the committee.

CHAIRMAN FRAZER: Excuse me, Dale. Robin, did you have a question?

MR. RIECHERS: Well, I do, because we got shared a draft, a re-draft, of the letter, and I have some concerns that it didn’t quite get as far as we thought, and so, with that, I’m wondering if we’re going to see it again in April.

CHAIRMAN FRAZER: Yes, the intent is to bring it back in April.

MR. DIAZ: Public Hearing Draft Generic Amendment, Carryover of Unharvested Quota, staff answered questions about the nuances of each of the options in Alternative 2, noting that the committee could select more than one option as preferred. The committee identified which species would be affected by which option in Table 2.1.2, with staff noting that the commercial IFQ components of the eligible species were excluded by the council at a previous meeting.

Staff clarified that, if Option 2e was not selected as preferred and a species managed under apportionment with the South Atlantic Fishery Management Council, such as yellowtail snapper, mutton snapper, or black grouper, was managed in the Gulf with sector allocations in the future, the SAFMC would need to agree to any carryover for those species.

This would remove the automation of the carryover process for these species, but it would also keep these species eligible for a carryover if they were managed with sector allocations in the future.

Without opposition, the committee recommends, and I so move, in
Action 1, to make Options 2b and 2c in Alternative 2 the preferred options. Alternative 2 is establish a carryover provision for managed reef fish and CMP stocks. Carryover provisions apply to stocks and stock complexes with sector allocations. Unused portions of the sector ACLs for species managed under a catch share program are excluded from carryover provisions. Carryover provisions would not apply to the unused portion of the ACL for managed reef fish or CMP stocks/stock complexes. Option 2b is which are currently overfished. Option 2c is which did not have their fishing year closed as a result of the ACL or quota being met or projected to be met.

CHAIRMAN FRAZER: Okay, and so we have a committee motion on the board. Is there any further discussion on this motion? Seeing none, is there any opposition to the motion? No opposition, and the motion carries.

MR. DIAZ: Many species managed by the council have narrow buffers between the acceptable biological catch (ABC) and the overfishing limit (OFL) and no buffer between the annual catch limit (ACL) and the ABC.

If, in a carryover year, the carryover increases the ABC equal to the OFL, and then the OFL is exceeded, overfishing will be assumed to have occurred. Fixing the amount by which the buffer between the ABC and OFL can be reduced prevents overfishing on an annual basis when the ABC is affected by a carryover.

The committee recommends, and I so move, in Action 2, to make Option 2b in Alternative 2 the preferred option. Alternative 2 is adjust the amount of the ACL to be carried over into the following fishing year by limiting how much the difference between the ABC and the OFL can be reduced. Option 2b is the difference between the ABC and the OFL can be reduced by 50 percent.

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

MR. DIAZ: Staff summarized the alternatives in Action 3. Alternative 2 allows the carryover provision to be automated through the closed framework procedure, reducing the amount of time needed to apply the uncaught harvest from the previous fishing year over to the following fishing year.

Alternative 3 allows the ABC to be specified in an abbreviated framework procedure, as opposed to through the traditional open
framework procedure along with an ACL modification, following an
ABC recommendation from the Scientific and Statistical
Committee.

Alternative 4 amounts to administrative efficiency gains across
multiple fishery management plans, making their language,
format, and in and post-season accountability measures
consistent.

The committee recommends, and I so move, in Action 3, to make
Alternative 2 the preferred alternative. Alternative 2 is
modify the closed framework procedures for the Reef Fish and CMP
FMPs to allow the Regional Administrator to adjust the ABC, ACL,
annual catch target, and quota for a stock or stock component to
account for carryover of the unused portion of the ACL (as
derived from the ABC set by the ABC control rule).

CHAIRMAN FRAZER: Okay. Again, we have a committee motion on
the board. Is there any further discussion on the motion? Any
opposition to the motion? Seeing no opposition, the motion
carries.

MR. DIAZ: The committee recommends, and I so move, in Action 3,
to make Alternatives 3 and 4 the preferred alternatives.
Alternative 3 is modify the abbreviated framework procedures for
the Reef Fish, CMP, Coral and Coral Reefs, and Spiny Lobster
FMPs to allow specification of an ABC recommended by the SSC
based on results of a new stock assessment and using the ABC
control rule. Alternative 4 is revise the framework procedures
for the Reef Fish, CMP, Coral and Coral Reefs, and Spiny Lobster
FMPs to have consistent terminology and format and to include
changes to the standard framework procedure for the Coral and
Coral Reefs and Spiny Lobster FMPs regarding accountability
measures.

CHAIRMAN FRAZER: Okay. Again, we’ll get that all up on the
board and make sure that everybody is square with that. Okay.
We’ve got a committee motion on the board. Any further
discussion of that motion? Is there any opposition to the
motion? Seeing none, the motion carries.

MR. DIAZ: Staff will conduct public hearings via webinar prior
to the April 2019 council meeting. Mr. Chair, this concludes my
report.

CHAIRMAN DIAZ: Thank you, Dale. Susan.

MS. BOGGS: Thank you, Mr. Chair. I did notice one correction
that needs to be made, and I’m not on the committee, but, at the beginning of the report, Dale, you said a presentation was made on Deepwater Horizon, but it was actually a presentation of the S-K research program. Thank you.

CHAIRMAN FRAZER: Exactly. We will make that correction. Thank you for pointing it out.

MR. DIAZ: Thank you.

CHAIRMAN FRAZER: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I just want to let you all know that we were in contact with the South Atlantic Council staff, and we’re going to go ahead and take the carryover, the generic carryover, document and have that on their agenda, so they can take a look at it, since king mackerel is in there, and we can bring up any concerns, if there are any, at that time. Thank you.

CHAIRMAN FRAZER: I think what we’re going to do here is we’re going to go ahead, and we’ll pick up in a little bit with the Reef Fish Committee Report, but I want to take care of some Other Business first and then take a break, so people can have an opportunity, that might be leaving today, to check out of their rooms, and then we’ll come back and start up immediately with the Reef Fish Report.

Mara, do you think that you might be able to provide the overview of the proposed changes to the financial interest and voting recusal for council members at this time? Thank you so much.

OTHER BUSINESS

OVERVIEW OF THE PROPOSED CHANGES TO THE FINANCIAL INTEREST AND VOTING RECUSAL FOR COUNCIL MEMBERS

MS. LEVY: This is just going to be a brief overview of the major changes being proposed to the current recusal regulations. They were published in November of 2018, and the comment period is open until March 6, and so, if the council wants to provide any comments as a body, you could talk about that now. If any of you as individuals want to provide comments, you could submit those to NMFS.

I believe that the changes are being proposed based on a number of recusal decisions that happened in the North Pacific, and so a lot of this stuff in the proposed changes I don’t think will
impact recusal determinations in the Gulf. We don’t have the same type of interest in the fisheries here that they have in the North Pacific and some other places where there are large interests in certain fishery activities.

They have a lot of formal recusal requests that get written determinations, and they had a couple of appeals of those determinations, and a lot of that has to do with how individuals are attributed and the interests of their employer that own corporations or your corporation that is owned by another corporation, and so there was a lot of attribution principles that are being addressed in this rule.

There is four proposed major modifications. The first one includes this multi-step test that NOAA General Counsel uses to determine whether a voting recusal is required, and so, right now, the regulations don’t really talk about what steps are taken, and so NOAA GC and the people that make these determinations for each council tend to follow a process, but it hasn’t been codified in the regulations, and so NMFS is proposing to actually codify this process, and I will talk about that.

The second one is to define the term “close causal link” and provide guidance on determining whether a close causal link exists, and so voting recusal is required when there is a close causal link between the council decision and the expected and substantially disproportionate benefit to the affected individual’s financial interest, et cetera, and so, previously, there was no guidance on what would be a close causal link, and so the regulations, or the proposed regulations, attempt to address this.

The third one is to include the attribution principles that are applied when calculating a council member’s financial interest in the fishery and apply a proportional attribution approach for certain financial interests, and so I’ll talk about that a little more when I get there.

The past practice has been to generally, in almost all cases, apply a 100 percent attribution principle, and so, if you have an ownership interest in a corporation, even if that interest was 10 percent, you would be attributed 100 percent of that corporation’s interest in the fishery, and there are other employment attributions and things like that, and so they’re providing what the attribution principles would be, and then they’re changing -- They’re proposing changes to the way some of that is actually done, and I will talk about that a little more.
The final thing that’s a major modification is to require that each region develop and make publicly available a recusal determination procedure handbook that will explain the procedures typically followed by the region in preparing and issuing the recusal determinations, and so each region would develop this handbook, and so it would be more transparent about what procedure that region is going to be following.

This may be more complicated for places like the Pacific Northwest. I would expect that the Southeast Region, generally, for the different councils, it would probably be a pretty simple procedure, but that’s what this would require.

A little more detail on each of these. The first one, including a multi-step test to determine whether a voting recusal is required, there is four steps, and step one is, is there a council decision, and so “council decision” is currently defined, and the definition is not going to change, and so a council decision is approval of an FMP or amendment, with or without implementing regulations, regulatory amendment, an emergency rule, or council comments on a secretarial FMP or amendment, and so that’s not going to change. That’s the first step though, because, if there’s no council decision, then we won’t have to do a recusal determination.

The second step is, is there a council member with a financial interest in the fishery affected by the council’s action, and you get that from the financial disclosure forms that you fill out.

The third step is there a close causal link between the council decision and the council member’s financial interest, and then the fourth step is, is there an expected and substantially disproportionate benefit to the council member’s financial interest?

The last two steps can be determined basically in either order, and then under that fourth step is where there is a determination of whether the affected individual has a significant financial interest that is likely to be positively or negatively affected, and it’s that significant financial interest where that 10 percent threshold comes in, and so the regulations currently have this 10 percent threshold. If we have a greater than 10 percent interest in whatever the interest is, then that’s where it kicks you into being recused, and so that’s not going to change. That 10 percent interest is still in there.
If the answer to any of these questions is no, then there is no recusal required, and so you have to have all of these to have a required recusal. Council members can always voluntarily recuse themselves if they feel like there is a perception that they don’t want to be voting on it or things like that, but an answer of yes to all of these means that you have to be recused.

The second major change would be to define this “close causal link” and provide guidance on how to determine whether it exists, and so the definition that’s proposed is that a council decision would reasonably be expected to directly impact or affect the financial interest of the affected individual, which is the council members that have to do this.

Generally, it’s likely that there is a close causal link between a benefit and a council decision for all council decisions, and so the presumption is that there is going to be some link between a benefit and a council decision for all council decisions, but the rule recognizes that there may be some instances where no impact occurs or where the chain of causation is attenuated enough that we’re going to say there is no link, and so it has these two exceptions, and they are different depending on whether the decision requires implementing regulations or not.

If something requires implementing regulations, the likelihood of there being this link goes up, because implementing regulations actually affect how the public or how the council members, as part of their participation in the fishery, would act, whereas, with no implementing regulations, that kind of goes down a little bit.

If you have implementing regulations, a close causal link exists unless there is a chain of causation that is attenuated or contingent on the occurrence of events that are speculative or unrelated or there is no real, as opposed to speculative, possibility that the council decision will affect the council member’s financial interest.

For council decisions that do not require implementing regulations, there is the link if there is a real, as opposed to speculative, possibility that the decision will affect the member’s financial interest, and so you see that the first one is that the link exists unless, and the second one is a link exists only if, and so the standards are a little bit different.

The third change is applying these attribution principles for
calculating certain financial interests, and the type of attribution principle that NMFS is proposing to apply depends on the type of ownership that we’re talking about.

If we have direct ownership -- Like I said, if you had ownership before, it was always 100 percent. 100 percent of that corporation’s interest was attributed to you, and so the proposed change is that there will be proportional attribution if the council members owns less than 50 percent of the company, and so, if you own 25 percent of the company, then you will only be attributed 25 percent of the company’s interest in the fishery, but, if you’re above 50 percent, you get the whole shebang. You get all the corporation’s interest in the fishery.

Direct employment, there is no change here. The past practice has always been to give full attribution of fishing activity if the council member is employed by a company with a financial interest, and so there is no proportional attribution. If you’re employed by the company, you get 100 percent of its interest, in terms of determining whether you should be recused.

Indirect ownership, there is a change here to that same sort of proportional attribution, and so this is sort of like the subsidiary situation, and so that, again, used to be a full attribution, but now they’re going to propose going to a more proportional determination of your interest.

Then you have parent ownership, and there is no change from the current practice, but what the current practice is is there is no attribution if the parent company owns less than 50 percent of the council member’s company, and there is full attribution if the parent owns 50 percent or more of the council member’s company, and so that’s not being changed, and so, really, the biggest change is going from full to proportional in certain circumstances of direct ownership and indirect ownership.

I realize that’s a little bit convoluted and complicated, and I have to think about it a little bit myself to understand what is happening, and I guess the comment that I will make is that we have never -- Since I have been here, we have never had to do this type of attribution principles for the Gulf. Like I said, people in the industry here don’t tend to have the same sort of complicated business corporation structures that happen in the North Pacific, and so I wouldn’t expect this to really impact recusal determinations here, but you never know. You could have a situation where the corporate structure or the employment would require -- It would make a difference.
Also, because the threshold is 10 percent in the fishery, in the Gulf, that’s pretty unlikely that one person would be attributed 10 percent of the interest in the activity. Things don’t tend to be that consolidated here.

The fourth requirement would be to develop this regional recusal determination procedure handbook, and so it would be a document that explains the typical process and procedure followed by the region in preparing and issuing recusal determinations, and other things a handbook would include is descriptions of how the fishery or sector of the fishery affected by the council actually will be identified, when recusal determinations will be prepared and issued prior to council meetings, and how the council and the public will be made aware of recusal determinations, so that everyone has a clear idea of what the process is going to be.

The proposed rule describes other changes, so that the public is encouraged to review the proposed rule for all the proposed modifications, and there’s a link to the rule in this NOAA GC report, and there is the link right there and, like I said before, the comment period is open until March 6. I will be happy to try to answer questions, and, if I don’t know the answer, I do know someone who will know, and so I would definitely send an email or something to answer the question.

CHAIRMAN FRAZER: Okay. Greg, did you have a question?

DR. STUNZ: Mara, I just have a quick question. One, if this comment period ends, and sorry if maybe I missed this, when would this -- When are you thinking this would be in place?

MS. LEVY: The comment period ends March 6, and then NMFS would have to go through whatever process they’re going to do to get the final rule together, and I don’t know what the timeline is, but I suspect it would take maybe until the end of this year, and I guess it depends on how many comments they have to respond to and whether they want to change anything they have proposed.

CHAIRMAN FRAZER: A follow-up, Greg?

DR. STUNZ: My real question is back on Slide 3 or so, where it was talking about these multiple steps that you had to answer yes to, and it was a council decision, and so is that decision any decision? For example, we make a lot of decisions, such as a preferred alternative or whatever, or make an alternative preferred, but then there’s the real decision for final action with a roll-call vote, and so is this any of those decisions, or
are these major, final decisions or what?

MS. LEVY: So major, like approval of the FMP or the regulatory amendment or the emergency rule or council comment, and so it’s the approval, which is the action on it and not making preferred alternatives and stuff like that.

CHAIRMAN FRAZER: Just a general question. I mean, I don’t know how this is going to play out, obviously, but what would be the consequences of somebody failing to recuse themselves down the road? What would the implications be, for example, on an amendment?

MS. LEVY: I am trying to find the exact language.

CHAIRMAN FRAZER: Okay. We’ll be patient.

MS. LEVY: The Act says that -- There is the piece about financial disclosures, and it basically says if you’re not in compliance with it that it’s not treated as cause for invalidation of the action. Part of the Act says that, if the council makes a decision before the -- You can review the determination, the recusal determination, and it says, if the council makes a decision before the Secretary has reviewed a determination, the eventual ruling may not be treated as cause for the invalidation or reconsideration of the Secretary’s decision.

Say somebody asks for a recusal determination and the decision was that you don’t need to be recused, and then it came back and said, well, you really should have been recused, that is not a reason to invalidate the action.

CHAIRMAN FRAZER: Thank you. Kevin.

MR. ANSON: I guess, to further expound upon that situation, if the initial recusal determination was that there was not a recusal needed and a vote was taken on an amendment, and it was a vote that was one in favor, I guess, of the amendment moving forward, and that particular individual, if it came back to say there was a recusal determination and the initial one was made incorrectly, is there any recourse, as far as coming back and invalidating that vote and then thus not -- Invalidating the passage of the amendment through the council?

MS. LEVY: I can double-check, but my feeling is no, because the provision is pretty clear that the eventual ruling may not be treated as cause for invalidation or reconsideration by the
Secretary of such a decision, and so I think it’s pretty clear that there was an initial decision and, somehow when that went up, it got changed, that is not a reason to reconsider the council’s decision.

CHAIRMAN FRAZER: Dr. Mickle.

DR. MICKLE: Thank you, Mr. Chair. Leann and I were just talking a little bit in a sidebar, and we were thinking of situational, in the future, and things are changing and things like that, but, all around the nation, there is whispers of aquaculture getting a pretty strong foothold and even potentially aquaculture representation on councils, and, with some of the large companies that I have come across in my travels, that this may be a potential, and so, just playing scenarios out, I kind of see aquaculture, if it does make its way into the council process formally, I think this could be a potential true scenario for our council, and that’s my thoughts. Thank you.

