

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL
2

3 274TH MEETING
4

5 FULL COUNCIL SESSION
6

7 Sandestin Golf and Beach Resort Miramar, Florida
8

9 JUNE 5-6, 2019
10

11 **VOTING MEMBERS**

12 Kevin Anson (designee for Scott Bannon) Alabama
13 Patrick Banks Louisiana
14 Susan Boggs Alabama
15 Leann Bosarge Mississippi
16 Doug Boyd Texas
17 Roy Crabtree NMFS
18 Dale Diaz Mississippi
19 Jonathan Dugas Louisiana
20 Phil Dyskow Florida
21 Tom Frazer Florida
22 Martha Guyas (designee for Jessica McCawley) Florida
23 Paul Mickle (designee for Joe Spraggins) Mississippi
24 Lance Robinson (designee for Robin Riechers) Texas
25 John Sanchez Florida
26 Bob Shipp Alabama
27 Greg Stunz Texas
28 Ed Swindell Louisiana
29

30 **NON-VOTING MEMBERS**

31 Glenn Constant USFWS
32 Dave Donaldson GSMFC
33 Lt. Mark Zanowicz USCG
34

35 **STAFF**

36 John Froeschke Deputy Director
37 Lisa Hollensead Fishery Biologist
38 Ava Lasseter Anthropologist
39 Mara Levy NOAA General Counsel
40 Natasha Mendez-Ferrer Fishery Biologist
41 Emily Muehlstein Public Information Officer
42 Ryan Rindone Fishery Biologist & SEDAR Liaison
43 Bernadine Roy Office Manager
44 Charlotte Schiaffo Administrative & Human Resources Assistant
45 Carrie Simmons Executive Director
46

47 **OTHER PARTICIPANTS**

48 Ralph Andrew FL

1	George Arnesen.....	LA
2	Kindra Arnesen.....	LA
3	Anna Beckwith.....	SAFMC
4	Jim Bonnell.....	Madeira Beach, FL
5	Eric Brazer.....	Reef Fish Shareholders Alliance
6	James Bruce.....	MS
7	B.J. Burkett.....	Panama City Beach, FL
8	Ronald Chicola.....	LA
9	Scott Daggett.....	Madeira Beach, FL
10	Kenneth Daniels.....	Madeira Beach, FL
11	Jason Delacruz.....	FL
12	Tim Dillingham.....	FL
13	Richard Fischer.....	LA
14	Traci Floyd.....	MS DMR
15	Brad Gentner.....	
16	Susan Gerhart.....	NMFS
17	Jim Green.....	Destin, FL
18	Buddy Guindon.....	Galveston, TX
19	Ken Haddad.....	ASA, FL
20	Peter Hood.....	NMFS
21	Dylan Hubbard.....	FL
22	Gary Jarvis.....	Destin, FL
23	Mike Jepson.....	NMFS
24	Bill Kelly.....	FKCFA, FL
25	Randall Kramer.....	Madeira Beach, FL
26	Randy Lauser.....	Madeira Beach, FL
27	Edward Maccini.....	SOFA
28	Lawrence Marino.....	LA
29	Chris Niquet.....	Panama City, FL
30	Alicia Paul.....	Panama City Beach, FL
31	Kelia Paul.....	Panama City Beach, FL
32	Captain Scott Pearce.....	FL
33	Ken Pearson.....	FL
34	Clay Porch.....	SEFSC
35	Nick Ruland.....	FL
36	Chris Schieble.....	LA
37	Eric Schmidt.....	FL
38	Bob Spaeth.....	Madeira Beach, FL
39	Jessica Stephen.....	NMFS
40	David Walker.....	AL
41	Wayne Werner.....	Alachua, FL

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3 PAGE 23: Motion to review and evaluate data collection and
4 monitoring management programs. The AP should make
5 recommendations to the council for data collection programs in
6 relation to their implementation, efficiency, end user costs,
7 and feasibility. The motion carried on page 23.

8
9 PAGE 97: Motion to direct council staff to write a letter to
10 NMFS recommending approval of the EFP for testing the new BRD
11 device. The motion carried on page 97.

12
13 PAGE 101: Motion to direct staff to add a payback provision to
14 the document to address carryover for stocks in rebuilding
15 plans. The motion carried on page 101.

16
17 PAGE 102: Motion to direct staff to develop a framework action
18 with language that would allow persons on a federal for-hire
19 trip more than twenty-four hours in length, thirty hours in
20 length, and thirty-six hours in length to retain a two-day bag
21 limit of reef fish species and CMP species at any time. The
22 motion carried on page 114.

23
24 PAGE 117: Motion to postpone further discussion on the
25 carryover of unharvested quota document until NMFS conducts
26 interim stock analysis procedures. The motion carried on page
27 120.

28
29 PAGE 123: Motion to remove Alternative 5 from Action 1.1. The
30 motion carried on page 123.

31
32 PAGE 123: Motion in Action 2 to add an alternative to equally
33 distribute reclaimed shares held by NMFS among all accounts with
34 the equivalent of 500 pounds of shares for each share category
35 to shareholders within one month of the effective date for the
36 final rule implementing this amendment. The motion carried on
37 page 126.

38
39 PAGE 127: Motion in Action 4 to modify the alternatives to
40 require that the estimated weight reported on advance landing
41 notifications be within 25 percent, 50 percent, 75 percent, or
42 100 percent of actual landed weight per share category when the
43 total weight on board of that share category is more than:
44 Option a: 100 pounds; Option b: 500 pounds; Option c: 750
45 pounds. The motion carried on page 134.