CHAIRMAN FRAZER: Thanks, Paul. Ms. Levy.

MS. LEVY: Roy made a good point with respect to your question, Kevin. I mean, the council could always come back and sort of reconsider the same thing, right, and so it may not be a basis for reconsideration by the Secretary, but then, if you felt like you wanted to revisit whatever question you sent up or whatever FMP amendment you made, and you wanted to make it again, you could do that.

CHAIRMAN FRAZER: Okay. Is there any further discussion about the presentation or the topic? All right. Seeing none, thank you, Ms. Levy. All right. Dr. Simmons, you wanted to talk about the Modernizing Recreational Fishing?

DISCUSSION OF MODERNIZING RECREATIONAL FISHERIES ACT

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I just wanted to briefly discuss the Modernizing Recreational Fisheries Management Act. Several council members and members of the public have asked what are the impacts to the council, and the short answer is we really don’t know right now.

These are some of the things that we’re doing to try to get that answer, and so just to try to answer some of those questions for you and some of the things that we’re trying to anticipate for 2019 activities, and so, right now, the executive directors want to request that Headquarters provide an overview presentation,
and that would be more of a high-level, regional management council presentation. Then, at a regional level, we’re going to ask -- I will work with Ms. Levy to try to get a presentation to the SSC about more specifically what their role may be for this act.

Then we anticipate, at a staff level, just having a discussion about it, and there will probably be more time on the SSC agenda devoted to some of these items that are in the act, and we will try to anticipate those by putting them in our 2019 activities and budget, and so that’s where I am currently with that, and we’re working on it, but we really don’t know, right now, the impacts, especially since the shutdown, and so I haven’t had a chance to really talk with Mara about it at all, and so I will stop there and see if there’s any questions or if you would like us to bring any other information, and I really don’t know the timing on it either, and so I have to work with Mara on that as well, and so thank you.

CHAIRMAN FRAZER: Thanks, Carrie, for that update. Any questions regarding that? Okay. Seeing none, I think, at this point, what we’ll do is take a brief break and let everybody get checked out of the rooms that need to be checked out of the rooms, and we will follow-up in about twenty minutes.

(Whereupon, a brief recess was taken.)

CHAIRMAN FRAZER: We’ll continue on with the Reef Fish Committee Report. Ms. Guyas, the floor is yours.

COMMITTEE REPORTS (CONTINUED)
REEF FISH COMMITTEE REPORT

MS. GUYAS: Thank you. The committee decided to rearrange the agenda to hear the summary of the January Scientific and Statistical Committee webinar first, followed by the remainder of the agenda, beginning on the morning of January 29th. The agenda was adopted as amended, along with the minutes from the October 2018 committee meeting.

SSC Summary Report, staff reviewed the summary from the SSC webinar held on January 9, 2019. The SSC discussed and approved terms of reference for update assessments for Gulf of Mexico migratory groups of king mackerel and cobia and for a standard assessment for vermilion snapper. The schedule for the vermilion snapper assessment was also approved, and volunteers were provided for the workshops associated with vermilion snapper and scamp. Lastly, the SSC approved the 2021 Gulf stock
assessment schedule, which includes a research track assessment for red grouper.

Draft Amendment 50, State Management Program for Recreational Red Snapper and Individual State Amendments, staff provided a summary of the public hearing comments and the motions made by the Ad Hoc Headboat and Charter Advisory Panels. Staff then reviewed the actions and alternatives. In Action 2 of the program amendment, the committee discussed a new alternative for dividing the quota among the states and passed the following two motions.

By a vote of fifteen to one, the committee recommends, and I so move, in Action 2 to add an Alternative 8 that would allocate the private angling annual catch limit as follows: Alabama 26.298 percent; Florida 44.822 percent, Louisiana 19.120 percent, Mississippi 3.550 percent, and Texas 6.210 percent.

Mr. Chair.

CHAIRMAN FRAZER: We have a committee motion on the board. We’ll make sure that it’s up there. Is there any further discussion on this motion? Seeing none, is there any opposition to the motion? Robin. Any other further opposition? The motion carries with one in opposition.

MS. GUYAS: By a vote of eleven to four, the committee recommends, and I so move, in Action 2, to make the new Alternative 8 the preferred.

CHAIRMAN FRAZER: Okay. Again, we have another committee motion on the board. Is there discussion? Robin.

MR. RIECHERS: I would like to move a substitute motion that makes Alternative 7 the preferred alternative.

CHAIRMAN FRAZER: Is there a second for that motion? It’s seconded by Dr. Stunz. Robin, do you want to --

MR. RIECHERS: We have put this on the record before, and I won’t put it on the record again, but certainly, as we try to work through allocations, and it’s a difficult issue, and we all know that, because of -- As history has gone through time, the percentage allocations to each state, as we looked at these state landings, has changed through time, and that’s part of what makes this difficult.

Certainly, as we have looked at changing demographics in states, looking at historical catches, those have moved through time,
but, more importantly, the reason why I think that Alternative 7 is the most appropriate alternative here, and is probably the one that we should move towards, is because, when we developed the EFPs, as I have discussed before, we really weren’t given a set of parameters in which we were all working in the same fashion, and so, within that context, we really came up with three different methods, one a biological-based method, two is some people used historical landings of a longer time series, and then some used a shorter time series.

With that, it’s just hard to look at this and believe that we have a fair and equitable approach to this, and then, on top of that, at the end of the day on the EFPs, there were some percentages leftover, and they were granted in a certain direction to one state.

All of that being said, we added Alternative 7, which basically took those percentage points at the last meeting and spread them equally amongst all the states, and I just believe that’s a more fair and equitable approach.

CHAIRMAN FRAZER: Thank you, Robin. Is there any further discussion? Martha.

MS. GUYAS: Thank you. I was just going to speak in opposition to this substitute motion. This is not a solution that our commission is prepared to accept at this point. The reason why we have this Alternative 8 here is because, in my opinion, we have a situation that’s not going to work.

Florida and Alabama have, at least this year, under the EFP allocations, have the shortest seasons, by far, and maybe even a little bit shorter next year, and it looks like ours is going to be shorter for 2019, and I’m not exactly sure what Alabama has in mind at this point, but I suspect it’s similar or slightly shorter, whereas, in the western Gulf, you guys are sitting pretty, and everybody is fishing, in some cases, twice as long, if not 365, and so I just can’t see how moving farther away from that makes -- Is fair and equitable, I mean, across the states. I understand that this is a difficult situation, and this is a negotiating game, but I can’t support this motion.

CHAIRMAN FRAZER: Dr. Crabtree.

DR. CRABTREE: I guess, Robin, if you look at just the math, you have fair and equitable, but, when I think of what is fair and equitable here, I look more at the effect of how things are distributed on the fishing seasons and access to the fishery,
and so the difficulty I have is that Alternative 7 effectively takes fish away from Florida, which had maybe the shortest season in the Gulf, but at least Alabama and Florida certainly have the two shortest seasons, and so it takes fish away from the states with the shortest season and distributes it to states with the longest seasons, and so I think it’s a matter of how you view fair and equitable.

From a larger standpoint, I think, for this to be a successful management strategy, we need to be very sensitive to how different state seasons are, because I worry, if we have some states with extremely short seasons and other states with very long seasons, that, in the long run, is going to create dissatisfaction and perceived inequities that I worry could ultimately bring this program down, and so my preference and my vote is going to be to stay with and support the committee motion.

CHAIRMAN FRAZER: I have two people in line, Martha and then Robin. Martha.

MS. GUYAS: Roy, I wanted to ask you, and I meant to ask you in committee, but I forgot. When we talked about this action at the last meeting, you had mentioned interest in trying to do an apples-to-apples comparison of the opportunities that were, I guess, given to each state, and I don’t know if it was under the EFP alternative or this alternative, but I was just wondering if your office completed that. It was essentially looking at what if everybody had the same season and how long would they be, or the same start date or something like that.

DR. CRABTREE: No, we really haven’t. We did take a quick look at the impact of weekend-only seasons versus consecutive day seasons, just looking at Florida and Alabama, and, of course, if you go with the weekends-only season, you lose, off the top of my head, I’m going to say 30 percent of your days or something like that, but we haven’t tried to look at all five states, but, if you look at the lengths of the season, for example in Texas versus Alabama and Florida, they clearly have a much longer season.

Now, I understand that there is interest in Texas in moving the season and having it a different time of year, and that may result in different catch rates and all those kinds of things, but we haven’t really looked at that.

CHAIRMAN FRAZER: Robin.
MR. RIECHERS: In closing, I mean, I agree, Roy. There is
different ways to look at fair and equitable, and I don’t
disagree with you there. In fact, another way to look at fair
and equitable, and we’ve certainly talked about it around this
table, would even be to go back to a biomass kind of approach,
and we would certainly -- If you go to the State of Texas and
listen to folks, a lot of folks will talk about why aren’t we
using that, and that’s the real biological-based approach here,
and so this is just an alternative, again, and it’s one that’s
in the document and one that we’ve talked about, and I am trying
to make it a preferred here.

CHAIRMAN FRAZER: Mr. Boyd.

MR. BOYD: A question for Martha. Martha, under the current
preferred, you have 44.82, and what would you have, in relation
to the 44.82, if we distributed under Alternative 7?

MS. GUYAS: I would have to pull that alternative up to see
exactly what it is, but -- Paul has got it.

CHAIRMAN FRAZER: Dr. Mickle.

DR. MICKLE: Under 7, it’s 43.730.

MR. BOYD: So about a point, plus or minus 1 percent.

CHAIRMAN FRAZER: Okay. Is there any further discussion on this
motion? Mr. Boyd.

MR. BOYD: One more question. Martha, what would that 1 percent
mean in days of fishing for Florida?

MS. GUYAS: Well, I guess it depends on how we structure our
season, but, right now, we’re looking at, with the percentage we
have now, which is like 45.7, roughly, we’re looking at a
thirty-two-day season, and so every little bit counts.

CHAIRMAN FRAZER: Okay. I am looking around. Does anybody else
want to weigh-in on this particular motion? Okay. I guess what
we’ll do is we’ll take a vote of hands on this one. All those
in favor of the motion, signal by raising your hand, three in
favor; all those opposed, raise your hand, thirteen. The motion
fails, and so we’ll go back to the original motion.

I will read it again. The motion on the board is, in Action 2,
to make the new Alternative 8 the preferred. Alternative 8
would allocate the private angling ACL as follows: Alabama
26.298 percent, Florida 44.822 percent, Louisiana 19.120 percent, Mississippi 3.550 percent, and Texas 6.210 percent.

Kevin.

MR. ANSON: I voted against this motion in committee, and I will continue to vote against it now. As I said in committee, it’s because it’s a process point. We’ve been told in prior alternatives that we shouldn’t be making preferreds when there is no analysis. Granted, there is little or minimal analysis that would be attributed to this, but, just on that recommendation, I want to follow it, because of process. Thank you.

CHAIRMAN FRAZER: Okay. Roy.

DR. CRABTREE: Just to point out that we’ve got an alternative in here that is Alternative 7, where the differences are extremely small, and so I would not anticipate much meaningful analysis beyond what seems to be obvious, that Florida is going to get a few more days, and the differences in the western Gulf states are so small, and their seasons are so long, that I doubt there is any analyzable difference there, and so don’t expect to see much in the analysis, because it’s so similar to what has already been analyzed.

CHAIRMAN FRAZER: Okay. Is there any further discussion on the motion? Mr. Diaz.

MR. DIAZ: I mean, I’m going to put Mara on the spot. Mara, would you weigh-in here? I would just like to know if that is indeed the case.

MS. LEVY: Well, I think this alternative encompasses percentages that are very close, or exactly the same, as those percentages in other alternatives. I mean, it’s not like this isn’t within the scope of what -- I don’t know how many alternatives are in here, but there’s a lot, with all the options that are already in there, and, if I recall, most of the analysis is qualitative, meaning there aren’t like a lot of -- There is no like this is how much money or things like that, and so, to the extent that you write more qualitative analysis, I don’t really think it’s going to change the analysis at all.

CHAIRMAN FRAZER: Mr. Anson.

MR. ANSON: I mean, I will have to go back and re-read the minutes, but my memory serves me, if it serves me correctly, is we talked about Alternative 7, and the motion was made to make
Alternative 7, at the October meeting, the preferred, and there
was comments made by Dr. Crabtree that we can’t make a
preferred, because there is no analysis, and minimal changes in
percentages at that time too between Alternative 6 and
Alternative 7, and so, again, I was just -- I am just trying to
be consistent, and I was going to use that, that it is my
rationale for not making Alternative 8 the preferred, because
there is no analysis, and the council should not be making
preferreds on alternatives when there is no analysis. Thank
you.

CHAIRMAN FRAZER: I am just going to give this a second. I’m
going to look over at Mara and Roy, and it looks like you are --
Are you looking at the minutes, perhaps?

DR. CRABTREE: No, and I think the discussion was more a you
shouldn’t, and it’s not normally what we do, and not that you
can’t, and I don’t think there is any legal -- I think the
Alternative 3 -- I mean, it was a somewhat larger shift in fish,
but I will agree that all of this last while of conversation has
been over small amounts of fish, but the thing is we’re at the
finish line here, and we need to get this done, and, if you want
to come to the next meeting and have a very complete document,
it would be easier to do that if we had preferred alternatives
on everything and we had some assurance that we’re not going to
come in at the last minute and change all of these things.

This is a balancing act, and I don’t need to look back at the
minutes. I know I have, on many occasions over the years,
argued that we should have the analysis before us, but, in this
case, I don’t see that the analysis is going to be relevant to
your decision, and we’re trying to get this done.

We were hoping to do final action now, but we’re up against the
wire, and, if we don’t get this done on time, there are going to
be some real repercussions to that, and so this is all not
absolutes. It’s all a balancing act, and, in my judgment right
now, the benefits of getting this done and getting the
preferreds and moving to the finish line outweigh the very
slight, slim chance that something might come out of an
analysis.

CHAIRMAN FRAZER: Kevin.

MR. ANSON: Well, I am just torn, I guess, that we can apply it
in certain instances and not in others, and I’m just a little
dismayed that we would have two options or two positions for
very similar items, and so that’s all. Thank you.
CHAIRMAN FRAZER: Okay. Is there any further discussion on the motion? Seeing none, we’re also going to have a show of hands on this vote. **All those in favor of the motion, signal by raising your hand, thirteen in favor; all of those opposed, raise your hand, three opposed. The motion carries.** Ms. Guyas.

MS. GUYAS: Staff reviewed the new Action 3, which would establish a procedure for allowing a Gulf state to request the closure of federal waters adjacent to state waters to red snapper recreational fishing. The committee then passed the following motion.

Without opposition, the committee recommends, and I so move, in Action 3, to make Alternative 2 the preferred alternative. Alternative 2 reads: Establish a procedure to allow a state to request NMFS close areas of federal waters adjacent to state waters to red snapper recreational fishing. The state would request the closure by letter, providing dates and geographic coordinates for the closure. If the request is within the scope of the analysis in this amendment, NMFS would publish a notice in the Federal Register implementing the closure. The closure would apply to the recreational sector component(s) included in that state’s approved management program.

CHAIRMAN FRAZER: Okay. Again, we have a committee motion on the board. Is there any further discussion of this motion? Ms. Guyas.

MS. GUYAS: The committee discussed state data collection programs, which will be used to determine each state's red snapper landings. Committee members inquired about data quality and reporting timeliness and whether the data would be comparable across state programs. Committee members expressed interest in the states providing further information on their respective data collection programs under state management.

The two-year exempted fishing permits include an overage adjustment based on 2018 landings, but do not include an overage adjustment following the 2019 fishing year. The five state amendments include a preferred alternative to establish a state-specific overage adjustment. The committee discussed linking landings under the EFPs to state management by applying an overage or underage adjustment based on each state’s 2019 landings. The committee then passed the following motion.

Without opposition, the committee recommends, and I so move, to add the appropriate language to the individual state amendments
Action 2, Post-Season Quota Adjustments, to specify that the overage/underage adjustment would be implemented in 2020 based on each state’s 2019 landings under the EFPs. Thus, each state’s quota under the first year of state management in 2020 would reflect a quota adjustment (overage/underage) based on that state’s 2019 landings.

CHAIRMAN FRAZER: Okay. 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. Kevin.

MR. ANSON: Thank you, Mr. Chair. While we’re in this section and talking about state management, there had been some discussion amongst committee members on Tuesday about the issue of currency and how the process is going to move forward and trying to look at the discrepancies between the federal survey and the state surveys in regard to quota monitoring as well as maybe in the assessment and such.

There are seven data collection programs for red snapper in the Gulf of Mexico now, and that may sound like a lot to a lot of folks, but I see it as an opportunity to kind of look and kind of double-check, if you will, the numbers that we have currently been using, or have had available to us, and so I put together some information. Bernie, if you wouldn’t mind putting that on the screen, please, but it’s to talk a little bit about the federal landings and the Snapper Check landings, and I’m just looking at Alabama here.

Hopefully it’s just to provide some further discussion as that process goes through, as far as the calibration, further discussion amongst council members and for the public, just to consider what we’re dealing with here in regard to the red snapper fishery and the red snapper population in the Gulf of Mexico.