46
47 PAGE 134: Motion in Action 4, that the accuracy on the
48 estimated weights applies only to underreporting of those

weights. [The motion carried on page 136.](#)

PAGE 137: Motion in the action to make Alternatives 2 and 6 the preferred alternatives. [The motion carried on page 138.](#)

PAGE 139: Motion to approve the Framework Action to Modify Greater Amberjack Commercial Trip Limits and that it be forwarded to the Secretary of Commerce for review and implementation and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate. [The motion carried on page 141.](#)

PAGE 141: Motion in Action 1 to make Alternative 2 the preferred alternative. [The motion carried on page 142.](#)

PAGE 142: Motion in Action 1 to make Alternative 2 the preferred alternative. [The motion carried on page 142.](#)

PAGE 142: Motion in Action 1 to make Alternative 5 a preferred alternative. [The motion carried on page 143.](#)

PAGE 143: Motion in Action 2 to make Alternative 2 the preferred alternative. [The motion carried on page 143.](#)

PAGE 143: Motion in Action 5 to make Alternative 2, Option 2b the preferred alternative. [The motion carried on page 143.](#)

PAGE 151: Motion to direct staff to develop a draft framework amendment for recreational greater amberjack. The goal of the amendment would be to have May and fall harvest seasons. This framework should include options including changing the fishing year, fractional bag limits, and modifications to the current season structure. [The motion carried on page 158.](#)

PAGE 161: Motion to ask the SSC to look at almaco jack. [The motion carried on page 161.](#)

1 The Full Council of the Gulf of Mexico Fishery Management
2 Council convened at the Sandestin Golf and Beach Resort, Miramar
3 Beach, Florida, Wednesday morning, June 5, 2019, and was called
4 to order by Chairman Tom Frazer.

5

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

7

8 **CHAIRMAN TOM FRAZER:** Welcome to the 274th meeting of the Gulf
9 Council. My name is Tom Frazer, Chair of the Council. If you
10 have a cell phone or similar device, we ask that you place it on
11 silent or vibrating mode during the meeting. Also, in order for
12 all to be able to hear the proceedings, we ask that you have any
13 private conversations outside. Please be advised that alcoholic
14 beverages are not permitted in the meeting room.

15

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

24

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

29

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

34

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

44

45 **MR. DALE DIAZ:** Dale Diaz, Mississippi.

46

47 **DR. PAUL MICKLE:** Paul Mickle, Mississippi.

1 **MS. LEANN BOSARGE:** Leann Bosarge, Mississippi.
2
3 **MR. DAVE DONALDSON:** Dave Donaldson, Gulf States Marine
4 Fisheries Commission.
5
6 **DR. BOB SHIPP:** Bob Shipp, Alabama.
7
8 **MR. KEVIN ANSON:** Kevin Anson, Alabama.
9
10 **MS. SUSAN BOGGS:** Susan Boggs, Alabama.
11
12 **MR. PATRICK BANKS:** Patrick Banks, Louisiana.
13
14 **MR. ED SWINDELL:** Ed Swindell, Louisiana.
15
16 **LT. MARK ZANOWICZ:** Mark Zanowicz, U.S. Coast Guard.
17
18 **MS. ANNA BECKWITH:** Anna Beckwith, South Atlantic Council
19 liaison.
20
21 **MR. GLENN CONSTANT:** Glenn Constant, U.S. Fish and Wildlife
22 Service.
23
24 **MS. MARA LEVY:** Mara Levy, NOAA Office of General Counsel.
25
26 **MS. SUSAN GERHART:** Susan Gerhart, NOAA Fisheries Service.
27
28 **DR. ROY CRABTREE:** Roy Crabtree, NOAA Fisheries.
29
30 **MR. LANCE ROBINSON:** Lance Robinson, Texas.
31
32 **MR. DOUG BOYD:** Doug Boyd, Texas.
33
34 **DR. GREG STUNZ:** Greg Stunz, Texas.
35
36 **MR. PHIL DYSKOW:** Phil Dyskow, Florida.
37
38 **MR. JOHN SANCHEZ:** John Sanchez, Florida.
39
40 **MS. MARTHA GUYAS:** Martha Guyas, Florida.
41
42 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Carrie Simmons, council
43 staff.

ADOPTION OF AGENDA AND APPROVAL OF MINUTES

47 **CHAIRMAN FRAZER:** Thank you. The first order of business is the
48 Adoption of the Agenda. Are there any additions or

1 modifications to the agenda? Dr. Simmons.
2

3 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Can we just
4 add, under Other Business, just providing an update and some
5 information on the release mortality workshop?

6
7 **CHAIRMAN FRAZER:** We will do that. Ms. Gerhart.
8

9 **MS. GERHART:** Two items, please. One is in reference to changes
10 to the allowable gear table, to accommodate lionfish fishing,
11 and the second is relative to the listing of the Bryde's whale
12 in the Gulf of Mexico as an endangered species.

13
14 **CHAIRMAN FRAZER:** Okay. We've got both of those, and so changes
15 to the allowable gear table and a listing of the Bryde's whale.
16 Are there any other additions to the agenda? Seeing none, can I
17 get a motion to approve the agenda? There is a motion to
18 approve the agenda by Ms. Guyas. Is there a second? It's
19 seconded by Mr. Diaz. Is there any opposition? Seeing none, I
20 consider the agenda approved.

21
22 The next order of business is Approval of the Minutes. Are
23 there any changes or modifications or edits? Seeing none, can I
24 get a motion to approve the minutes?

25
26 **MR. DIAZ:** So moved.

27
28 **CHAIRMAN FRAZER:** There's a motion to approve the minutes by Mr.
29 Diaz. Is there a second to that motion? It's seconded by Mr.
30 Boyd. Any opposition to approval of the minutes? Seeing none,
31 we will consider the minutes approved.