Basically, in the body of the email, I have provided the federal landings and the Snapper Check landings with federal landings for those things that we didn’t really collect information on, and it’s for 2016, and so this is 2016 landings, and these are landings that are attributed to Alabama, but you can see in that first line there, the first row, that it has the Alabama commercial landings at 319,598 pounds, and that’s what was reported through the commercial reporting system.

Then we have the Alabama recreational landings broken down by the respective sectors, and so we have the charter, and just
note that the charter, for the information that I was looking at, didn’t break down between state and federal. It was just combined, and so just keep that in mind. It’s state charter boats as well as federally-permitted charter boats.

Then we have headboat landings that were estimated through the Southeast Headboat Survey for Alabama and then the private recreational landings there, and so that first column has the federal landings, and you have five-and-a-half million pounds that were estimated through the federal, purely 100 percent federal, reporting.

Now, below that, and you can see to the right there is the column from the Snapper Check, and so we have a combined landings there of 1.951 million pounds, and so, below that, the next row is an exploitation rate, essentially F, and we talk about F all the time, and the assessment certainly keys in on F, but that exploitation rate of 0.18 is derived from a tagging study that the Alabama Department of Conservation and Marine Resources funded through some NFWF funding in 2016.

They put out hundreds of tags of fish prior to the recreational season in that year, and, based on the returns of those tags, this is the combined F. Now, attached to this email is a published paper from that research, and so you can read it at a later date, and I will ask Bernie to send it around to the council staff, but it has some interesting tidbits in there that we’ve been talking about, or I’ve been mentioning here at the council, certainly in sidebar conversations with folks, is that, within twenty or twenty-five miles from shore, there is a lot of red snapper killing going on there, and there’s no doubt.

In fact, the Fs there are about three-times as high or more than what the target F is for the Gulf population, but, when you get outside of that twenty-five mile area, the Fs dramatically reduce, and so this is an aggregated F of all the red snapper that exist from shore out to sixty-five or whatever their habitat is, sixty or sixty-five miles, of 0.18.

There is a way where you take your exploitation rate, and you divide that into your landings, your known fish that are coming in, and you divide your exploitation rate in to get what the biomass would theoretically be, or estimated to be, off the coast of Alabama, and that’s that thirty-and-a-half million pounds off of Alabama, based on that exploitation rate at which we have information for.

Now you take that estimated state-wide biomass, and then you
apply the percentage of Gulf biomass that was estimated through fishery-independent means, primarily, that Karnauskas et al. had provided, and the council had reviewed that paper when we were talking about biomass percentages for this amendment, Amendment 50.

Alabama was estimated to have 6.3 percent of the Gulf biomass off of Alabama, and so, when you take that 6.3 percent and apply it to the thirty-and-a-half million pounds, you end up with a Gulf biomass of 485 million pounds of red snapper.

The SEDAR 52 estimate for 2015 for Gulf biomass is 116.8 million pounds, and so, if you take that difference now, looking at this method, or this analysis, if you were to assume that’s correct, and I understand there is a little sidebar information, little things that we may not be able to use that 100 percent, and this is just for discussion purposes, but now you have a biomass difference between what SEDAR estimates and using this alternative method of 315 percent higher biomass than what the SEDAR estimates.

If you look to the right column, the Snapper Check column, its estimated Gulf biomass is 172 million pounds, which more closely matches SEDAR, but there is still a discrepancy there, and so we’re still off by 47 percent there. We could be underestimating a good bit there, and so now the management target is a little less than one, but I just threw in 0.1, to kind of keep it simple with the discussion and germane to the discussion.

Now we would be looking at OFLs, potentially, of around forty-eight-and-a-half million pounds, or OFL for the purely federal data off of Alabama, versus 17.2 OFL using the Snapper Check/federal data hybrid, and so our current OFL is around fourteen million pounds, and so, just to give you some perspective there, is that there is some issues in the data, no doubt.

There is issues in the data collection system for the federal, and there may be issues in how that data is applied in the model, and so that’s all. I wanted to take the opportunity, and I took some time, yesterday evening and early this morning, to try to put this together, and it’s something that I have batted around since the last council meeting, and I’ve been thinking about it and thinking about this issue of these disparate numbers and the discrepancy between the federal and the Snapper Check numbers, and I want to get to a common currency, but I want to get it to a point that kind of reflects a little bit of
reality out there and what people are seeing.

I asked the gentleman from Wisconsin yesterday who came up what his fishing experience has been over the last five to six years, since he’s been going out, and, granted, it’s not during the snapper season itself, but he said that it’s pretty much been consistent, or maybe a little better, and I asked Mr. Boggs his opinion too, and he said it was probably consistent, or maybe the size isn’t there, but the abundance is there in the last five to six years, and so, when you look at the time series of Alabama data and the federal system, particularly as it relates to the changes that have been made and how the data is calculated, with the changes in the effort calculation or effort component and then the dockside survey component back in 2011 and 2012, around that 2012 break, everything below that was about a million-and-a-half pounds, were the landings for the private recs.

Since that time, it’s four-and-a-half to five million pounds, if not more, for the private recs, and so you see this jump, and it just doesn’t match reality. You can’t jump three million pounds of harvest, particularly in the time period when we have declining seasons, and so this is just food for thought.

Again, I mentioned this to Dr. Powers, when he came here, and he kind of smiled when I showed him the piece of paper and started talking about this, and he said, you know what, you and I are thinking the same terms. He is also thinking of these things, and he is also thinking it from that perspective on the SSC level, and he’s been talking with some NOAA folks, and they’re going to dig into some more of the details, and he’s reached out to Mandy Karnauskas, to try to get some of her information to drill it down to Alabama, to see if there can be some greater resolution than that 6.3 percent.

Again, it’s not going to solve the world’s issues here with this thing, and certainly it could be critiqued and analyzed, and I’m just throwing this out there to kind of allay some people’s fears about the state systems and about whether or not that’s going to blow up the system.

We still have to work within the ACLs that are given to us, but I certainly hope that, with the extra data, there is an opportunity for folks to kind of really look at it and throw it against the wall, so to speak, to see if it sticks, and this is just one way to kind of look at that and compare it against what we currently have. Thank you.
CHAIRMAN FRAZER: Thank you, Kevin, for sharing that, and, Bernie, if you can distribute that to all the council members, that would be great. I know we would all certainly look at it over time and take the time to try to understand it. Ms. Bosarge.

MS. BOSARGE: I just wanted to say thanks to Kevin for presenting that, and you were looking at me a lot, because I was the one having some hesitations during committee about how all of this is going to play out, and, based on what you said, I think maybe what my fear was of has been misinterpreted.

It’s not that the states -- That I fear that they’re going to fail, but it was more my fear that, if this is still under the federal purview, and I’m a voting member on a federal council, how do I know what is happening if there is -- There was nothing in the document that said, hey, you know, each year, the states will come back to this council at some meeting, maybe the April meeting or something like that, and they’re all going to give you an update of what happened during their last season.

Stuff like that, that’s the first I’ve ever seen of that. I am sitting at this table right now, and I know that there was an overrun, and, Martha, I’m not picking on you, and this is just an example of how naïve I feel about what’s going on in the different states without some sort of update, and I know that Florida had an overrun last year, and I think your season was twenty-five days last -- How many days was it, Martha?

MR. GUYAS: It was forty days, and, as I mentioned in committee, we’re adjusting -- We’re looking at a proposed season of thirty-two days to rectify that.

MS. BOSARGE: Okay. Well, see, I shouldn’t have to, in all my spare time at home outside this council meeting, try and follow what every commission in every state is doing and what they did last season and what they’re going to do this -- I don’t have time for that, and so that is what I wanted to make sure of, that, each year, we get some sort of presentation on what has changed in your data collection and what’s your uncertainty looking like, what were your catch rates last year, did you -- Yes, we’re going to get a final number, whatever that percentage of your landings was for your ACL, but I don’t want just a number. I want to understand what is happening if I’m responsible in some capacity still.

That was my fear, that all I’m getting is a number, and, hell,
we didn’t even have that in the briefing book. We got that verbally, and I had to ask Robin for his, and that’s a government shutdown issue, Robin, and I’m not faulting you for that, but I want more, and that’s what I wanted in the document, that we will get more than that, if we’re responsible for saying, hey, we’re staying on track and every state is compliant, if that is, at this level, from this voting council — I need more than a number, and that was my only fear.

CHAIRMAN FRAZER: All right. Dr. Crabtree.

DR. CRABTREE: I mean, we’ll certainly, Leann, go over the landings every year with the council, and we can go over what state seasons were and all those kinds of things, and, if you want to ask staff to put some language into the amendment reflecting that, that’s fine, but I expect, at the next meeting, we’ll go over -- We have, in the past, always come in and gone over and projected what the season is going to be and all, and now it’s a little bit different, but we will still come in at the next meeting and talk about here’s our projections and our estimate for the for-hire season, and, as part of that, we’ll look at everything, and so we can definitely do that.

Kevin, that’s interesting, and I have already forwarded the email you got down to Clay and Shannon and Mandy, and so I would be interested to see -- The one thing that gives me comfort is, when you look at this, bear in mind that there are big confidence intervals on all of these numbers. The F is very approximate, and the biomass estimate in the assessments has confidence intervals, and all these catch estimates have limited precision, and so none of these numbers are known with much certainty.

We have been dealing with red snapper recovery for a long time, and the one thing that is evident to me is that the recovery of red snapper is very robust to a lot of things, and we have continued to get assessment after assessment to show, generally, that we are further along than we thought and that the TAC has continued to go up, even though lord knows we have had our share of quota overruns over the year.

This is a robust recovery of red snapper that we’re looking at, and my personal opinion is it’s unlikely to be substantially changed by a million pounds in landings in there, and, if you think about it, the TAC right now is thirteen-and-a-half million pounds or something like that.

If you add in dead discards and potential catches by Mexican
lanchas and all the commercial catches, we’re probably removing thirty million pounds, or maybe more, forty million, and I don’t know, from the fishery, and so it’s a lot of removals going on.

When you think about a million pounds in the context of all of those, it really falls within the margin of error of all these things, but what gives me comfort about all of this is, despite all of our problems and all of our uncertainties and everything else, this recovery is very robust, and there is just no evidence that it’s sputtering or stalling out or dying out, and so, in terms of rebuilding red snapper, I think this council has a remarkable success story on its hands, and we’ve got a great fishery and a great recovery.

We’ve got a lot of management problems, and we all know that, and we’ve got a lot of allocation issues and everything else, but it’s been a remarkable recovery, and so that gives me comfort that we remain on the right path.

CHAIRMAN FRAZER: Okay. We’ve got a couple of people in the queue here. We have Dr. Simmons, Greg Stunz, and Paul Mickle, but, before we go there, I want to make sure that we address Leann’s concern here. I think I understand and appreciate that, as a council member, she feels, as she should, responsibility to make sure that we’re overseeing the fishery as we should, right, and so we can ask staff, certainly, to put in the appropriate language in the document. With that said, we’ll go to Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I just had a general question about — I think there was a special workshop that Gulf States put on in September, and they looked at some of this for all the states, and we still have not been able to get a report from that workshop. Could you get that to us as soon as you can, and can you explain when the next meeting would be or what the next steps are for that, please?

MR. DONALDSON: Certainly. The consultants received each of the state supplemental survey data, and they are looking at that, and they’re working on it. I don’t have a specific timeline of when we’ll have a report, but hopefully something in the beginning part of this year, and not later, and then there was talk that we could have a — Once that analysis has been conducted, to have a follow-up workshop later this year sometime, but I will keep you all posted when I get something more definitive.

CHAIRMAN FRAZER: Dr. Stunz.
DR. STUNZ: I wanted to add, to Kevin’s comment on his analysis here with these exploitation rates, that I think it’s extremely valuable. There is obviously something you guys know more -- All of you know around the table, with the Snapper Count going on, and the best scientists from each of your regions are participating in that, and, when we have numbers like this, and, of course, I would like to see this for all of the states, that’s going to be really valuable, in the sense of ground-truthing and having other estimates of what that population is going to look like when we generate our numbers, and so I think, Kevin, this is a very valuable exercise, and I appreciate you doing that.

CHAIRMAN FRAZER: Dr. Mickle.

DR. MICKLE: Thank you, Mr. Chair. I would like to make a motion that we make a special session meeting for the intent of going final on Amendment 50 within the third or fourth week of February. If I get a second, I will expound.

CHAIRMAN FRAZER: It’s seconded by Mr. Banks. Paul.

DR. MICKLE: Thank you, Mr. Chair. It just seems like we worked through what we need to work through, and there is some unknowns, with government shutdowns and timing, and I do have apprehension, even though Roy, yesterday, and I think the day before, mentioned that it would potentially, at this current point in time, be on track, if we went final in April, to be able to wrap it up and be initiated in January of 2020, but, again, there is a lot of unknowns, with an additional government shutdown, and, also, it shows the public that we’re very serious about this, and I understand that there might be some thought on why we’re moving so fast on this, but it’s just we’ve been chewing on this a long time, and this is our second attempt at it, if you count 39 as a full attempt.

Also, I would like more than ever to go final in Mississippi, and I think it would be huge for our little state, as far as the red snapper fishery is, but, again, I just want to show the public that we’re very serious about this. Thank you.

CHAIRMAN FRAZER: Okay. We’ve got a lot of hands, and I’m going to go first with Robin and then with Patrick and then with Greg.

MR. RIECHERS: I am going to ask a question before I make any comments. Mara, and I think I asked you this question the other day, and so I just want to confirm it again, but we can go ahead
and notice the final action for April soon after this meeting, certainly long before the next, quote, unquote, shutdown deadline that would be occurring, and so we wouldn’t run into the same situation that we ran into on this meeting, and is that a possibility, to notice it within the next five days for April, or this one, and, I mean, either way, but I’m trying to get at that whole notion of notice.

CHAIRMAN FRAZER: Dr. Simmons, to that point.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I will try to address Mr. Riechers’ question. We have to get back to the office, and we have to have the meeting, and we have to work with the Regional Office staff on what we think we can get together for the April council meeting. We have to have our staff draft committee agendas, and those committee agendas need to go to the Chairs for approval, and then we’ll start putting everything together, and the Chair and Vice Chair will approve it. We’ll do that as quickly as we can, but I don’t see us being able to do that by next week.

MR. RIECHERS: Okay, and I’m sorry. Maybe I didn’t phrase my question correctly. Can we notice final action for this particular item ahead of the full agenda being noticed, so that you’re basically saying that I’m taking final action on this in April, and we do that before we ever have an opportunity for another shutdown?

CHAIRMAN FRAZER: Ms. Levy.

MS. LEVY: I think what you would be doing is noticing the April meeting well in advance and having an agenda that only shows I guess the one day with the one action, and then you would be amending that notice to put the full agenda on within the minimum required time.

I mean, there’s nothing in the Act that -- The Act has the minimum, and there’s nothing that says a maximum, but I guess you would want to notice the meeting, and so the place, the time, the day, and so maybe you could say the week, and you would just say that, currently on the agenda, there is only this, but, I don’t know, and we would have to figure out some way to sort of let people know that we plan on updating it, just so people aren’t like, oh, you’re only deciding this one thing on this Tuesday morning or something like that.

MR. RIECHERS: But it is possible?
MS. LEVY: I have never seen it happen, but it doesn’t seem to be precluded, and so, yes.

MR. RIECHERS: Yes, and so I guess I will now make comments. Paul, this is certainly not any reflection on my desire not to move fast or anything like this, and certainly I understand your notion of notice to the public that we want to make sure that we get this done, and I want to make sure we get this done as much as anyone, with the exception of some issues I may have, but it is an expensive cost element to bring us all together, and certainly we already have the April meeting agenda, and I think, when we first started discussing this, we actually had pointed to that March or April meeting that, if we finished by then, we would be okay. Then, as we moved through time, we kind of moved up, thinking that, well, if we got it out of here in January, we would be good.

I guess I have less of the fears that you have, Paul, and especially if we can go and notice, and so, while I am not opposed to having a meeting, I am going to actually vote no to this, just so you know, but it’s because I would encourage our staff to go ahead and notice immediately that we’re going to take that final action.

I mean, when I vote no, that’s what I’m assuming that we’re doing, so that we won’t end up in a situation like we were at this meeting, and I think, because that can be done, I think that gives us the backstop of not needing that emergency meeting, or a meeting in between the two meetings.

CHAIRMAN FRAZER: Thank you, Robin. Patrick.

MR. BANKS: I am certainly in support of this. Like Paul, I want to get this done. I think the fishermen deserve it, and I think we’ve had the public meetings, and they want it to happen, and let’s get it done.

I wanted to address Leann. You guys as a council are giving us as states a tremendous responsibility, and so I respect that you want us to prove to you that, when you delegate the authority to us to do this management, that we’re going to do it correctly, and so I agree with you that we should be held -- Our feet should be to the fire to come back to this council and show you guys what we have done, so that you will feel good about entrusting us with this responsibility, and I am committed to doing that.

CHAIRMAN FRAZER: Thank you, Patrick. Dr. Stunz.
DR. STUNZ: I was just going to say, based on some of our previous discussions, if this motion were to -- I highly encourage that that third week of February is the week that we hold that meeting.

CHAIRMAN FRAZER: Ms. Guyas.

MS. GUYAS: Well, I guess it depends on when that is, and so I can tell you that I have some potential conflicts that week, like a commission meeting, and so I guess my suggestion would be, whatever date this meeting ends up being, should this motion move forward, we, I think, need to make sure that everybody can be there. I mean, we know that, at least when the state amendments get voted on, they need to pass by 75 percent, right, and so everybody in every vote is going to count, and I will just leave it at that.

CHAIRMAN FRAZER: Thank you, Martha. Mr. Diaz.

MR. DIAZ: I support Paul’s motion. Also, I don’t have a crystal ball, but I do have some fears that this past shutdown is going to back a lot of things up, and, in the future, a lot of things are going to move a little slower than they would have moved had the shutdown not happened, and I don’t know if that’s going to happen with this, but I do have fear that things might move a little slower, because there’s a logjam that has got to be cleared out, and so, thank you, Mr. Chairman.

CHAIRMAN FRAZER: Dr. Crabtree.

DR. CRABTREE: Well, I’m fine with having a special council meeting, and, when you think about the amount of time we’ve spent working on regional management and Amendment 39 and all of this, I shudder to think how much money we’ve spent so far, and so spending a little bit more to cross that finish-line doesn’t really bother me, and so I’m fine with this, and I will support the motion.

CHAIRMAN FRAZER: Mr. Anson.

MR. ANSON: Two questions. I wonder, Dr. Crabtree, and I could certainly look it up, but you may know off the top of your head, and I hate to get into politics here, but what is the current spending bill or funding bill -- When does that expire?

DR. CRABTREE: I believe it’s February 15.
MR. ANSON: Again, kind of speaking to the politics here, the threat that was made would occur probably very soon after the 15th, if nothing else transpires, and so I don’t know even if this is going to solve that problem, to be honest with you, if we’re shooting for some time after the 15th of February to hold a meeting. There still may be a shutdown.

I am torn on this. On the one hand, I am trying to remember -- I think there’s only been one, or maybe two, instances where the council had to be convened to vote on something, and it was a clunky process.

Granted, it was just one item, but there was some very extenuating circumstances, I think, that we had to convene that meeting, and so I don’t know if this really causes this to rise to the level of urgency and whether or not that raises this to under further scrutiny, I guess, for somebody to kind of say, hey, this was done and there was no emergency that was really needed, per se, as far as to save the fishery, and so, again, I’m just torn.

I am just trying to reconcile the need and the reality of the situation and the risk that we’re taking or trying to avoid here and whether or not this actually avoids that risk, and so that’s all. I’m just kind of speaking out loud right now.

CHAIRMAN FRAZER: Dr. Crabtree.

DR. CRABTREE: Well, one, whether there is a shutdown or not, you can still go ahead and have this meeting, and I will still be in attendance. We may not have other staff there, but you can still -- We can come in and vote this up.

You don’t have to have an emergency to have an extra council meeting. The council can convene when the council believes they need to convene, and so I don’t think that’s really a consideration either, and so I think where we are is the amendment, as far as I know, is largely complete, and we have this new alternative preferred that will go in it, but I think the analysis will be trivial, and so I think they can have the document ready to go, but it’s just a matter of do you want to move as quickly as you can and be done with this, or do you want to wait, but I don’t think -- I would not let the shutdown overly play into your decisions in this. That’s not something we can control, and there is just no way in the world we can know if that’s going to happen or not, but, regardless, you can still have the meeting.
CHAIRMAN FRAZER: Okay. I’ve got three people on my list right now. I’ve got Doug Boyd and then Paul Mickle and then Phil.

MR. BOYD: Mr. Chairman, a question for Carrie. If we do notice the meeting for the last two weeks of February, and we get close to that time and you find out that we really don’t have 75 percent of the voting council members that can attend, will you cancel that meeting, because it will be inappropriate, I think, to have it if we don’t have enough members.

CHAIRMAN FRAZER: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chairman. We would lose the money on the hotel if we cancelled the meeting, and so, if we decide to do this, I would like to decide on a date and know who can attend, because, if we go ahead and schedule it, we will need to submit the FRN today for February 18 or February 25, whatever day is the best for the council, if that’s what they choose to do, but I have already discussed with Kathy that, once we make that decision and we decide to have a contract with the hotel, we will lose the money on that if we cancel it.

There is a possibility that we could keep some of it for like an SSC meeting or something, but that’s not a high probability at this late date. In July of 2013, we held a special meeting in New Orleans, and it cost us $28,000, but we have the funding for the special meeting if the council wants to do it.

CHAIRMAN FRAZER: Paul.

DR. MICKLE: I guess two quick points. I am not quite sure if I should bring this up or not, but, anyway, the first point that I did want to bring up is we have a reason for the special session, and we had everyone at this table had every intent of going final at this meeting that we’re sitting at right now, and so the fact that we couldn’t, in my mind, justifies — That’s what my answer is going to be when I’m asked about why I made the motion, is to move forward that we had the complete intent on going final in January in Orange Beach, and we couldn’t because of the shutdown, with another government shutdown looming, potentially, and the unknowns, and we just — Again, that’s the justification for it.

The other one is just a friendly ask to hold up hands of who can attend the first date that was brought up, and was it the 18th? I think the 18th, and I haven’t heard anybody say, at least at this point, and can we raise our hands if we can attend the 18th, just to help Carrie out?
CHAIRMAN FRAZER: Dr. Mickle, everybody can attend.

DR. MICKLE: Thank you, all, for doing that, for efficiency’s sake, just checking your calendars real quick. Thank you.

CHAIRMAN FRAZER: We have two more comments, or questions, perhaps. Mr. Dyskow.

MR. DYSKOW: Thank you, Mr. Chair. I am respectful of all of the communication and debate we’ve had on this issue, and it all was valuable, but the Executive Director is in favor and has said we need to have a special meeting, and the Chairman has said that we need to have a meeting, and the representative from NMFS on the council has said we should have a meeting, and so I think they probably are deserving of our support to this motion and to get this project done.

CHAIRMAN FRAZER: Thank you, Mr. Dyskow. Kevin Anson.

MR. ANSON: I certainly concur with your sentiments, Mr. Dyskow, and those comments, but, just to kind of round-up some of the other comments related to the money that’s been spent on this issue, again relative to the risk and everything, $28,000 to do something that we could plan and come here and meet a few weeks, five weeks, later, that’s just -- That’s something that somebody might bring up as well, and so that’s all. Thank you.

CHAIRMAN FRAZER: Sure, and I appreciate that comment as well, and I understand there is a fiscal obligation involved, and I am willing to take on that obligation. Is there any further discussion? Ms. Bosarge.

MS. BOSARGE: Just a question. I am in favor of having a special meeting. I don’t like to put things off to the last minute, but, having said that, I want to feel good about what we’re going to accomplish in there and that we will actually finish this in there, and so I’m trying to think logistically, right, about the decisions that we’re going to make, and there is five state amendments plus the big amendment, and so I’m hearing pushback from Alabama and from Texas on this, and I don’t think you’re going to see a whole lot more in the document than you have in there right now, because we’re talking about essentially two work weeks from now that we’re going to be doing this, and so ten business days.

Tomorrow is the 1st, and so staff and NMFS will have next week and the week after, and we’re going to bring your state
amendment up, and we’re going to put that motion to go final out there, and are we going to be in a situation where you’re voting no to your state amendment and we’re all voting yes? I mean, because you --

CHAIRMAN FRAZER: To that point?

MS. BOSARGE: I just don’t want to end up in that situation. We need to be ready if we’re going to spend the money.

CHAIRMAN FRAZER: Kevin, to that point?

MR. ANSON: No, I expect that we will be able to be voting on the alternatives and making preferreds and sending it to final. As I said when I made the initial comment to the motion, it was that I’m just torn right now in trying to justify or reconcile the need for it versus the need not for it, and so I’m just trying to go through the what-ifs and the is this really a risk or is this not a risk.

Again, it’s the risk-reward type thing, and so all those things are trying to go through my head, and, again, trying to juxtapose it against the history of the council and what it’s done and then also trying to look at it realistically for future decisions the council may come to, and they will look at this as a potential rationale for having other special meetings, and so that’s all I’m trying to do, and I didn’t commit myself to one way or the other, but I’m just saying that I’m just trying to reconcile it, and I’m certainly appreciative of all the comments to the motion. Thank you.

CHAIRMAN FRAZER: I think I have one last comment by Paul, and then I’m going to try to deal with some process-oriented issues. Paul.

DR. MICKLE: Thank you, Mr. Chair. I certainly don’t want to complicate anything, but, just for efficiency’s sake and the amount of money that it does take to do something like this, and this is a question for I guess the Executive Director of the Gulf Council, is, if we go final on this with a special session, is there any way that we could save on the April meeting by going down a day or something to offset some costs that it may cause?

Can we tack on something at this meeting, potentially, this special meeting, like the historical captain permit or something we can chew into the April meeting to justify the offset of cost, because my director taught me that trick, and so at least
I felt like I should bring it up before the vote, in case we need to change the motion and tack on something, just to take a bite into the April meeting, but I certainly don’t want to complicate this motion, and so I’m just thinking out loud. Thank you.

CHAIRMAN FRAZER: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. We could look at doing something like that, but my concern is that, in April, we have a lot of things that we’re trying to prepare for final action, and we’ve had several presentations and items that were put off that could not be accomplished at this meeting that are going to get pushed to the April council meeting, making that meeting potentially longer, and so I think it would actually go the other way. If you did want to add something else and hold a special meeting, such as the historical captains or another document, we could do that, but we just need to know as soon as possible.

CHAIRMAN FRAZER: To that point, Ms. Levy, and then I have Doug Boyd and then Dale Diaz.

MS. LEVY: Just from a workload issue, meaning none of us at NMFS or the General Counsel office have looked at any of the documents since we’ve been out, and so I don’t know what I’ve looked at and what I haven’t, and we already have to revise Amendment 50 somewhat, because there’s a new alternative, and we need to put in the language that Leann was talking about, and so, to the extent you put more things on an agenda that’s going to happen two weeks from now that we all have to write, or three weeks, write and review and look at, I just feel like it’s going to -- I don’t know how doable it is, and so I would just ask that, if you wanted to add something else, that it be something that was already sort of ready to go and didn’t need a lot of work to it, because I don’t think we’re going to have time to do a lot.

We also have, even for Amendment 50, we still have to finish the codified text, and so we were in the process of doing that, and that got kind of cut off during the shutdown, and so we still have some work to do even on that.

CHAIRMAN FRAZER: Mr. Boyd.

MR. BOYD: I will be fast. Is there any consideration for the 25th, or is there just consideration for the 18th?
CHAIRMAN FRAZER: There was originally consideration, I believe, for both dates, based on some comments that I heard, but my understanding at this point, based on individual discussions with people around this table, is that we couldn’t get the full complement of council members on the 25th, and the intent here was to make sure that everybody has an opportunity to be at the table. Mr. Diaz.

MR. DIAZ: I applaud Paul’s creative thinking to try to address Kevin’s concern about expenditures, but shortening the April meeting is not, to me, a good way to do that. Getting people to and from the meeting is a pretty good expense, and, once we get there, staying to try to accomplish what we need to accomplish I think is more cost-efficient than cutting back a day, I think, if you looked at the total cost of getting everything done.

Kind of to address what Leann is talking about, I don’t know how everybody is going to vote at the end of the day, but we don’t have a Plan B. We don’t have a back-up plan. I guess we do, and we can go back to short seasons, like we had before we did these EFPs.

If, for some reason, we don’t reach a 75 percent benchmark, I would suspect that some states is going to back up and do a conservation equivalency, and, if we didn’t reach the 75 percent benchmark, it would probably be over allocation, and that seems to be the most contentious issue, but I believe there is enough votes and that people realize that we don’t have a back-up plan, and that we’ve got to have some type of allocation, and I don’t know what it’s going to be at the end of the day, but I think we’ll make progress.

I don’t know if the progress will be exactly what everybody prefers, and clearly everybody wants a delegation, and I think that’s the best way to go with this, and so, anyway, I have put a lot of thought into this, and I used this crystal ball, and we don’t have a crystal ball to know how it’s going to come out, but I don’t see where we’ve got really any other back-up plans at this point, and so I’m fine with going forward, and I feel like we’ll -- My hope is that we will finish this thing up and do the very best job we can do for our constituents and for the resource. Thank you.

CHAIRMAN FRAZER: Okay. I want to make sure that everybody understands what we’re dealing with here, and so we do have a draft agenda, if we can put that up on the board. Again, some of the rationale for zeroing in on two potential dates in February, the 18th and the 25th, both of those dates are a Monday,
and, given that this is a relatively short timeframe to notice this meeting, we want to minimize, obviously, impact to people’s personal and professional schedules. That means that people would have to leave on a Sunday and spend the night on a Sunday, and we would have a morning meeting with one single action in mind, or a single item to deal with, and that’s Amendments 50A through 50E, and we would -- Here we go.

We would start out, and we would have a typical call to order. We would have an adoption of the agenda and approval of the minutes. Then we would go through the main document, 50A, and each of the state plans. We would spend an hour on that. I think that we’re pretty close at this point. Again, I don’t have a crystal ball either, but that would bring us to about 9:45.

Then we would have a brief break, and then we would have a public comment period. We have to do that, legally, and then we would have that to twelve o’clock. If it ends sooner, we would move into the committee, and we’re looking at final action.

We would probably have a working lunch, because I recognize that people probably want to leave, and we want to make sure that there’s not a huge disruption to their schedule, and, if we can get them an early afternoon flight back to either Alabama, Texas, Mississippi, or Louisiana, then I think we’ll have accomplished what we intended to do, and so that’s the brief schedule, and I think it’s probably appropriate, and I understand where Paul is coming from, and I also understand where Ms. Levy is coming from, but I think this is the best that we probably can do. Ms. Levy.

**MS. LEVY:** I am not sure what that was in relation to, but I guess my question is, so are you planning on not meeting as a committee and just meeting as Full Council to do all of this stuff?

**CHAIRMAN FRAZER:** I think, in this particular case, that committee is the Full Council, and so I guess we would just meet as Full Council, right?

**MS. LEVY:** I mean, generally, with every meeting, it’s a committee of the whole, but the regular process is you meet as the committee, and you make motions, and then the council convenes, and you present those motions to the council and you vote on them, and so I guess I’m just trying to clarify if you intend to follow that same process to meet as a committee of the whole, go through all the stuff, make the motions and the
recommendations to the council, go through public comment, and then meet as the council and adopt those motions or not and take final action, or whether you just plan on convening as the council without a committee.

Really, having the committee gives you two bites at the apple, right, because you make motions in committee and vote on those, and then you approve them as the council, and that’s the normal process, and I’m not saying we can’t necessarily modify it, but I’m just trying to clarify what you’re envisioning.

CHAIRMAN FRAZER: This was basically based on a similar agenda from 2013, and so, at that point, I guess they didn’t meet as a committee. They met as a council as a whole, and I don’t -- I mean, again, I’m looking around, and I don’t think there’s a huge need to actually meet as a committee and then do it again. I think my preference probably would be to meet as the council. Kevin.

MR. ANSON: Just to Mara’s point, if, for process purposes, if we want to be consistent, you could do the morning, and the first agenda item there is the Reef Fish Committee, and then you could go to the Full Council at ten o’clock and public testimony, and then we come back after lunch and read the committee report at one o’clock and do Full Council, if it just needs to be that way for process.

CHAIRMAN FRAZER: Yes, and I’m not wed to either way, and so, essentially, what you’re asking for is to have a committee.

MR. ANSON: Well, I think -- Mara is here, and she can tell me if I’m wrong, but I think she’s talking about specifically just the text in the agenda and to delineate or to make notice that the 8:45 to 9:45 session will be Reef Fish Committee. Then we go to Full Council at ten o’clock. Then, under Full Council, just as we do now, we have an item under the Full Council that says, “public testimony”, and, under Full Council, we would have an agenda item that says, “Reef Fish Committee report”, and so that’s all.

CHAIRMAN FRAZER: Robin, did you want to speak to that point?

MR. RIECHERS: I appreciate the transparency with trying to show everyone exactly how the day may play out, but I will leave that to the Chair and Mara and council staff to decide, Carrie to decide, how that should be, and I would suspect there is no right way or wrong way. We can do it however you all choose to.
Again, I think the motion at hand though is just whether or not to have this meeting or not, and so let’s just -- I want to make sure, because some people have suggested that we should support it or not support it for certain reasons, and I’m just -- Again, all we’re doing is trying to mitigate risk and whether we think that risk is important enough, and I know it has nothing to do with anyone’s intention around the table, if they vote no or yes, as to how much they’re invested in the amendment and how much they want to get through this and how much they want to signal to their people, because, for the most part, private rec folks aren’t watching what we do here, and what they’re interested in is being told when they can go fish.

As long as we get that done by November or December of 2019, they’re going to be happy, and so, again, I just want to make sure that everyone understands that all we’re voting on is to have the meeting or not have the meeting.

CHAIRMAN FRAZER: I appreciate that, and so, again, if everybody is good with that, this is kind of the general structure of the meeting. If everybody is okay with us working out the details of how it needs to look, then we’ll do that. We’ll move back now, I guess, to the motion, and I think we’ve had enough discussion, and we’ll vote it up or down. Paul, are you willing to add that to the motion, the specific date?