32
33 The first order of business on the agenda here is the 2018 Law
34 Enforcement Officer of the Year Award, and, as is customary, I
35 have invited Mr. Boyd, who has been the Chair of our Law
36 Enforcement Committee for some time, to provide us a little bit
37 of background on the award and some information on this year's
38 recipient. Mr. Boyd.

39
40 **2018 LAW ENFORCEMENT OFFICER OF THE YEAR AWARD**

41
42 **MR. BOYD:** Thank you, Mr. Chairman. As background, the
43 council's Officer of the Year Award acknowledges service above
44 and beyond duty requirements and recognizes distinguished
45 service, professionalism, and dedication to enforcing federal
46 fishery regulations in the Gulf of Mexico. Nominees are
47 submitted from each of the five state law enforcement agencies,
48 the U.S. Coast Guard, and the NOAA Fisheries Office of Law

1 Enforcement.

2

3 This year's award for the Officer of the Year is to Lieutenant
4 Jason Marlow with the Florida Fish and Wildlife Conservation
5 Commission. His background is Lieutenant Marlow has spent most
6 of his twenty-year career dedicated to working in the Gulf of
7 Mexico. He is highly regarded for his mentorship and his
8 passion for marine resource conservation. He continuously
9 inspires others with his attitude, subject matter expertise, and
10 work ethic.

11

12 Lieutenant Marlow is an exemplary squad leader and has
13 prioritized federal fisheries enforcement with great success.
14 In 2019, Lieutenant Marlow's squad made a significant
15 contribution to fisheries enforcement, including a combined
16 1,039 hours of offshore federal fisheries patrols. His squad
17 exceeded their contracted federal enforcement patrol time by 300
18 hours. Over 602 hours were dedicated to red snapper
19 enforcement, over eighty-hours for shrimp turtle excluder device
20 enforcement, and over 347 hours for overall federal patrols.
21 Lieutenant Marlow, if you are here, could you come up, please,
22 to the front? (Applause)

23

24 **RECOGNITION OF MR. DOUG BOYD**

25

26 **CHAIRMAN FRAZER:** Doug, while we've got you up here, can we just
27 keep you up here for a second? As most of you know, this is
28 Doug Boyd's last council meeting. He has served three
29 consecutive terms, and he has been a well-respected member of
30 this council for some period of time. We've got a special award
31 for Doug as well, and I have invited Carrie Simmons to say a few
32 words about Doug Boyd.

33

34 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. Doug, you
35 served from 2010 to 2019, and, during that time, Mr. Boyd was
36 the Council Chair. He served in a leadership position and role
37 for the council and staff, and that was from 2012 to 2014.

38

39 Just to mention a few of the things that he has assisted with
40 over these years, nine years, on the council, he has been active
41 in numerous management and administrative committees, including
42 Admin/Budget, which is he is very knowledgeable on, from his
43 previous career, Personnel, Law Enforcement, and, obviously, we
44 know he had a very strong interest in that, Coastal Migratory
45 Pelagics, Reef Fish, and a special interest in the south Florida
46 management workshops and much of the work that was done with the
47 State of Florida and the council in south Florida.

48

1 From a staff perspective, Mr. Boyd has always provided
2 leadership and encouragement across, and he encouraged us for
3 cross-training, and he encouraged us to explore what other
4 regional councils were doing to explore ways to improve things
5 and see if there is always a better way and best practice of
6 conducting business, and so, Mr. Boyd, we have been honored to
7 work with you for the past nine years, I have been, and
8 congratulations. I hope you get to do some fun stuff, maybe
9 travel the globe, and tell us all about. Congratulations.
10 (Applause)

11
12 **MR. BOYD:** I would just like to say that I hope the next nine
13 years go a lot slower than these nine years did, because, at
14 this age, you want them to kind of just slow down a little.

15
16 **REVIEW OF EXEMPTED FISHING PERMIT APPLICATIONS**

17
18 **CHAIRMAN FRAZER:** The next item on the agenda would be Review of
19 Exempted Fishing Permit Applications, and we've got one, and,
20 Dr. Crabtree, do you want to speak to this?

21
22 **MS. GERHART:** I am not Dr. Crabtree, but I can speak to this.

23
24 **CHAIRMAN FRAZER:** Thank you, Ms. Gerhart.

25
26 **MS. GERHART:** We had an application submitted to us from Dr.
27 Glenn Parsons of the University of Mississippi. This has to do
28 with a bycatch reduction device that he has developed, and it
29 called the nested cylinder bycatch reduction device, NCBRD, and
30 this is a device that creates a reduced flow in a particular
31 area, and then fish naturally swim to that area and out of a
32 mesh, and it's installed downstream of the TED, and the TEDs are
33 still in the net, and so he has done some certification trials
34 for this BRD, and they have shown that there is a 44 percent
35 reduction in the bycatch, and that is compared to the fisheye,
36 which has a 37 percent reduction, and so it does seem to be more
37 efficient than the fisheye, which is the most common type of
38 bycatch reduction device used in shrimp nets.

39
40 In addition, that is an average bycatch reduction, but juvenile
41 red snapper reduction is 50 percent, and so this actually does
42 better at reducing the juvenile red snapper catch than it does
43 in general over other types of bycatch. In addition, the shrimp
44 loss is only 1.8 percent using this BRD, and, again, comparing
45 to the fisheye, that has a 10 percent loss of shrimp, and so it
46 seems to be a much more efficient BRD that might be very
47 acceptable to the fishermen, because of that. It is a little
48 more expensive, however, than other BRDs, and so that's a

1 drawback.