DR. MICKLE: Yes, I’m fine with that, the February 18th.

CHAIRMAN FRAZER: Patrick, I believe you seconded this motion. Are you good with that? Okay. I think we’ve had enough discussion about this. I’m going to ask all of those in favor of the motion to raise your hand, fifteen; all opposed, one opposed. The motion carries.

CHAIRMAN FRAZER: Okay. Are there any other discussion items on Amendment 50 at this point? Seeing none, Martha, if you want to pick it up with Reef Fish Landings.

MS. GUYAS: Thank you. Ms. Gerhart reviewed the commercial and recreational landings for various reef fish stocks. She noted that the commercial landings of greater amberjack and gray triggerfish have marginally exceeded the ACL, and the 2019 greater amberjack ACL will be reduced by a payback, due to its overfished status. Recreational landings were below the ACL for gag and red grouper. However, gray triggerfish landings were over by 83 percent.

Recreational landings of red snapper by the for-hire component
were right at the ACL. Recreational landings of red snapper by
the private angling component were 13.1 percent over the state’s
ACL for Florida, 0.2 percent over for Alabama, 4.4 percent under
for Mississippi, and 0.8 percent under for Louisiana. Mr.
Riechers stated that Texas was 24.5 percent under, based on the
most recent available data.

A committee member requested the 2018 landings of gray
triggerfish from state versus federal waters and details about
which states were non-compliant with federal management for gray
triggerfish.

The committee noted that, for red snapper, a goal of the
management measures in Reef Fish Amendment 50 is to eliminate
the non-compliance issue and reduce the likelihood of the
related overages in the future. Delays in the receipt of timely
landings data was identified as a possible cause of the overage
related to recreational gray triggerfish in 2018.

Public Hearing Draft Amendment 51, Establish Gray Snapper Status
Determination Criteria, Reference Points, and Modify Annual
Catch Limits, staff reviewed draft Reef Fish Amendment 51 that
would establish status determination criteria and modify the
ACLs for gray snapper.

The committee reviewed four actions that would establish or
modify the status determination criteria and an action to modify
the ACLs. Action 1 would establish a maximum sustainable yield
proxy for gray snapper. The SSC recommended that the MSY proxy
be set at the yield when fishing at F 30 percent SPR, based on
their review of the SEDAR 51 stock assessment.

However, staff stated that the biology of the species and the
characteristics of the fishery may allow for an MSY proxy below
F 30 percent SPR, which would allow for a larger harvest for a
given stock size. However, the SSC recommended not going below
the F 30 percent SPR MSY proxy for gray snapper.

Without opposition, the committee recommends, and I so move, in
Action 1, to add an alternative. For gray snapper, the MSY
proxy is the yield when fishing at 26 percent spawning potential
ratio.

CHAIRMAN FRAZER: Okay. We’re going to put that committee
motion on the board. Is there any further discussion on this
motion? Seeing none, is there any opposition to the motion?
Seeing no opposition, the motion carries.
MS. GUYAS: A committee member expressed concern about Alternative 4 in Action 1. This alternative would allow the council to modify the MSY proxy based on an SSC recommendation after reviewing a stock assessment. This would allow for a more streamlined management approach, but the committee requested that the intent of the alternative be clarified and cautioned against allowing the MSY determination to be modified outside of the current council process. The IPT will review and clarify this language in a subsequent draft.

Next, the Committee considered Action 2, which would modify the maximum fishing mortality threshold. The committee discussed that the MFMT should correspond to the MSY definition in Action 1. They requested an alternative be added to the document that is complementary to the new alternative proposed in Action 1.

Without opposition, the committee recommends, and I so move, in Action 2, to add an alternative that the definition for the gray snapper MFMT is equal to F 26 percent SPR.

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

MS. GUYAS: The committee reviewed Action 3, which defines the minimum stock size threshold. This criterion allows for a buffer between the stock size at MSY and the stock size which the species is declared overfished and allows for some variability in the stock without automatically requiring a rebuilding plan if biomass falls below the biomass at MSY.

Without opposition, the committee recommends, and I so move, in Action 3, to make Alternative 4 the preferred alternative. Alternative 4 reads: The minimum stock size threshold for gray snapper equals 50 percent times BMSY (or proxy).

CHAIRMAN FRAZER: Okay. We have a committee motion on the board. Any further discussion on the motion? Seeing none, is there any opposition to the motion? Seeing none, the motion carries.

MS. GUYAS: Action 4 considers alternatives to define optimum yield. This is a long-term value required by the Magnuson-Stevens Act that is based on MSY, but reduces the harvest to account for relevant economic, social, and/or ecological factors.
Without opposition, the committee recommends, and I so move, in Action 4, to make Alternative 2, Option 2c the preferred alternative. Alternative 2 is set an OY for gray snapper that is the long-term yield that implicitly accounts for relevant economic, social, or ecological factors by fishing at, and Option 2c is 90 percent of FMSY proxy.

CHAIRMAN FRAZER: Again, we have a committee motion on the board. Roy.

DR. CRABTREE: Just to point that we normally set OY at 75 percent of MSY, and maybe we’ve done 90 percent before, but I can’t think of when we have, and one of the things -- I mean, we talked a lot about how uncertain this assessment is, yet, when you look at the ABC relative to the OFL, they are really close to each other, which tells me that, when they evaluated the scientific uncertainty, they were underestimating the variance in the assessment, and I’m not going to make a substitute motion, and I’m not going to vote against this or anything now, but I do think that’s something we ought to think about, whether we really want to do this, and I hope, at the next meeting, before we take action on this -- We should have Clay back, and I think it would be worth having him address some of that, but we are going to need to have some rationale for why 90 percent is appropriate here when we normally use something else.

CHAIRMAN FRAZER: Okay. Any further discussion? Seeing none, is there any opposition to this motion? Seeing none, the motion carries.

MS. GUYAS: Finally, the committee considered alternatives that would modify the ACLs for gray snapper based on the 2018 stock assessment. The committee considered the range of alternatives and discussed the need for an alternative based on the yield when fishing at 26 percent spawning potential ratio that was added to Action 1.

Without opposition, the committee recommends, and I so move, in Action 5, to add a new alternative that mirrors Alternative 2 and Alternative 4 using F 26 percent SPR.

CHAIRMAN FRAZER: We’ll put that committee motion on the board. Any further discussion? Ms. Bosarge.

MS. BOSARGE: I was just going to say, you know, I had some hesitancy about this during committee, but, after listening to the public testimony, I think we need to be as liberal with the fishermen as we can on this one, because of the uncertainty in
that assessment, and the assessment doesn’t really match what
all the different sectors of fishermen are saying out there on
the water, and so I will support this, and I will say though
that I was -- I’m pretty sure that I was at this SSC meeting,
and it kind of follows Dr. Crabtree’s logic.

They suggested that 30 percent SPR, because, generally speaking,
we use that for many of our species, and we stepped outside the
realm and went lower than that with red snapper, and I just have
hesitancies about creating a trend of doing that. You know, I
tend to be more conservative than that, and so I like the 30,
but, in this case, I am going to support this.

CHAIRMAN FRAZER: Thank you, Leann. Mr. Swindell.

MR. SWINDELL: Leann, I don’t remember exactly why we went to
the 26 percent instead of the 30, when the SSC recommended 30,
and do we have any reason for that, that you know of?

CHAIRMAN FRAZER: Ms. Bosarge.

MS. BOSARGE: This motion is to add an alternative. The SSC, if
my memory serves me correctly, recommended that 30, and they
looked at a range, and they said that, just below that 26,
you’re getting into some territory you really don’t want to be
in.

We have 30 on a lot of our other species, and they recommended
staying with 30, sort of like what we just talked about with an
OY, where, on a lot of our species, we’re at 75 percent, and yet
we’re picking one that’s 90, something we just want to look at.

In committee, I spoke against this a pretty good bit, and my
comments were just saying that I listened to the fishermen
during public testimony, and it sounds like this stock of fish
is pretty healthy and in good shape, and there is a good bit of
uncertainty in the stock assessment, and so I would rather
actually be a little more liberal and err on the side of giving
the fishermen what we can give them in this scenario, and that’s
my rationale for going to 26, when it’s not typically what we
do.

CHAIRMAN FRAZER: I would just like to remind folks that this is
simply the addition of an alternative, and it’s not a preferred
at this point. Is there any further discussion? Okay. Seeing
none, is there any opposition to the motion? Seeing none, the
motion carries.
MS. GUYAS: Draft Options: Red Grouper Framework Action, staff reviewed the purpose and need for the framework action, noting that it is in response to both the recent decrease in landings for red grouper and the interim analysis on the health of the stock provided to the SSC by the Southeast Fisheries Science Center.

Two alternatives to the current combined commercial and recreational ACL of 10.77 million pounds gutted weight were provided. ACL equal to 4.600 million pounds gutted weight, which is based on the SSC’s recommendation from the interim analysis, and the ACL equal to 4.154 million pounds gutted weight, which is based on the combined landings from 2017.

When requesting the emergency rule from the NMFS, the council requested that the emergency rule set the ACL for 2019 at the lower of 4.600 million pounds or the landings from 2017. NMFS indicated that the ER would reflect 4.154 million pounds ACL for 2019, and that the proposed rule should publish in April of 2019.

The committee decided to reflect the action taken in the emergency rule, with the goal of revisiting the red grouper ACLs and annual catch targets after receiving the results of the SEDAR 62 stock assessment in late summer 2019.

Without opposition, the committee recommends, and I so move, in Action 1, to make Alternative 3 the preferred alternative. Alternative 3 is modify the red grouper ACLs and ACTs based on the combined landings from the 2017 fishing season. Allocations and the recreational ACT are applied as appropriate.

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

MS. GUYAS: Staff plans to bring the framework action back to the council for final approval in April 2019. Draft Amendment 36B, Modifications to Commercial IFQ Programs, staff reviewed the recommendations from the Ad Hoc Red Snapper/Grouper-Tilefish IFQ AP and a statement from the Law Enforcement Technical Committee regarding estimated weights in landing notifications.

The committee discussed the purpose and need and the actions and alternatives in the amendment. The committee discussed access to quota and short and long-term participation in the fishery. The committee passed the following motion.
With three opposed, the committee recommends, and I so move, to add language to the purpose and need section that states the purpose will be to increase access to shares to actively fishing eligible commercial fishermen.

CHAIRMAN FRAZER: Okay. We’ll get the motion on the board. It’s a committee motion. Is there any further discussion on this motion? Seeing none, is there any opposition to the motion? Seeing none, the motion carries. Ms. Bosarge.

MS. BOSARGE: Is that the end of that section, 36B?

CHAIRMAN FRAZER: Yes, it is.

MS. BOSARGE: Okay. Well, I just kind of wanted to bring back up for discussion here -- I sort of outlined a possible scenario where we would go with this document, and my scenario was to streamline the document so that we would retain that first action item, the first decision point, where we decide do you have to have a permit in order to own shares, and there is some sub-options in there with dates and stuff like that, and then to have some decision point on that quota that we reclaimed already from the inactivated accounts, and my personal hope as to what we would do with that handful of pounds of red snapper would be to -- It’s in NMFS’s hands now, and to allow eastern Gulf grouper fishermen that have little to no red snapper quota to apply for that and that those poundages be doled out by NMFS to deal with some bycatch of red snapper, and I think that’s a good conservation goal for those handful of pounds, and I’m not sure what else you can really accomplish with those few pounds of red snapper.

It’s not enough for new entrants, but I wanted to have a discussion and get some feedback from you all if you are comfortable going in that direction with that document, but it’s just been going on and on and on, and I want to see us come to fruition on something and get some closure at some point.

Those, to me, seem to be two things that we could actually make progress on and make some small improvements, but it would be a much more streamlined document that would come back to us if it just comes back with those two action items, and so I wanted to open it for discussion and see what the council thought about that.

CHAIRMAN FRAZER: I am looking around the table. Mr. Riechers.
MR. RIECHERS: Well, I think what’s going to come back is whatever was changed in committee and whatever we then vote on here at the Full Council, and so, while I may or may not agree with the approach you want to take at the next meeting in dealing with this document, I mean, the simple fact is either we’re going to deal with it here in Full Council and walk through every item again and decide what stays or what doesn’t or we’re going to deal with the committee report and vote that up or down.

CHAIRMAN FRAZER: Ms. Bosarge.

MS. BOSARGE: Yes, and so what I’m saying is I was going to float a motion that would essentially say -- That would instruct staff to bring us back a document and bring that document back to us at the next meeting with the first action item and the action items that will address the undistributed reclaimed quota and that’s it, not go through the document and say, okay, now move this to Considered but Rejected and move this and move this, but direct staff to bring it back with those options only, and the rest would be out of the document and in Considered but Rejected. To me, that seemed like the more streamlined approach to going through this, and so that’s what I was trying to get feedback on.

CHAIRMAN FRAZER: I’ve got a couple of questions, real quick, myself, but let me let Susan ask her question, and then I’m going to try to get Ava to weigh-in on this a bit.

MS. BOGGS: I was just going to say, if Leann makes the motion, I would support it.

CHAIRMAN FRAZER: I certainly think that there’s going to need to be a motion here, but, Ava, do you have some thoughts on this?

DR. AVA LASSETER: Whatever you guys decide, as far as what you want to include in the document, we will respond.

CHAIRMAN FRAZER: Ms. Gerhart.

MS. GERHART: I just have some questions about what exactly this second action is that you’re looking for, but maybe I should wait on the vote on whether to include it or not.

CHAIRMAN FRAZER: Leann, do you want to go ahead and then -- It sounds to me like what we would need is to articulate a motion here, right? I think we’re all done with this section, and so,
if you want to put a motion out there, Leann, now is the time.

**MS. BOSARGE:** I will tell you what. Ava, I am going to try and float a motion, but I’m going to look to you to assist me to make sure that whatever I put up there is clear to staff, okay? To direct staff to bring back Amendment 36B with Action 1 and Action 2, and, under Action 2, to have options for distributing the reclaimed red snapper quota --

**DR. LASSETER:** Shares. The reclaimed shares.

**MS. BOSARGE:** Reclaimed shares to address eastern Gulf bycatch of red snapper. Would that be a clean-enough motion, Ava, for you all to understand what you would bring back?

**DR. LASSETER:** Just to clarify, how I interpret that is that those are the only actions that would be included in the document. Now, the bit about distributing reclaimed shares to address eastern Gulf bycatch of red snapper, we may need additional sub-actions to address how to operationalize that.

**CHAIRMAN FRAZER:** Ms. Bosarge.

**MS. BOSARGE:** Yes, and that’s what I was trying to accomplish when I put the “under Action 2”, which addresses those reclaimed shares, to have some options for distributing the reclaimed shares to address eastern Gulf bycatch of red snapper.

In that action item, if we decide not to address eastern Gulf bycatch, there is already actions there that would just distribute it back out to current shareholders and all that kind of stuff, and so there’s other ways to deal with it, but as long as that eastern Gulf bycatch is added in there.

**CHAIRMAN FRAZER:** Mr. Boyd.

**MR. BOYD:** I guess a point of order. We don’t have a second for that yet, and so I will hold my question.

**CHAIRMAN FRAZER:** As soon as we get the motion squared away -- Are you happy with the motion as it exists on the board now?

**MS. BOSARGE:** Yes.

**CHAIRMAN FRAZER:** Is there a second for this motion? It’s seconded by Mr. Sanchez. Mr. Boyd.

**MR. BOYD:** A question for Leann. If I am understanding what you
want to do, any other actions and alternatives in the document will be removed as if they were considered but rejected, and is that correct?

MS. BOSARGE: Yes.

MR. BOYD: I have a follow-up question then to ask Ava. How many other actions are there? I haven’t pulled up the 36B to look at whatever we have already agreed on and not agreed on. How many other actions and alternatives are there that we’re fixing to just delete?

CHAIRMAN FRAZER: Ava.

DR. LASSETER: Okay, and so the way it’s set up now is there is multiple sub-actions, and so I would have to go through and count each one of those, but some of that would have to be retained in order to execute this alternative to distribute those shares to the people in the eastern Gulf, and so it would be restructured as Action 1 and 2, but you would still have some additional sub-actions.

It would be more like a document restructuring, in one point, because you would still need additional sub-actions to actually do that, and I also believe that we would still have to put everything that we do take out into Considered but Rejected, because this is now an amendment, but I could quickly go through the actions, if you would like me to do that.

CHAIRMAN FRAZER: Okay. We’re going to go to Ms. Levy and then Ms. Gerhart and then Robin.

MS. LEVY: Well, so, you’re going to keep Action 1, which is the program eligibility stuff, and then also includes the divestment of shares, if you change the program eligibility, and you’re going to keep Action 2, which has the distribution of reclaimed shares, but part of that action is to establish a quota bank, which is Action 3, which it seems like you want to get rid of.

It’s a little bit -- A lot of things in here are intertwined, meaning, if you pick one action, it leads to another action, and so, unless you’re going to get rid of the option to have a quota bank under Action 2, we still need Action 3, because there is no way to do the quota bank if you actually pick that as the thing you want to do to distribute the reclaimed shares, if that makes sense.

CHAIRMAN FRAZER: Mara.
MS. LEVY: Well, and then Action 4 is that sort of stand-alone weight accuracy requirement, right, and so, if you get rid of that, it wouldn’t affect anything, but all the other three actions are intertwined, in some respects, and so you kind of have to -- I don’t know that we could get rid of Action 3, unless you modify what’s in Action 2, is what I was saying.

CHAIRMAN FRAZER: Okay. Sue.

MS. GERHART: I had a similar question. If the intention is to remove the idea of a quota bank altogether, then we would just remove Alternative 4 from Action 2, and that’s your intention? Okay, but then I think what both Ava and Mara were trying to say is that a lot of the things that were in Action 3 about the quota bank will need to be reorganized to fall under this new idea that you have, because there are things like how do we decide who is eligible to get this.

If we have more people wanting than we have the shares, how do we determine which people get that? How do we do that distribution? Are we going to put a limit on how much each person can get? There are those things that are there under Action 3 that also will apply in this case.

Another issue is that we have reclaimed shares for all the different categories and not just red snapper, and so we still would have to decide what to do with those other ones, and certainly we could structure the action to talk about the other ones versus red snapper, if that’s how you want to do it, and so just keep that in mind, but I just wanted to really clarify that you’re trying to get rid of the quota bank.

CHAIRMAN FRAZER: Ms. Bosarge.

MS. BOSARGE: I will respond to it, but we might as well just withdraw the motion, and we’ll go through this document again next time, and hopefully we’ll actually make some progress and make some decisions, because I’m ready to make some decisions, instead of talking, talking, talking.

Yes, it was my intention to get rid of the quota bank, and you’re correct. In other words, those shares would go to NMFS, and, if you want me to tell you what my crystal ball was going to say, any grouper shares, just -- We’re not going to worry about that. That stock is in a bad situation, and you really don’t need to issue them. Just let them swim.
Then, the red snapper, it was my intention to have it at NMFS. It’s not a quota bank. You will take applications for people that meet the requirement, which is you fish in the eastern Gulf, and you own little to no red snapper, or you can say no red snapper shares, and you apply, and NMFS will make sure that you meet the requirements, and, based on how many applications there are, divide it up that way.

That is how many shares or pounds or whatever that each person gets, and the rest of the document will go away, and we can actually make some progress and do some good, but, obviously, that can’t be accomplished through this motion. I am going to withdraw the motion, but, at the next meeting, I really want to make some progress.

CHAIRMAN FRAZER: Okay. We will consider the motion withdrawn. Chris Conklin.

MR. CONKLIN: Thanks. It seems like the easiest thing to do, from outside looking in, would be to take the red snapper, the amount of pounds, and, instead of having to worry about who can get it and who can’t, you just make an eastern Gulf -- A small trip limit that would encompass the majority of the trips, and it would still create a lot of discards, but it would allow fishermen to split up the fish on that side of the Gulf and at least bring a little bit in, but that’s just me.

CHAIRMAN FRAZER: Thank you, Chris. That’s something to think about when we bring this back at the next meeting. All right. Is there any other further discussion? Seeing none, carry on, Martha.

MS. GUYAS: Review Draft Options of Red Snapper Reallocation Document, staff presented the revised objectives of the Reef Fish Fishery Management Plan. The committee then made the following motions.

Without opposition, the committee recommends, and I so move, in Table 1.2.1, Objectives of the Fishery Management Plan for Reef Fish Resources in the Gulf of Mexico, Post-October 2018 Council Meeting, to revise Objective 2 to read: To achieve robust fishery reporting and data collection systems across all sectors for monitoring the reef fish fishery which minimizes management uncertainty.

CHAIRMAN FRAZER: Okay. We’ve 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
Without opposition, the committee recommends, and I so move, in Table 1.2.1, to add an objective to promote and maintain accountability in the reef fish fishery.

MS. GUYAS: If the Reef Fish Committee motions are approved by the Full Council, the new Reef Fish FMP objectives would be stated as seen in Table 1 of this committee report. I am not going to read each of those motions, but I don’t know if we need a minute to eyeball them, or objectives, rather, and not motions. Okay.

Staff reviewed the draft purpose and need before presenting draft options for reallocation of red snapper between the commercial and recreational sectors. Staff noted that the committee should focus on the timeframes in Options 1 and 2, as Marine Recreational Information Program data recalibration may affect the listed percentages.

Dr. Crabtree noted that the document will need to consider when reallocation would be in place, such as following the acceptance of the next stock assessment. The committee then made the following motions.

With one opposed, the committee recommends, and I so move, in Action 1, to add additional sub-options to Options 3 and 4 that would include percentages on historical distributions as determined in Options 1 and 2.

MS. GUYAS: Without opposition, the committee recommends, and I so move, in Action 1, to add an option that uses historical landings between 1979 and 2006.

CHAIRMAN FRAZER: Okay. We’ll put this committee motion on the board. While we’re doing that, is there any further discussion? Seeing none, is there any opposition to this motion? Seeing none, the motion carries.
MS. GUYAS: Staff then presented draft options for reallocation of red snapper between the private angling and federal for-hire components. Staff noted that the committee should focus on the timeframes in Options 1 through 3, as MRIP data recalibration may affect the listed percentages.

Ms. Levy asked the committee to consider whether it is appropriate to include 2017, since the Department of Commerce reopened the private angling season for additional days. Dr. Crabtree noted that the percentages based on the preferred timeframe under Amendment 40 would be affected by the MRIP data recalibration. The committee then made the following motion.

With two opposed, the committee recommends, and I so move, in Action 2, that Options 1, 2, and 3 have a terminal year of 2016.

CHAIRMAN FRAZER: Okay. We have another committee motion on the board. Is there any further discussion of the motion? Mr. Boyd.

MR. BOYD: Thank you, Mr. Chairman. During committee, I asked to have the motion that established this action to be re-read, and we went through that. The spirit of that motion was to revisit the allocation that was addressed in Amendment 28, and, as Dr. Crabtree said, there was considerable consideration of the MRIP numbers.

We had a lot of discussion about the court ruling and the possible misunderstanding by the court of what we were trying to do and the fact that we did not think, as a council, that this was unfair.

We saw the scoping document at the last meeting. Between the scoping document and this draft options paper, staff added several sections, and one of them was the purpose and need, which I would like to revisit at the next meeting, and I won’t do that right now, but they also added, in 2.2, an Action 2, which put in an allocation provision for between for-hire and private recs, and that was not the original intent of the motion.

What we have now is we’re working on Amendment 50, and Amendment 50 is concerned with private rec and for-hire allocations, and we have the possibility that, with this, we could have some problems in Amendment 50, and so I would like to give you a substitute motion that we delete Action 2 in 2.2. That’s the motion, if I can get a second.
CHAIRMAN FRAZER: It’s seconded by Susan. Doug, did you want to talk about this a little bit more?

MR. BOYD: Well, I think I just did. We have had all kinds of discussions, and Dr. Crabtree has said, many times since the court case came down, that there was the possibility of a misunderstanding of what we were trying to accomplish and that we were trying to allocate based on new MRIP numbers and not necessarily just arbitrarily allocate based on economics or anything else, and so he recommended that we revisit, and that’s what we’re trying to do here.

There was no intention to revisit the Amendment 40 allocations, and so, for that reason, I would like to take this out of this document, so that we don’t go through a process to revisit the Amendment 40 allocations at this point, and that doesn’t mean you don’t want to at a later date, but just taking it out of this document, and, if you did want to do that at a later date, you could start a new amendment.

CHAIRMAN FRAZER: Roy, did you want to respond to that?

DR. CRABTREE: Yes, and I’m fine with that, and that Amendment 40 allocation has only been in place for a few years now anyway, and so I’m fine with that, but I think everyone needs to understand that the -- While we leave the baseline years in place, the landings during those baseline years will change, and so the actual percentages will change even if we leave the baseline years the same, right, and so those numbers will still be affected by the landings update, and I don’t know if -- We’re going to have to figure out how to reflect that in what’s on the books.

CHAIRMAN FRAZER: Ms. Bosarge.

MS. BOSARGE: I thought the discussion during committee is that we’re going to do this without a lot of numbers, and it’s mainly percentages that we’re looking at, and we’re doing this now to be proactive, because we have a new stock assessment coming out in 2022 that we anticipate there will be some recalibrations of numbers by then, and that’s all going to go in that stock assessment, and we want to be prepared, when the new numbers come out, that we have changed some things to be ready for that.

Well, that recalibration is going to affect the differences between private and for-hire too, and so why would you only address one part of the equation in this document, and then you
get this stock assessment out, and you’re not ready and prepared to deal with the differences in for-hire and private.

CHAIRMAN FRAZER: Dr. Crabtree.

DR. CRABTREE: I think all this motion would say is you don’t want to revisit the timeframe that the allocation between private and for-hire is based on, and my read on that is because we just put that timeframe in place very recently, and we don’t believe it’s out of date and things.

We still, when we get the new assessment and the new landings though, we will still have to address -- We will have to figure out some process as to how to address the actual percentages, because those then will determine the magnitude of the sub-quotas, and we’ll have to ask Mara and staff to advise us on how we do that, and so I’m just reading this meaning that we don’t want to revisit the time series question, but it’s not saying that we aren’t going to make an adjustment to the landings history, and, therefore, that adjusts the actual percentage.

Now, in the case of the recreational and commercial, my judgment is the general feeling is that time series is out of date, and two of the years in that relatively short time series aren’t supported by the survey anymore, and I think probably some people feel that that time series is too old to be particularly relevant, and so I think there’s a lot more need to revisit the commercial/recreational basis of the allocation than there is to revisit the for-hire/private basis of the allocation.

CHAIRMAN FRAZER: Ms. Bosarge.

MS. BOSARGE: I guess I see this discussion about what years are used and what happened in those years as bigger than just an adjustment to landings, and that’s why I feel they should all be in here and looked at right now, because the question is, okay, yes, those were the landings for that year, but what happened in that year? What caused some sectors to be under and some to be over?

I think that’s the basic decision that we’ve got to have around this table. You wanted to throw out 2017 because there was a huge overrun and because, that year, the management was set by somebody other than this council, but those are the bigger, overarching discussions that we need to have as we’re talking about what years are we going to use and what parameters are we going to use to say to include that year or don’t, and that needs to be a discussion that covers everybody. We don’t need
to make one set of rules for this allocation and another set of rules for another allocation, because it’s all intertwined. It’s all the same species.

CHAIRMAN FRAZER: Martha.

MS. GUYAS: I guess the question is, since we just had this conversation just a few years ago, I guess, about private angling and federal for-hire, and I think we did that. We went through, and we picked the years, but the question is are we still comfortable with those years? If the answer is yes, then I think you would support deleting Action 2. If the answer is no, and you want to revisit them, then you would keep Action 2.

CHAIRMAN FRAZER: Okay. Any further discussion? Let’s vote on this substitute motion. I guess I don’t have a real good read on where everybody is going with this one, and so, all those in favor of this motion, the substitute motion, signify by raising your hand, thirteen for; all those opposed, signify by your raising your hand, three opposed. The motion carries. Okay, Martha.

MS. GUYAS: Ad Hoc Reef Fish Headboat Advisory Panel Meeting, staff presented a summary report for the December 11, 2018 AP meeting. Staff noted that the AP members discussed the decision tool built to estimate individual initial allocation for the species included in Amendment 42. Staff presented the motions approved by AP members.

Ad Hoc Red Snapper Charter/For-Hire Advisory Panel Meeting, staff reviewed the summary for the meeting of the Ad Hoc Red Snapper Charter AP. The committee discussed with Captain Green, the AP Chair, if it would be productive to convene another joint meeting with the Ad Hoc Reef Fish Headboat AP.

Capt. Green stated that the Ad Hoc Red Snapper Charter/For-Hire AP would be open to such a meeting. He also stated that Reef Fish Amendment 41 may benefit from being postponed while electronic logbook data are collected. Given the AP’s motion to consider allocation-based management in the future when adequate ELB data are available, Mr. Swindell inquired as to a timeline for collection of ELB data. Dr. Crabtree stated that it would take a few years. Mr. Chair, this concludes my report, but you’ve got some hands.

CHAIRMAN FRAZER: Let me see. How many hands do I have at this point? We’ll start off with Ms. Boggs.
MS. BOGGS: I would like to make a motion to reconvene a joint meeting of the Headboat and Charter/For-Hire APs with a decision tool to assist in estimating the allocation between the sectors. If I get a second, I will give some more rationale.

CHAIRMAN FRAZER: Let’s make sure we get the motion on the board, and then, once we’ve got it there, John Sanchez is prepared to second it. Susan, can you go ahead and read that?

MS. BOSARGE: She’s making it a little more detailed. Hang on. Give me just a moment. I’m sorry.

CHAIRMAN FRAZER: No rush. Make sure you’ve got it where you want it.

MS. BOGGS: To reconvene a joint meeting of the Ad Hoc Red Snapper Charter/For-Hire Advisory Panel with a decision tool to assist in estimating the allocation.

CHAIRMAN FRAZER: I am just going to read that, to make sure that we have the wording right here. To reconvene a joint meeting of the Ad Hoc Reef Fish Headboat AP and the Ad Hoc Red Snapper Charter/For-Hire AP -- We are missing some words there.

MS. BOGGS: The intent is to have the information there and the decision tool I think that they’ve used in the past that would show the differences in the allocations if you included charter/for-hire and headboat together and you separated them and what the -- That’s why I was saying to --

CHAIRMAN FRAZER: Okay. I think I understand, if you will allow me to help here a little bit. Rather than to reconvene, what I would suggest is that we say to convene a joint meeting of the Ad Hoc Reef Fish Headboat AP and the Ad Hoc Red Snapper Charter/For-Hire AP to review the decision tool in relation to estimating the allocation between the sectors. Will that work?

MS. BOGGS: Yes, sir.

CHAIRMAN FRAZER: John, as the second? Okay. Dr. Crabtree.

DR. CRABTREE: I think we need to be more clear than just “sectors”. We’re talking about between the headboats and the charter boats? Because those really aren’t recognized as sectors, and then I guess we’re talking about the five species in Amendment 42?

MS. BOGGS: My understanding is what the two groups were wanting
to do, because I was at the meetings, is they want to see if --
How much of the charter/for-hire allocation would be allocated,
for lack of a better word, to the headboats if you were to split
them apart in separate amendments and move them forward with the
-- You’ve got your recreational allocation, and you’ve got it
split with Amendment 40, and so now you have a sub-allocation
for the charter/for-hire and the headboats, and what would that
look like if you took and split the two? I know what I want to
say, but I don’t know how to say it.

CHAIRMAN FRAZER: Excuse me. I’m going to let John Sanchez go
next.

MR. SANCHEZ: I am not going to put words in Susan’s mouth, but
what I would like to see come out of this meeting is -- As we
all know, they started Amendment 40 together, and then, because
of the way things have evolved over time, it would appear that
one sector, the headboats, are ready to go with 42 before 41,
and things have changed, in terms of logbook recordings and all
these things, which may take time for 41, and so, since they
started together, and they had some kind of a gentlemanly
agreement as to how we we’re going to proceed, that we’re going
to come out of this gate together or, because things have
changed, is that agreement off, and I personally don’t feel
comfortable making some of these decisions in Florida, with some
of the issues that I have heard in public testimony, and I would
like to have this meeting convened.

One last time, if you will, the headboats and the charter boats
can get together and pretty much slug this out and have the
benefit of a decision tool that would kind of let them know,
hypothetically, if 42 were to be approved and come out on its
own, and 41 had to sit and wait for their logbook recordings and
all these meaningful things that they are waiting for, to let
them both know what that would do to their sub_quota.

In other words, how much fish would the headboat get, and what
does that mean to what is left for the charter/for-hire, and
then they will have, in my mind, the facts before them to be
able to make a decision on how they wish to tell us that they
would like to proceed. That is kind of what I am hoping to get
out of it.

CHAIRMAN FRAZER: Okay. We’ve got several hands here. Thank
you, John. We’ve got Roy and then Sue and then Dale.

DR. CRABTREE: I think, in the existing amendments we have now,
that’s in there, and so, I mean, there are percentages of how it
would break up between the two. I mean, I’ve been -- I think that the pilot study that we did for the headboats worked great, and I think it’s a better way to manage the fishery, and so I really would hate to see Amendment 42 die, but I’m also pretty aware of the realities of where all this sits, and I guess my question is to back up a minute.

Is there going to be a motion, or are we going to do something about whether to continue with these amendments at all, because I would like to get some sense of whether there is any future for Amendment 41 or 42. We have spent an awful lot of time and energy on these, and, if the council is just not going to move forward with any one of these, I think we’ve reached a point where it’s time to make a decision about do these have a future or are we done with them or not.

I think the information that you’re talking about here is already in the amendments, and it’s already been presented to all of these APs in the past, and I will ask staff to correct me I’m wrong about that.

CHAIRMAN FRAZER: Sue and then Phil and then Kevin.

MS. GERHART: I was going to say what Dr. Crabtree said, that we have an action in both amendments to look at ways to allocate between these two fleets, and those decisions have not been made yet, and so we can’t say here is what is going to be left for the charter if the headboat goes forward. It would depend on the decisions of the council and which alternatives they choose, because there is different years of landings to use to make that decision.