2

3 What Dr. Parsons would like to do is test the acceptability of
4 this BRD with the shrimpers before going through this final
5 certification process, and so he has requested this EFP, where
6 he would give out these to some shrimpers to put in their nets,
7 and they would put them in one of the nets, replace one of the
8 fisheyes in one net, and that's where the exemption comes into
9 place. They would be exempted from the requirement to have an
10 approved BRD in their nets, and they would still be required to
11 use a TED, and each participant would be asked to do up to
12 thirty trawls, and this would be just for a short period of
13 time, through the end of this year, probably, although it might
14 extend into next year.

15

16 It's going to happen in every state of the Gulf except off of
17 Florida, and there are shrimpers who have agreed to take these
18 BRDs onboard, and their team will go around to each of those and
19 demonstrate how to install it, to make sure that they are
20 installed properly and everyone knows, and so then the idea is,
21 after using this new BRD side-by-side with the old one, that
22 they can do a comparison, and they will be given a questionnaire
23 to compare to the fisheye as well as to recommend any changes
24 and tell the researchers if they would be interested in using
25 that as a replacement for the other type of bycatch reduction
26 device. We put this out for public comment, and the comment
27 period ends on June 18, and we just wanted to see what the
28 council felt about this item.

29

30 **CHAIRMAN FRAZER:** Thanks, Sue. I think, before we go to the
31 council, I think, Emily, are there comments at this point? Let
32 me see if we can round-up Emily real quick to see if we have any
33 public comments today. Hi, Emily. Sorry to roust you out of
34 your business. We were just questioning whether or not there
35 are any public comments to date on the EFP.

36

37 **MS. EMILY MUEHLSTEIN:** There were not, and that concludes my
38 report.

39

40 **CHAIRMAN FRAZER:** Thank you. Carry on. In that case, is there
41 any discussion or questions from the council for Ms. Gerhart?
42 Dr. Mickle.

43

44 **DR. MICKLE:** I have had conversations with Glenn. Over the
45 years -- This new device has been around for at least five years
46 that I know that he's been working on it. My question is just a
47 clarification on protocol. The, I guess, preliminary results
48 presented in this letter are from data that was acquired in

1 federal waters, and this is an EFP to actually use this BRD
2 instead of a standard BRD, and how did he get this data? Was
3 the standard BRD in the net behind this new BRD? I am confused
4 on how this data was acquired and the process. Thank you.
5

6 **MS. GERHART:** We had previously issued a LOA, a letter of
7 acknowledgement, because, when he was originally working on it,
8 he was testing bycatch reduction, and it fell under the research
9 category, in which case research is exempted from fisheries
10 regulations, and so we administered an LOA.

11 Now what he's doing is a little bit different. He's not testing
12 the bycatch reduction anymore. He is testing whether the
13 fishermen will use it or not, and so it doesn't fall under that
14 same category anymore, and so he did legally get that
15 information through that research, but now, to do this part of
16 it, is why we would give an exempted fishing permit.
17

18 **CHAIRMAN FRAZER:** Dr. Mickle.
19

20 **DR. MICKLE:** Thank you for that clarification. I have talked to
21 him on multiple occasions, and we've set up a meeting, where
22 he's actually going to come down and show us one of these, to
23 the State of Mississippi and the Department of Marine Resources,
24 and I can report back to you all, if you all are interested in
25 it.
26

27 We've shown a lot of interest, and my staff is really excited
28 about this, and we're reaching out to our shrimpers in the near
29 future to help promote this in a state waters scenario and maybe
30 even look at skimmer trawls and the capabilities here, because
31 the gear types are so different, and it would be interesting to
32 actually see the skimmer trawl comparison as well, and so,
33 again, just a plug for the State of Mississippi, where we're all
34 onboard with this and really excited about the results we see on
35 the federal level, and potentially the state level as well.
36 Thank you.
37

38 **CHAIRMAN FRAZER:** Ms. Gerhart.
39

40 **MS. GERHART:** Just to follow-up, also, I was reminded that he
41 did work with our Science Center people that are up in
42 Pascagoula that do the testing of BRDs, and so those
43 certification trials were through the procedure that was set up
44 to certify these different things, and so that was part of where
45 he got that information as well.
46

47 **CHAIRMAN FRAZER:** Ms. Bosarge.
48

1
2 **MS. BOSARGE:** Thank you, Mr. Chairman. The shrimp industry, we
3 always want to find a way to further reduce bycatch, and so
4 we're definitely onboard with this. I think that, if anyone
5 could develop a better BRD, it's probably Dr. Parsons. He has a
6 long history of research and development with bycatch in the
7 shrimp fishery, and so we're excited that he's working on this,
8 and I hope to reach out to him and see if we can't go ahead and
9 get him some shrimpers signed up in Mississippi to do the
10 testing with this as well, because I noticed he has some from
11 Texas and some from Louisiana already lined up, but I would love
12 to see it pulled off of Mississippi some, too.

13
14 **CHAIRMAN FRAZER:** Mr. Anson.
15

16 **MR. ANSON:** Thank you. Sue, the thirty trips that you mentioned
17 from the participating shrimpers, how are those going to be
18 partitioned throughout the year? Is that just they can take
19 thirty trips, the next thirty trips they make, or is there going
20 to be some sort of partitioning of that amongst the months of
21 the year or throughout this EFP request?

22
23 **MS. GERHART:** The initial request was to do this through the end
24 of August of this year, which is a very short time period, and
25 it had to do with funding. They're looking at getting an
26 extension, a no-cost extension, for that funding, and so I'm not
27 sure that they thought about that time, because, initially, it
28 was going to be just for a short period of time in the summer
29 months.

30
31 **CHAIRMAN FRAZER:** Kevin.
32

33 **MR. ANSON:** Then you mentioned that it would be more expensive,
34 and then you said not much, and so I'm just curious as to how
35 much more expensive this BRD would be compared to the standard.

36
37 **MS. GERHART:** I honestly don't know. I'm sorry.