Another thing is you said something about a decision tool and putting them back together in one amendment, and I’m fairly sure that Jessica Stephen brought a decision tool with both fleets together as one to the last joint meeting, and it may have been a different meeting and I’m not getting that correct, but I think she had that, and you could certainly, if there was another meeting, present that again, I’m sure.

CHAIRMAN FRAZER: Phil.

MR. DYSKOW: Thank you, Mr. Chair. With respect to this motion, I would like to present an alternative motion, and that would be to postpone further action on 41 and 42 until electronic logbook data is available on charter vessels, charter/for-hire, the 41 contingent, and let’s put it that way. You might need to wordsmith that a little bit.
CHAIRMAN FRAZER: We have a substitute motion, and we’ll make sure that we get it up there, and so I will read it. It’s to postpone further action on Amendments 41 and 42 until electronic logbook data are available.

MR. DYSKOW: On the 41 participants, because it’s unclear. Some of them are in that category, but, anyway, let’s just say the 41 participants.

CHAIRMAN FRAZER: We’ll work on that, but that’s the intent, I understand. Is there a seconder for this motion?

MR. DIAZ: I’ll second it.

CHAIRMAN FRAZER: It’s seconded by Mr. Diaz. Is there any further discussion? Susan Boggs.

MS. BOGGS: Well, I am inclined not to support this motion, based on what Dr. Crabtree just said, especially with Amendment 42, or both amendments. We have spent so much money meeting, joint meetings and separate meetings, and the only ones that have been consistent through this entire process has been the Amendment 42 advisory panel.

They have had all their prefereds picked, I believe, now for two years, and they have been sitting back waiting, and we don’t need to have another meeting. They have their electronic logbooks, and they’ve had the data, and I just can’t support this motion.

CHAIRMAN FRAZER: Kevin.

MR. ANSON: I am not going to support the substitute motion either. Although we’ve heard lots of testimony at this meeting, as well as prior meetings, of those federally-permitted charter boat captains that are not identified as headboats of some of the social and potential economic detriments that going forward with just 42 would have on their specific businesses, but I think there is a majority that would want something different than what is currently available.

Looking at the headboat situation in the context of the federally-permitted vessels, they are facing now a very similar circumstance that the federally-permitted vessels were facing with the private recs when we were talking about shortened seasons, if you will, is that they are a finite number, within a finite number, I understand, but their capacity to fish is not
as great as that of the other -- Just the federally-permitted vessels, and so I think, looking at that context, I think there would be a need to try to work towards a way that would be satisfactory, at a referendum level, satisfactory to both parties.

Now, if this motion fails, and the original motion comes back up, I would like to address some items in it that I think ought to be addressed by the joint meeting, if it were to be held, to look at some items that are of issue that we're discussing in the IFQ program in the commercial fishery that I think would apply in a similar program that have not yet been fully addressed or fleshed out that are in 41 or 42 currently, but I am not in favor of the substitute motion.

CHAIRMAN FRAZER: Ms. Bosarge.

MS. BOSARGE: My question is for Mara. Procedurally, Mara, is that substitute motion actually close enough in speaking to the original motion that it can be put as a substitute, as our conversation here, and I'm asking because, if it is, then I sort of have a second substitute, which really has nothing to do with any one of those two, I mean, because the second substitute would be that I would like to see 42 go out for a referendum, and so are we trying to decide here, in the broad scheme of things, what we're going to do in 41 and 42, or are we talking about our first motion on the board, which was are we going to convene this meeting or not?

MS. LEVY: I guess my opinion is that it's likely not directly related enough to the first motion to be a substitute. I mean, they are all going towards sort of what you're going to do with these two amendments. We loosely follow Roberts Rules.

If you want to be more stringent about it, someone could make a motion to table that motion until you actually decide what's happening with it, meaning, in this case, a motion to table would be appropriate, because you would be deciding whether the amendment is going forward or not before you talk about convening the AP. I guess I'm going to leave it up to you, but, to the extent that things are wildly diverging from the AP discussion, probably not technically appropriate substitutes.

CHAIRMAN FRAZER: Ms. Bosarge.

MS. BOSARGE: Okay. Well, so, then if that's not an appropriate substitute motion, then neither would my second substitute, and so what do we need to do? Do we need to withdraw that
substitute motion off the board and vote this first one up or
down, and, based on how that comes out, then we’ll proceed with
our conversation and more motions?

MS. LEVY: Right, and so you could remove this one, and you
could either vote that up or down, or, like I said, someone
could motion to table the discussion of that until you actually
decide what is happening with these amendments. Then, with the
motion to table, you don’t talk about it. You just decide
whether you want to table it or not until after you finish the
other motions, or you could vote it up or down, and it’s up to
you.

CHAIRMAN FRAZER: Mr. Boyd.

MR. BOYD: Mara, are you saying table the substitute motion
until further --

MS. LEVY: No, I’m saying remove the substitute motion that is
not properly related to the first motion and then either vote
the first motion up or down or table it until you finish talking
about the rest of the issues related to 41 and 42 at this
meeting.

MR. BOYD: All right, and that table would bring it back up in
the discussion today, once we finish those other discussions?

MS. LEVY: Right. You would just be motioning to table it until
after the discussions about the future of these two amendments
today.

CHAIRMAN FRAZER: Ms. Guyas.

MS. GUYAS: Well, I feel that -- I don’t know if we need to
withdraw the substitute, if it’s out of order, but I kind of
feel like we do need to have the conversation about where we’re
here before we even go there on the main motion here, and so, if
you need a motion to table the main motion, I will put that out
there. I don’t know how the substitute goes away, but --

CHAIRMAN FRAZER: Before we go there, can we go to Dr. Crabtree?

DR. CRABTREE: I would suggest, Mr. Chairman, that you rule the
substitute motion out of order, and then that would allow
someone to make a motion to table the original motion, and
that’s non-debatable, and we would vote it up. If we did table
it, then someone could make what is now the substitute motion,
and, if that passed, then we would clearly vote down the
original motion, and we would be out of this.

CHAIRMAN FRAZER: Excellent. I will make a motion, I guess, to remove the substitute motion, as it’s inappropriate, or do I --

DR. CRABTREE: You just rule it out of order.

CHAIRMAN FRAZER: It’s out of order. All right. I’m good. All right. The substitute motion is out of order. Would somebody like to make a motion to -- Martha.

MS. GUYAS: I would like to make a motion to table the motion on the board.

CHAIRMAN FRAZER: It’s seconded by Dr. Shipp. Now we’re going to get to a discussion.

DR. CRABTREE: That’s a non-debatable, and so we vote.

CHAIRMAN FRAZER: Fair deal. Okay. All of those in favor of the original motion on the board --

MS. GUYAS: No.

CHAIRMAN FRAZER: I’m confused.

DR. CRABTREE: You take a vote on the motion to table the original motion.

CHAIRMAN FRAZER: Well, I didn’t see that motion yet, and so let’s get it squared away. All right. There we go. All those in favor of the motion, say aye; all those opposed. Let’s do this again. All those in favor of the motion, raise their hands, thirteen in favor; all those opposed, raise their hand, three. The motion carries. Mr. Dyskow.

MR. DYSKOW: I would like to make a substitute motion to --

CHAIRMAN FRAZER: No, just a regular motion.

MR. DYSKOW: I would like to make a motion that we table further discussion on 41 and 42 until electronic logbooks are available for the 41 sector participants.

DR. CRABTREE: That would be postpone indefinitely.

MR. DYSKOW: My intent was to postpone until that information is available and not to postpone it indefinitely.
CHAIRMAN FRAZER: Okay. We will remove the word “indefinitely”. I will read the motion. **It’s to postpone any further action on Amendments 41 and 42 until electronic logbook data are available.** That’s the motion by Mr. Dyskow. Is there a second? It’s seconded by Dr. Bob Shipp. Is there further discussion? Mr. Boyd and then Susan Boggs.

MR. BOYD: I just question what is the definition of “data are available”. Does that mean that once electronic logbooks are installed and we have one day’s worth of data that that’s available, or does this mean that once we have historical data available or a time series?

CHAIRMAN FRAZER: Mr. Dyskow.

MR. DYSKOW: Thank you, Mr. Chair. The intent, to answer your question, the intent was until there is statistically viable data available. How many years that would be, I am not the statistician that would have to make that decision. Off the top of my head, I’m guessing at two years, but I would like some staff input, if we’re going to modify this motion to incorporate that timeframe. I don’t know what that timeframe should be, but my assumption is around two years of data.

CHAIRMAN FRAZER: Roy and then Susan.

DR. CRABTREE: I don’t know how long it will be, but one way you could do it is to say until the ELB data had been deemed suitable for use in management, or use for management purposes, something like that. That might be until it’s been certified by the MRIP program, or it might be until the SSC and the Science Center have said this is usable for management purposes, but we could make that determination when we --

CHAIRMAN FRAZER: Okay. Let me read the modified motion. It’s to postpone any further action on Amendments 41 and 42 until electronic logbook data have been deemed suitable for use for management purposes. We’ve got a couple of extra words in there. Data have been deemed suitable for management -- That have been deemed suitable for -- Okay. Purposes. Mr. Dyskow, are you good with that modification of the motion?

MR. DYSKOW: Yes.

CHAIRMAN FRAZER: Dr. Shipp?

DR. SHIPP: Yes.
CHAIRMAN FRAZER:  Okay.  Is there further discussion on the motion?  Susan Boggs.

MS. BOGGS:  Thank you, Mr. Chair.  The first thing I would like to mention is, when we did the SEFHIER meeting in July of last year, we had other discussions about the electronic logbook program, and they’re talking five or six years before this data is going to be useable to move the charter/for-hire industry forward.

Amendment 42, as I stated, has been ready, and what I would like to point out is we heard two headboat captains yesterday give testimony that they were happy with the allocation that they received under the exempted fishing permit.

What you didn’t hear, and, if I’m out of order, please tell me, is one of those captains didn’t tell you that he caught 1,800 fish in the EFP and 4,000 fish during the regular season the following year, and, as we heard in testimony, it’s easy when you can see the future, and so, if you hold these headboats back, and they go out and try to ramp up their catch history, I think we’re doing a disservice to our resource, and I really would like for you all to take that in mind.

I can’t support this motion.  I was trying to maybe work some things out with 41 and 42 and see if they could come -- There were some compromises offered at the 42 meeting that 41 hasn’t heard, to maybe get 42 on the water sooner and not hurt -- But I just can’t support this motion, and I honestly believe, if you do this, it’s a disservice to the resource in the long run.  Thank you.

CHAIRMAN FRAZER:  Is there any further discussion?  Ms. Bosarge.

MS. BOSARGE:  Well, I don’t really know what I can do at this point, but I will just go ahead and put my thoughts on the record.  I mean, it sounds to me like both of these groups are still interested in going forward with this, but they want to -- One group wants to get some catch history before we go forward.

I guess I wanted -- Since we were this far along in 42, I kind of wanted to send it for a referendum.  I wanted them to tell me that, yes, we want to do this or, no, we don’t.  I wanted to hear it from our permitted vessel -- From our fishermen, our permitted fishermen.

That’s not to say we would come back and do it, but at least I
would know that I wasn’t spinning my wheels and that this is going to happen in the future, but I guess this is where we’re at, and so that’s just what I had hoped for, to take one more step and get that feeling, and we came that far in that amendment, before we postponed to a date certain.

CHAIRMAN FRAZER: Thank you, Ms. Bosarge. Kevin Anson.

MR. ANSON: The question I think is germane to the motion, but I wonder, Mara or Dr. Crabtree, if we were to go out for referendum, who would be the eligible individuals that would be able to vote in a referendum? Is it just all of the federally-permitted charter permittees or the ones that have been identified and are participating in the Southeast Headboat Survey?

CHAIRMAN FRAZER: Roy.

DR. CRABTREE: It’s eligible permit holders, and so, in this case, it would be the ones in the Beaufort Survey, right?

MS. LEVY: Yes, but we had some, also, landing requirement, didn’t we? We already decided this way back when.

DR. CRABTREE: Yes, we decided the eligibility, and we’ll have to pull it up again, but it’s not the whole charter fleet. It’s the affected permits.

CHAIRMAN FRAZER: Mr. Diaz.

MR. DIAZ: I think this is a difficult decision, and I understand everybody’s point, but I really think, since the decision tools have come out, that a lot of people have changed their minds, especially in 41, about supporting this thing, and, if you look at the AP -- In 41, I know it was a six-to-four vote, and it’s not a unanimous vote, but they voted to do no action and actually kill the document, and then the folks in 42 voted to postpone, basically what Mr. Dyskow’s motion is, the document, and I think their rationale was to do kind of what Mr. Dyskow is trying to do, to get some more data available.

I know that wasn’t a unanimous vote, and that’s only a small group of people, but, I mean, if you look at the two APs, and I think a lot of sentiment has turned since the decision tools have been out, and so that’s the kind of things that I am factoring in when I look at this.

CHAIRMAN FRAZER: Susan Boggs.
MS. BOGGS: I understand, Dale, that 42 had a motion to table, and they rescinded that motion, because there was some compromise thrown out that they were willing to look at with 41, where it would be more palatable, maybe, to put 42 on the water a little bit sooner, and there was some more discussion that they wanted to have, and that’s why they asked to convene the joint APs.

Patrick made the comment the other day about the charter/for-hire and that he would like to just send it out to referendum to see if anybody was interested, and that’s kind of where I am with 42. Send it out for referendum. Again, we don’t have to act on it, but then, if you find out that you don’t have the industry support, what do you do? We’re back at the drawing board. Thank you.

CHAIRMAN FRAZER: Patrick.

MR. BANKS: I wanted to reiterate that point. In my mind -- I always want to know what the industry wants, and so I typically would look to the APs to know what the industry wants. Well, it seems like there is this somewhat of a shift in what those APs are wanting these days, but I’ve also been told by my own charter boat association in my state not to trust the APs, because they are not representative, and so who am I to trust in the industry? The only way I know to get those ideas is to put it out for a referendum, and that’s why I feel like we need to move to that point on these documents. Thank you.

CHAIRMAN FRAZER: I have Ms. Boggs and then Dr. Shipp.

MS. BOGGS: Somewhat to Patrick’s point, I kind of agree on the APs. You have AP members on both APs, and I think that’s kind of an injustice to both APs, and there is three members that serve on both the Headboat and the Charter/For-Hire APs. Thank you.

CHAIRMAN FRAZER: Dr. Shipp.

DR. SHIPP: In reference to what the industry wants, I have certainly detected, over the past months and year, a shift. A year or a year-and-a-half ago, there was an awful lot of support, but, based on public testimony, it definitely seems like there’s a shift, and so, for that reason, I am going to support this motion, and then we’ll see, once we have the data.

CHAIRMAN FRAZER: Okay. Kevin.
MR. ANSON: Just real quick, I do recall -- I asked the question that I asked the last time I had the mic at prior meetings, but I do recall, when we discussed the referendum voting -- I mean, we’re basically sending out the package, and, when we sign-off saying this is what the council is going to support, if the referendum is voted yes -- If more of them that vote yes than no, then it’s going to go through.

That’s the last time we’re going to see the document, and so, again, it’s not like we’re going to be judging to see what they’re doing. We’re going to provide them -- Anything that goes for a referendum vote, that is what they’re going to be voting on. Now, they may -- 95 percent of them may like it and 5 percent don’t like it, but, if they check the box yes, that’s going to go in as a yes, and the vote will go through if the majority of the referendum votes are taken, and that’s it.

CHAIRMAN FRAZER: Okay. Patrick and then Sue.

MR. BANKS: I was going to ask somebody to clarify that, because I was told that we still would have the option to vote it up or down as final. It doesn’t mean that if it passed the referendum that we have to vote it through, and so I need some clarity. What Kevin is saying is not as I was told.

CHAIRMAN FRAZER: Okay. Sue or Roy.

DR. CRABTREE: The statute provides that you can’t take final action on it until it passes a referendum, and so, if you send it out for a referendum, then we would conduct the referendum and come back to you with the results. If it passes, then you would vote up the amendment.

If you changed anything in the amendment, then I think you would have to go back out and do another referendum. You would still have to make a final vote to submit to the Secretary after it passed a referendum, and, even if it passed the referendum, you could vote not to submit it to the Secretary, because it doesn’t bind you.

CHAIRMAN FRAZER: Okay. Sue.

MS. GERHART: I pulled up the most recent referendum document, which has the requirements or the criteria for voting, and there is three alternatives other than the no action, and they all read to restrict participation in the referendum to landings history vessels who have substantially fished for red snapper,
gray triggerfish, greater amberjack, red grouper, or gag based on landings submitted to the Southeast Region Headboat Survey during the qualifying years. A vessel qualifies if it has a valid or renewable federal reef fish for-hire permit and has individual landings history recorded by the Southeast Regional Headboat Survey by December 31, 2015.

Then each one of them is different, in terms of a landings requirement, and so one of them -- The first reads that participants whose vessels landed an annual average of at least 100 fish of all species combined are considered as having substantially fished. Annual average landings are based on landings recorded by the SRHS between 2011 and 2015. Then there are options for weighting the votes by catch history or not weighting them, and so the three alternatives are 100 fish, 400 fish, and 1,000 fish. Those were the decisions, and the council had not picked a preferred out of those yet.