38
39 **CHAIRMAN FRAZER:** Mr. Banks.
40

41 **MR. BANKS:** I just wanted to say that we're in support of this
42 as well, and I would encourage the rest of the council to vote
43 in support of this. We need this research for our shrimp
44 industry. Thank you.

45
46 **CHAIRMAN FRAZER:** Thank you. John Sanchez.

47
48 **MR. SANCHEZ:** Thank you, Mr. Chair. This seems like a no-

1 brainer, a win-win, a reduction in bycatch and an increase in
2 retention, and I'm all in support of letting him take it out to
3 the industry and see if there's support for a practical
4 application.

5

6 **CHAIRMAN FRAZER:** Thanks, John. Lance.

7

8 **MR. ROBINSON:** I will just speak on behalf of Texas. We would
9 support this research as well. Back in the 1990s, I believe it
10 was, we did some work in inshore waters with some devices,
11 square mesh panels and things, that really showed some promise,
12 and it wasn't really accepted wholeheartedly by industry in the
13 inshore waters, but it really did have a good effect on reducing
14 bycatch with very, very minimal loss of shrimp, and so we
15 certainly would support this effort as well, and we're anxious
16 to see the results.

17

18 **CHAIRMAN FRAZER:** Thank you, Lance. Are there any more
19 comments? Okay. It doesn't look like there are, and so it
20 seems that we have pretty strong support for this EFP moving
21 forward, and I guess what we would need to do is prepare a
22 letter on behalf of the council, right, to -- Ms. Gerhart.

23

24 **MS. GERHART:** Generally, you listen to the public testimony, and
25 then, after, you would vote on whether you want to recommend its
26 approval to the National Marine Fisheries Service.

27

28 **CHAIRMAN FRAZER:** Okay. Thank you for that, and so we'll just
29 hold off on that, but that's where we're headed, for sure. The
30 next item of business is here is a presentation on the Florida
31 law enforcement efforts by Captain Pearce. Kevin Anson.

32

33 **MR. ANSON:** Before we move off of the EFPs, I am wondering if,
34 Sue, you can give an update on the status of that EFP request
35 for the sargassum that was given in January.

36

37 **CHAIRMAN FRAZER:** Ms. Gerhart.

38

39 **MS. GERHART:** I believe that the applicant started working with
40 people, and I think Kelly Lucas, actually, Dr. Kelly Lucas, who
41 you saw the other day, so that it no longer fell under the EFP,
42 and I believe that we're issuing an LOA to them, because it's
43 now through a research institution, and it falls under the LOA,
44 and so we aren't processing that EFP anymore.

45

46 **CHAIRMAN FRAZER:** Okay. Ms. Bosarge.

47

48 **MS. BOSARGE:** But wasn't she going to harvest, and we don't

1 allow any harvest? Isn't that how that was going to work?
2

3 **CHAIRMAN FRAZER:** Ms. Gerhart.
4

5 **MS. GERHART:** I'm sorry, but we did sort of pass this to our
6 Aquaculture Office, and so I haven't been tracking it, but I
7 think they weren't going to be doing commercial harvest under
8 this particular testing that she'll be doing with the University
9 of Southern Mississippi. They just modified what they're doing,
10 and they no longer are asking for that EFP.
11

12 **CHAIRMAN FRAZER:** Mr. Anson.
13

14 **MR. ANSON:** Why was the Aquaculture Office selected, versus
15 maybe Habitat or anyone else?
16

17 **MS. GERHART:** Well, it's aquaculture. Sorry, and I don't mean
18 to be glib with that, but that was where -- Those were the
19 people that could work with them, because they were setting up
20 an aquaculture procedure, and they are more familiar with that
21 than we are, but they will certainly do the same kind of
22 consultations with our Habitat Conservation Division.
23

24 **MR. ANSON:** I made a comment to it back when the presentation
25 was given, but I just find it stretching the boundaries of the
26 definition of aquaculture to do what they were doing and
27 proposing, and we might consider an artificial reef program as
28 an aquaculture program then. Thank you.
29

30 **CHAIRMAN FRAZER:** Dr. Crabtree.
31

32 **DR. CRABTREE:** If you would like, we could do an update on where
33 this stands at the next meeting, if you want to put that on the
34 agenda.
35

36 **CHAIRMAN FRAZER:** Thank you, Dr. Crabtree. We will certainly
37 put it on the agenda for next time. Ms. Gerhart.
38

39 **MS. GERHART:** I can also try to follow-up for tomorrow and could
40 give you an update on that as well.
41

42 **CHAIRMAN FRAZER:** That would be great as well, and so we'll look
43 forward to an update tomorrow, and, depending on that update,
44 we'll likely put it on the agenda for the following council
45 meeting. Ms. Bosarge, did you have a question? Okay. Are
46 there any further questions? No? Is Captain Pearce in the
47 audience? There you go.
48

PRESENTATION
FLORIDA LAW ENFORCEMENT EFFORTS

4 **CAPTAIN SCOTT PEARCE:** Mr. Chairman, thank you for having me
5 here, and, council members, thank you for inviting me to come
6 and present for you today. This is something that we do every
7 time you're here, and so I'm just going to give you an update on
8 our enforcement efforts in federal waters, and we're going to
9 talk about our OPV program, briefly, and also talk about the
10 efforts that our other officers within the state put forth into
11 working federal enforcement that aren't actually involved in the
12 OPV program.

14 If you look at this, what you're seeing in front of you, it
15 gives you a depiction of the Gulf of Mexico, and it shows the
16 whole entire state, but, if you'll focus on the Gulf of Mexico,
17 within that area, we have basically eight vessels that are a
18 part of that OPV program that patrol within the Gulf of Mexico.

20 We have two heavy endurance-class vessels, and one is the
21 eighty-five-foot Gulf Sentry that's based out of St. Petersburg.
22 The other one is the sixty-five-foot C.T. Randall that's based
23 out of Marco Island. These vessels are designed to provide
24 long-range, multiday patrols, and, if you look at the depiction
25 on the map, you will see the wide-ranging arch, and they go
26 further out into the Gulf, and those are depicting those
27 endurance-class vessel ranges and how they overlap, and they
28 cover a good portion of those areas in the Gulf. They also
29 aren't limited to that, though. They will move around and work
30 up in the Panhandle and things like that, if needed.

32 The other three vessels we have are three that we call
33 endurance-class vessels, and we have the forty-five-foot
34 Guardian, which is in Carrabelle, which is Lieutenant Marlow's
35 vessel, and we have the thirty-nine-foot Vigilance, which is
36 based out of Destin, and we have thirty-eight-foot Trident,
37 which is in Key West, which works the Gulf, but it also does
38 some Atlantic work. These vessels are designed to provide long-
39 range, single-day patrols. They are designed to be more weather
40 worthy, so they can go out and put in a longer day and get back
41 to shore safely.

43 Then the next group would be our three intermediate-class
44 vessels, our twenty-nine-foot Intrepid, which is out of
45 Carrabelle, and our 2005 thirty-two-foot Fincat, which is out of
46 Crystal River, and the 2006 Fincat, which is out of Pensacola.
47 These provide medium-range, single-day patrols, and they are
48 very capable platforms, but they are somewhat limited in fuel

1 capacity and things like that, and so they will typically do
2 just day patrols within moderation. You can see, again, all the
3 little depictions on the map that show the different ranges of
4 all the different classes of vessels.

5
6 Our patrol fleet this year in the Gulf was very busy, and so I
7 wanted to give you some combined stats on the effort, the work,
8 they did. They, combined together, all our vessels conducted
9 2,234 hours of federal enforcement patrols in the Gulf of
10 Mexico. Red snapper enforcement accounted for 993 hours of it,
11 and the TED enforcement accounted for 300 hours, and they
12 conducted over eighty TED boardings this past year.

13
14 There were 861 hours of other federal enforcement, that being
15 any other species that are in there that aren't one of the top
16 priorities, but those hours were accounted for as well. They
17 had 575 enforcement actions, which is where you either write a
18 citation or a warning, and so you had 254 combined warnings for
19 the Gulf of Mexico and 321 combined citations, the majority of
20 which were federal citations, and some were state, and some were
21 federal cases written under state law.

22
23 Alongside our OPV program and the officers that commit to that
24 offshore, long-range patrol, we also have our regional efforts
25 that put forth effort in patrolling for JEA, and these are your
26 one or two patrol officers in anywhere from an eighteen to a
27 twenty-two-foot boat that are out there that are doing federal
28 enforcement right there on the edge of that nine-mile line.
29 They're also doing dockside patrol as well.

30
31 Those officers accounted for 825 hours of dockside patrol, 344
32 hours of near-shore patrol, 711 hours of mid-range, single-
33 officer patrol, and 1,259 hours of mid-range, two-officer
34 patrol. Our regional assets accounted for 3,139 hours of JEA
35 federal enforcement patrol this past year. This is above and
36 beyond and outside of the OPV program.

37
38 Just to give you an idea of what some of the cases are that
39 these officers are getting into, and this is just a sample of
40 what they do, the first three cases are actually attributed to
41 Lieutenant Marlow and his crew, and this first one is a longline
42 vessel that they boarded, and, upon boarding the vessel, they
43 noticed that they had possession of reef fish and shark that
44 were not in whole condition, and you can see they were using
45 shark and other reef fish for bait, if you look at the pictures
46 of the bait table. Also, you see reef fish on the hooks there.
47 They had possession of amberjack during the closed season and
48 possession of a swordfish without a permit, and, also, they had

1 possession of shark fins that were unattached.
2

3 This is another longline vessel that was off of the Panhandle
4 area that, when they boarded this vessel, it was -- They
5 actually boarded it, and it was harvesting reef fish in a
6 restricted area that was closed to the harvest of reef fish, or
7 they were working their gear in that area. Upon boarding the
8 vessel, they were talking to the captain, and the captain
9 claimed that they were only harvesting sharks, and they did have
10 like 1,600 pounds of shark onboard, and they claimed that they
11 only had about 400 pounds of bycatch.
12

13 The officers, upon closer inspection, realized that there was a
14 lot more than just 400 pounds of bycatch onboard, and so the
15 captain decided that he was going to go ahead and end his trip
16 and head back into shore, and they went ahead and did a
17 constructive seizure on everything that was in the coolers and
18 then met the captain at the dock, once they got to the dock.
19 When they weighed-out the reef fish, they had over 6,000 pounds
20 of reef fish onboard that were harvested within that restricted
21 area.
22

23 Another case example off the Panhandle was a commercial reef
24 fish vessel. The officers boarded this vessel initially earlier
25 in the week, and, upon boarding that vessel, they discovered
26 twenty-six undersized vermillion snapper and two undersized lane
27 snapper.
28

29 Four days later, on another patrol, a good, foggy day, kind of
30 working in the fog, they approached this vessel again, and
31 didn't realize it was the same vessel. When they approached
32 this vessel again, they also found them again with whole
33 amberjack and also amberjack that was cut up for bait, and they
34 had undersized greater amberjack onboard and undersized gray
35 triggerfish onboard, and so, four days later, they board the
36 same boat with more violations.
37

38 This was off of the Big Bend area, and this was a commercial
39 vessel that, as the officer approached this vessel, the crew on
40 the vessel began to dump fish overboard. As the officers got
41 there, they were able to assess the situation and collect what
42 was overboard, and they found thirty gray triggerfish that had
43 been thrown overboard in the water. The vessel also had
44 possession of reef fish fillets onboard, and then they also --
45 The gray triggerfish they had harvested were out of season.
46