CHAIRMAN FRAZER: I just want to clarify that we hadn’t picked a preferred. In what I’m looking at, there is a Preferred Alternative 2 here.

MS. GERHART: I might be looking at an older version. I was trying to pull it up quickly.

CHAIRMAN FRAZER: Assane, can you let us know if there is a preferred alternative?

DR. DIAGNE: I will have to look back, but I believe the version that you looked at -- There was a preferred alternative of a certain number of fish, perhaps 100.

CHAIRMAN FRAZER: 100 fish.

DR. DIAGNE: Yes, the 100 fish. That’s what I recall.

CHAIRMAN FRAZER: Roy.

DR. CRABTREE: In my recollection of when we’ve done past referenda, we actually put out the voting procedures as a proposed rule in the Federal Register and took public comment on it, and then we went final with it. Then we conducted the referendum.

I would also point out to you that, if you want to have a referendum, you have to have all your preferreds chosen, which I think we have done for 42, but I am pretty sure that we have not done it for 41, and we may not have even done it for 42, and so
you have to go out for a referendum with all the preferreds and essentially a document that is ready for you to take final action on.

CHAIRMAN FRAZER: Mr. Swindell.

MR. SWINDELL: With that, since we don’t have all of the information on 41, this motion will not work for us if we’re going to postpone any further action on the Amendments 41 and 42, which means we can’t take any action to get information to go to a referendum on 41.

CHAIRMAN FRAZER: I don’t think that -- You can correct me if I’m wrong here, but I don’t think the issue is a referendum with 41.

DR. CRABTREE: I think the issue is, is a majority of this council willing to move forward with either one of these amendments? If the answer to that is no, then there’s no point in doing a referendum, and, putting aside whether I support them or not, I do think you’ve reached a point where it’s time for this council to decide are -- If the votes aren’t there, and we’re just not going to do this, then I don’t know that expending a great deal more time is going to get you anywhere.

I would point out that, regardless of the fact that the motion says “until the ELB data have been deemed suitable”, and there was concern about how long that would be, you could come in at a future council meeting, and, if the majority of the council votes to bring them back up and put them on the agenda on the next meeting, then that would happen, and so you can’t really bind future councils.

CHAIRMAN FRAZER: I think we’ve had enough discussion on this. We’ve got a motion on the board. We’re going to vote it up or down at this point. I would like to see a show of hands of all those in favor of the motion, signal by raising their hand, nine in favor; all of those opposed, six opposed. The motion carries.

Okay. This is where we’re at. We’re going to take a break for ten minutes. People definitely need to pee.

(Whereupon, a brief recess was taken.)

CHAIRMAN FRAZER: We kind of made an executive decision that we’re just going to work through our lunch right here, and we’re going to get this done, and so if we can go ahead, Mr. Boyd, and
if you want to start with the Administrative and Budget Report.

**ADMINISTRATIVE/BUDGET COMMITTEE REPORT**

**MR. BOYD:** Yes, Mr. Chairman. The Administrative/Budget Committee met on January 28, Doug Boyd as Chair, and that was Tab G. The committee adopted the agenda and approved the minutes of the October 2018 meeting as written.

Staff provided an overview of the four Ad Hoc Advisory Panels that the council has formed, including links to the membership lists, charges, number of meetings, and summary reports.

In 2015, the council passed a motion to evaluate each Ad Hoc Advisory Panel, and, if it deems the panel has completed its assignment, then the panel will be disbanded. Staff informed the committee that they could wait to make any decisions until Full Council, since there were several agenda items on the Reef Fish Committee that could determine if the panel had more work to do or if they had completed their charge.

Staff also notified the committee that the three-year term limit for Coral, Spiny Lobster, and Data Collection Advisory Panels were currently up for review. The committee discussed the SOPPs and whether they wanted to keep the current membership or re-advertise for each of the APs.

Staff noted that the Data Collection AP had not been convened since its formation in April 2015, due to the technical nature of the Generic For-Hire Reporting Amendment. Staff noted that the charge of the Data Collection may want to be considered and also discussed some potential actions that could go before the Data Collection AP in the next three years.

The committee recommends, and I so move, to advertise for applicants for the Coral and the Data Collection APs and to maintain the current membership of the Spiny Lobster AP.

**CHAIRMAN FRAZER:** Okay. We have a committee motion on the board. Let’s make sure it’s up there. I will re-read the motion.

**MR. BOYD:** Mr. Chairman, while that’s coming up, let me tell the council that on the committee report is a list of the Data Collection Committee and the Coral Committee members. One of the council members wanted to see the breakdown or the designation of the category of each individual, charter/for-hire, commercial, recreational, other, et cetera, and that is on
your committee report, but I am not going to go through that whole list.

CHAIRMAN FRAZER: Okay, and so hopefully everybody has had an opportunity to look at that list, if they were interested in doing so, but, again, I will read the motion. It’s to advertise for applicants for the Coral and the Data Collection APs and to maintain the current membership of the Spiny Lobster AP. Is there any further discussion of that motion? Seeing none, is there any opposition to the motion? Seeing none, the motion carries.

MR. BOYD: Mr. Chairman, there is not a motion, but the council talked about whether to keep or disband some of the ad hoc committees, and if staff could please put up that list. We are obligated to at least look at it. At this point, I am recommending that we keep all of them.

EXECUTIVE DIRECTOR SIMMONS: That’s Tab G, Number 4(a).

CHAIRMAN FRAZER: While that’s coming up, Ms. Boggs.

MS. BOGGS: Well, in light of the motion that was just made, is there any need to keep 41 and 42, because they are postponed until data, which is three, five, six years into the future, and, by that time, I think you would at least need to re-populate or re-advertise for the APs, because you may have people that are no longer in the industry when this finally comes back up, if it ever does.

CHAIRMAN FRAZER: Ms. Guyas.

MS. GUYAS: I think Susan brings up a good point. By the time this does roll around, we will probably -- Even if we keep these groups, we’ll look and see who is on the group and figure out if those would be appropriate people, and so I will make a motion if you want.

CHAIRMAN FRAZER: Go ahead.

MS. GUYAS: I guess the motion would be to not advertise for applicants or to -- No. I guess to disband the Ad Hoc Charter Red Snapper whatever that group is called and the Ad Hoc Headboat Reef Fish. Here we go. Thank you. Sorry. It’s Ad Ho Reef Fish Headboat and Ad Hoc Red Snapper Charter/For-Hire Advisory Panels.

CHAIRMAN FRAZER: While we’re getting that motion on the board,
is there a seconder? It’s seconded by Susan Boggs. I will re-read the motion, just so everybody is clear. It’s to disband the Ad Hoc Reef Fish Headboat and the Ad Hoc Red Snapper Charter/For-Hire APs. Is there any further discussion on this motion? Mr. Swindell.

MR. SWINDELL: I disagree that we disband these APs, because you are relying only on the data collection on the logbook data collection issue, and that’s the only reason that we would not take some sort of other action on two amendments, which is 41 and 42, and, I mean, don’t tell me that the only thing that we’ve gathered these APs together for was to address 41 and 42, which I don’t believe. I think there are other issues that have come up over the time that these APs have been in existence and may still come up as we go through looking at different things that have happened with headboats and charter boats. Thank you.

CHAIRMAN FRAZER: Ms. Boggs and then Kevin Anson.

MS. BOGGS: Well, my main reason was based on the fact that these have been postponed until the ELBs are available, which I think is going to be a lot of time in the future. With the Ad Hoc Red Snapper Charter/For-Hire AP, I mean, they selected Action 1, Alternative 1, which was no action, and so I don’t know why we keep them. Thank you.

CHAIRMAN FRAZER: Kevin.

MR. ANSON: One of the comments that I heard to disband them is the overlap, I guess, in membership, and so, I mean, is that something we need to consider? I am not saying that it needs to be a motion, and I’m not recommending that we do a motion, but it might be some consideration that we take regarding the SOPPs and having that as a further qualification.

Although we have in our SOPPs that they can sit on multiple APs and such, is that going to carry over? I mean, I just -- There is multiple reasons for doing this, but that was mentioned as one of them, is the conflict that having some members on the Reef Fish Headboat AP and then some of those same members are also on the charter one, and we’ve got other APs that are probably similarly structured, as far as dual-membership and such, and is that something that we need to be thinking about, I guess, for just normal membership decisions?

CHAIRMAN FRAZER: I have a couple of people, but, before I get to Martha and then Ed, I guess I would like to remind people that the APs have a specific charge, the ad hoc APs, excuse me,
and, in this case, the charge was specific to these two amendments, and so I think -- I will back off for a minute, and I will let Martha have a word.

MS. GUYAS: Well, I was going to read the charges, because I just pulled them off the website. To me, it’s not as clear-cut that they’re tied to 41 and 42, but I was just going to put them out there so that people can interpret them, but go ahead.

CHAIRMAN FRAZER: We’ll go to Ed Swindell and then John Sanchez.

MR. SWINDELL: Well, I’m still concerned. I mean, you’re going to get these guys to start using electronic logbooks, and we don’t know -- We’re not going to put them together once in a while to see if they start having problems with it and we’re not getting the data out that we want to get out, and are we going to have to -- What are we going to do? I mean, these are people that you want to hear from, rather than just waiting for comments at a public hearing at a council meeting. You ask these people what else can we do and what do we need to improve to get these logbooks working better. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Swindell. John Sanchez.

MR. SANCHEZ: I don’t see the haste to disband it. I mean, if they don’t meet again, because there is no need, then there is no need, but why disband the group that kind of we have leaned on to try to give us some insight into the path forward?

I would feel better if they’re still around, or, if you want to actively try to switch that group, then do whatever is warranted, but I certainly wouldn’t want to disband them and then find ourselves in need of some kind of support or some kind of insight from such a group and then not have it. We can always disband it at any moment, and why the haste to do it right now?

CHAIRMAN FRAZER: I have lost track of my list. I think John Sanchez was the last one. Susan.

MS. BOGGS: Well, to Ed’s point, or comment, I mean, we have the Data Collection Advisory Panel, and so we have a panel in place, and we saw the list, and we’ve got charter/for-hire, and we’ve got private and NGOs, and so it’s pretty well -- I mean, that’s their purpose, is to advise on our data collection.

I don’t know, Tom, if you were going to read it, but the charge for the Ad Hoc Red Snapper Charter/For-Hire AP is to make
recommendations to the council relative to the design and
implementation and flexible measures for the management of red
snapper for the charter component, and they have chosen not to
go that direction, and so they’re not meeting their charge,
because now they are wanting to look at five species for the
charter/for-hire component. Thank you.

CHAIRMAN FRAZER: Dr. Crabtree.

DR. CRABTREE: It does seem to me -- I mean, these ad hoc APs,
it seems to me, are put together for a specific charge, and they
are temporary bodies to begin with, and we’ve got the Data
Collection AP to advise us on how the programs work, and we’ve
got a Reef Fish AP to advise us on other things, and so I am
tending to support the motion.

CHAIRMAN FRAZER: Is there any further discussion on the motion?
Okay. Seeing none, all those in favor of the motion, signify by
raising their hands, twelve; all those opposed, four opposed.
The motion carries. Dr. Crabtree.

DR. CRABTREE: Along similar lines, I believe we still have an
Ad Hoc Private Angler AP, and maybe you want to wait until after
our special meeting, but is that something that you would keep
intact if we go down the regional management process, or is that
something where we have addressed the problem that was their
charge and we move on from it?

CHAIRMAN FRAZER: I guess my perspective on that is to adhere to
the charge, right, and, if Amendment 50 moves through after the
February meeting, then we would probably look at disbanding this
group as well. Patrick.

MR. BANKS: Just a quick question. I was just reading the
charge to make recommendations to the council of that private
group. Did we ever receive any kind of formal recommendation
from them? Just remind me, please.

CHAIRMAN FRAZER: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chairman. If you go
down to the meetings that were held and then the two reports,
there is motions and the materials that were discussed, and that
follows the agenda for both of those meetings that were held.

CHAIRMAN FRAZER: Okay. Is there -- My read on the discussion
at the table is that that particular, the Ad Hoc Red Snapper
Private Angler AP, will stay in place until after we make a
final decision on Amendment 50. The other remaining ad hoc
committee here is the Ad Hoc Red Snapper/Grouper Tilefish IFQ,
and is there any discussion about that? Okay. Then I think
we’ll just leave that one as is, unless I see anybody nodding
their heads otherwise. Okay. Then we’ll keep that one in
place.

MR. BOYD: Mr. Chairman, with that, my report is concluded.

CHAIRMAN FRAZER: Thank you, Mr. Boyd. Leann had a question.

MS. BOSARGE: Sue, this is actually for you, and it’s a question
that I had the other day, and I didn’t get to ask about the new
electronic logbook program and how all that reporting is going
to take place.

I know you all are working with ACCSP, right, and that’s like
the data warehouse and QA/QC, I assume, and Paul had asked the
question about for-hire guys, and they report through the
Mississippi program and the Mississippi app right now.

When yours rolls out, they will be reporting to you, but it’s my
understanding that ACCSP actually has the ability, on the east
coast, to have these kind of people report once and they can
send off the data to all the different entities that need it,
the feds and the states and whatever, and so my question is
pretty general.

Are we working towards that, as you all are implementing this
program, so that this will be pretty streamlined for our actual
fishermen and the data will go into the system, and, if
Louisiana needs some of it, that will be set up, where Louisiana
can get what they need and Mississippi can get what they need?

MS. GERHART: ACCSP will be the data warehouse, but there will
be various programs approved by which people can submit that
data that goes to ACCSP, and so I know that we’re looking at
those, and I believe that people from Louisiana have actually
contacted ACCSP and our implementation group about the LA Creel
reporting and integrating that, and so I think that we need the
states to contact ACCSP and let them know what they need from
our data, because they aren’t going through ACCSP right now, and
so that would have to be developed, but, yes, they do have that
ability, if that’s the question. I am not familiar with the
real details of it, and so I’m sorry that I can’t answer more
clearly.

CHAIRMAN FRAZER: Ms. Bosarge.
MS. BOSARGE: So I guess that was my concern. I wanted to make sure that, in the development stages of this, we are pulling our state people in to have these conversations and that it’s not a conversation that states are having to have with ACCSP and then the feds are having with ACCSP and that we’re all trouble-shooting this together and make sure that it all comes together in a package deal that makes it simple for our fishermen.

CHAIRMAN FRAZER: Dave.

MR. DONALDSON: Thank you, Mr. Chairman. At our upcoming March commission meeting, we have an agenda item about it, and we’re going to have a presentation on the SEFHIER program, and that’s one of the things that we want to talk about, is making sure that there is -- That we’re not going to have them have to report three different ways and all that.

In terms of the ability to do that, I know it’s possible, and we do it through our trip ticket program for the various states and feds, and so it’s -- The technology is there to do it, but it’s just a matter of making sure that everyone is around the table and talking, and that’s something that we’re going to address, Leann.

CHAIRMAN FRAZER: Okay, and so we only have two agenda items left, and those are Supporting Agencies Updates and Liaison Reports, and so, Chris, if you will be willing to give the South Atlantic.

SUPPORTING AGENCIES UPDATES
SOUTH ATLANTIC COUNCIL LIAISON

MR. CONKLIN: Sure. I would love to deliver a very brief report about what’s going on in the South Atlantic. First of all, we had a spawning season closure for shallow-water grouper go into effect on January 1, and that will end on April 1, and we chose to postpone the consideration on Amendment 32, yellowtail snapper, until the benchmark assessment is completed next year.

We have problems with red grouper off the Carolinas, and so, at this upcoming meeting, we have some extended measures looking to protect those fish, and so we’ll let you know what happens there.

We have a Citizen Science Program, and we have a scamp discard app that is looking to collect some information on the length comp for discards of scamp grouper, and we have a new project
coming along called FISHstory, which looks at the pictures of Florida headboat photos from the 1940s through the 1970s and get species and length comps from it, and so that will be interesting.

Our for-hire electronic reporting is in the rulemaking stage in SERO, and we are looking at meeting with the Mid-Atlantic and the New England Council about species shifts northward, mostly black sea bass and gray triggerfish and some of our groupers, I believe.

I wanted to thank you for sharing your generic carryover document with our staff, and we look forward to using that as a tool to help our fishermen as well. Our next meeting is in Jekyll Island, Georgia, March 4th through the 8th, and we look forward to hosting your liaison as well. I want to thank this group for the card that you gave me after my father passed away in June. That meant a lot to me, and the hospitality here is always welcomed, and thank you once again.

CHAIRMAN FRAZER: Thank you, Chris. Thanks for being here. We really appreciate you spending the whole week with us. That means a lot to us as well, and so the participation is welcome. Any questions for Chris? Okay. Mr. Donaldson.

GULF STATES MARINE FISHERIES COMMISSION

MR. DONALDSON: Thank you, Mr. Chairman. The only thing I’ve got to report is we have our upcoming March commission meeting on March 19th through the 21st in New Orleans. Details and registration is available on our website, and, as always, everyone is welcome to come and participate, and we would love to have you.

CHAIRMAN FRAZER: Thank you, Dave. Any questions for Dave? Okay. Thank you, everybody, again for a good week. I will see everybody shortly, on February 18. Travel safe.

(Whereupon, the meeting adjourned on January 31, 2019.)

---