47 Another recreational vessel, and this one was located off the
48 Panhandle, and this was a vessel that was boarded by our

1 officers, and it was actually in the Madison-Swanson MPA area
2 and were actively harvesting reef fish while in the Madison-
3 Swanson. They had the gear deployed, and they had reef fish
4 onboard, and the officers were able to, obviously, write those
5 tickets and seize those fish for being in the Madison-Swanson.
6

7 This is a recreational vessel that was off the Big Bend area,
8 and this one -- As they approached this vessel, they were
9 throwing fish overboard, again. They threw seven red snapper
10 overboard, and they had a total of ten red snapper in all, with
11 what they threw overboard and what they still had onboard, and
12 then they also had three gray triggerfish that were out of
13 season.
14

15 To cap it off, I know we've had a lot of complaints about the
16 charter industry with people that are not permitted, federally-
17 permitted, and they are chartering in federal waters, and so
18 this is just a taste of three different cases that were made,
19 one off the Panhandle, one off the Big Bend, and one off Tampa,
20 that involved just that.
21

22 The officers boarded the vessels, and they had guests onboard,
23 and they started out telling the officers that they weren't on a
24 charter and that they were with this gentleman that they've
25 known forever who is taking them fishing, but all the telltale
26 signs were there that something was wrong. The officers did a
27 great job in each case of separating the captain and separating
28 the guests and talking to them. The guests eventually told them
29 that, yes, we're on a charter, and we paid for the charter, and
30 they actually ascertained evidence and showed them receipts and
31 things like that, to know they were on a charter.
32

33 These were three great cases that were referenced to the
34 unauthorized chartering in federal waters without a permit, and
35 so this is just a taste of what we've been doing, but we're
36 trying to focus on that every day, and that's pretty much it.
37 If you have any questions, I would be more than happy to answer
38 them.
39

40 **CHAIRMAN FRAZER:** Thank you for that presentation, Captain
41 Pearce. Mr. Banks.
42

43 **MR. BANKS:** That was a very interesting presentation, and I
44 appreciate it. My questions involve the recreational examples
45 that you gave. Can you give us an idea of -- In those
46 situations, are you citing the captain and all of the people
47 onboard, or is it just the captain, in both the private rec and
48 the charter trip as well, if you can give us an idea.

1
2 **CAPTAIN PEARCE:** Typically, on a private recreational vessel, we
3 typically try to figure out who was in possession. If it's
4 something like the Madison-Swanson, where everybody is actively
5 fishing in the Madison-Swanson, they're all going to get cited.
6 Typically, they will all be held accountable.

7
8 In a charter vessel situation, we may work through the process
9 and issue warnings to some of the guests, but issue a citation
10 to the captain, but, typically, we have to go with the person
11 who committed the violation. We try to ascertain who committed
12 the violation, and that's who we write the ticket to.

13
14 **CHAIRMAN FRAZER:** Ms. Gerhart.

15
16 **MS. GERHART:** I may have missed this, and I apologize if I did,
17 but the commercial vessels that you showed as a demonstration,
18 the longline and others, were those federally-permitted vessels,
19 or were they lacking permits?

20
21 **CAPTAIN PEARCE:** They were federally-permitted.

22
23 **MS. GERHART:** Do you know if they were IFQ participants?

24
25 **CAPTAIN PEARCE:** I am pretty sure they were, but I would have to
26 go back and look at the reports, but I think they were.

27
28 **MS. GERHART:** Okay, and just one more follow-up. When you do
29 that sort of situation, do you report that to the federal law
30 enforcement or the IFQ program?

31
32 **CAPTAIN PEARCE:** Those instances were written as federal cases,
33 and so those were reported to NOAA. The majority of the cases
34 and the citations that I talked about were all written as
35 federal citations and reported directly to NOAA.

36
37 **MS. GERHART:** Thank you.

38
39 **CHAIRMAN FRAZER:** Mr. Dyskow.

40
41 **MR. DYSKOW:** Thank you, Captain. That was a good presentation.
42 Just as a point of curiosity, and I live on Marco Island, and
43 where do you port your high-endurance vessel?

44
45 **CAPTAIN PEARCE:** I know it's in Marco Island, and I've been
46 there, and, actually, I took the Gulf Sentry there, but I can't
47 remember the name of the marina, but I can tell you, when you
48 come in, you take a hard right, and you go behind the hotels,

1 and it's a nice little marina in there, but I don't remember the
2 name of it.

3
4 **MR. DYSKOW:** Thank you.
5

6 **CHAIRMAN FRAZER:** Dr. Mickle.
7

8 **DR. MICKLE:** Thank you for the presentation as well. It was
9 clear, and that last example you gave of the charter vessel that
10 was, I guess, state certified, and it wasn't a federal for-hire,
11 and it didn't have the permit, is there a penalty matrix, or can
12 you provide any information on the level of fine it was for I
13 guess the captain? Also, those trips sell for such a high level
14 that I just wonder if the penalty is enough to stop that
15 activity.
16

17 **CAPTAIN PEARCE:** I can say that, if it's written under -- If
18 they're in federal waters and they are violating that federal
19 permit, then we're going to turn that case over to NOAA, and I
20 might can ask Pete to comment.
21

22 **UNIDENTIFIED:** \$3,000.
23

24 **CAPTAIN PEARCE:** It's \$3,000, and so those cases are turned over
25 to NOAA, and you're looking at \$3,000, which is pretty sizeable.
26

27 **DR. MICKLE:** Yes, that works. Thank you.
28

29 **CHAIRMAN FRAZER:** Okay. Are there other -- Go ahead.
30

31 **CAPTAIN PEARCE:** I would just like to say that that was an
32 example of federal partners and state partners working together.
33

34 **LT. ZANOWICZ:** Thank you for the presentation. Just to chime in
35 from the Coast Guard side on illegal charters, I just wanted to
36 highlight that this is a major issue, not even just for fishing
37 vessels, but even for non-fishing vessels, for example vessels
38 operating as water taxis or for other recreational purposes.
39

40 We have seen a couple of vessels throughout the Gulf that they
41 don't have charter licenses, obviously, and they have passengers
42 onboard, and they are not meeting the proper safety
43 requirements, which is a huge issue for us, and so we've had a
44 couple of targeted operations targeting these vessels.
45 Unfortunately, it's, obviously, sometimes hard to determine
46 whether they are actually operating as charter vessels or not.
47

48 You will go onboard, and they will say that these individuals

1 are our friends or whatever, and so that's when you use like
2 tactical questioning, as Captain Pearce was talking about in his
3 case, but I just wanted to highlight that for the council. It's
4 definitely on the Coast Guard's radar, and it's something we are
5 actively working on.

6
7 **CAPTAIN PEARCE:** On that note, we're also trying to be more
8 creative on capturing information and data that can help us kind
9 of set up and look at trends on where the majority of that
10 activity is occurring and things like that, and so we're trying
11 to really take a focus on it and see if we can narrow it down.
12

13 **CHAIRMAN FRAZER:** Thank you. Dr. Stunz.
14

15 **DR. STUNZ:** On the case we were just talking about, the non-
16 federal-permitted boat, are the clients responsible at all on
17 there as well?
18

19 **CAPTAIN PEARCE:** We are not going to hold the clients
20 responsible. They were solicited, and they are usually on
21 vacation. We're after the person who is causing the problem,
22 which is the unpermitted charter captain, and so we don't want
23 to target them. Now, what would open them up to it is if
24 they lied to us.
25

26 **CHAIRMAN FRAZER:** Okay. Are there any more questions for
27 Captain Pearce? Seeing none, thank you, Captain, for that
28 presentation. I always enjoy it. Thank you.
29

30 **CAPTAIN PEARCE:** Thank you. I appreciate it.
31

32 **CHAIRMAN FRAZER:** We are ahead of schedule a little bit, and
33 we've got some items that I think that we can take care of, so
34 we can clear some time tomorrow, for those that might want to
35 depart early, and so I think, if it's okay, and let me make sure
36 with the committee chairs, we'll try to knock out two of these
37 committee reports. Dr. Stunz, do you think you could go through
38 the Data Collection Report?
39

40 **DR. STUNZ:** Yes, sir, Mr. Chairman.
41

42 **CHAIRMAN FRAZER:** All right. Go ahead.
43

44 **COMMITTEE REPORTS**
45 **DATA COLLECTION COMMITTEE REPORT**
46

47 **DR. STUNZ:** This is the Data Collection Committee report, and
48 that occurred on June 3, 2019. The agenda and minutes of the

1 April 2019 meeting were approved.
2

3 First was the Review of Proposed Data Collection Advisory Panel
4 charge, Tab F, Number 4. Committee members asked for
5 clarification as to what input the AP might provide on data
6 collection costs, as stipulated in the draft charge. Council
7 staff indicated the intention of including costs in the charge
8 would be to allow the AP to comment on issues related to user-
9 incurred costs due to data collection programs. The draft
10 charge was amended to clarify this intent.
11

12 **The committee recommends the Data Collection AP charge read, and**
13 **I so move, to review and evaluate data collection and monitoring**
14 **management programs. The AP should make recommendations to the**
15 **council for data collection programs in relation to their**
16 **implementation, efficiency, end user costs, and feasibility.**
17 That motion carried with no opposition.
18

19 **CHAIRMAN FRAZER:** Okay. We've got a committee motion on the
20 board. Is there any further discussion on that motion? **Seeing**
21 **none, is there any opposition to that motion? Seeing none, the**
22 **motion carries.**
23

24 **DR. STUNZ:** Next was Discussion of Commercial Fishing Unique
25 Trip Identifiers. Dave Donaldson reported that the Gulf States
26 Marine Fisheries Commission, along with state and federal
27 collaborators, have been in discussions about pinpointing the
28 minimum data inputs required to uniquely identify commercial
29 trips.
30

31 He indicated that persistent challenges in data sharing among
32 agency divisions and standardization of data collection
33 practices among states makes creating unique trip identifiers
34 difficult. Ms. Bosarge suggested focusing efforts on the
35 federally-permitted reef fish and individual fishery quota (IFQ)
36 participants, as these stakeholders were the first to approach
37 the council about trip identifiers.
38

39 Dr. Simmons stated the Council Coordination Committee indicated
40 that the Gulf Council will be very close to identifying for-hire
41 trips after implementation of the Southeastern For-Hire
42 Integration Electronic Reporting (SEFHIER) program. Dr. Jessica
43 Stephen indicated that SERO staff supporting the commercial IFQ
44 program are actively working to recognize weak points in the
45 program for creating unique trip identifiers and provide
46 resolutions for how those data gaps can be addressed.
47

48 The committee decided to send a letter to SERO asking for a

1 presentation outlining potential solutions relating IFQ data
2 information collected by the Southeast Fishery Science Center
3 and the Vessel Monitoring System (VMS).
4

5 SEFHIER Implementation Plan Presentation, Tab F, Number 5, Ms.
6 Sue Gerhart gave an update presentation on the implementation of
7 the SEFHIER program, which outlined the required data inputs and
8 listed the approved vessel location monitoring equipment.
9 Additionally, her presentation addressed the previously-reported
10 sticking points, which were identified during a series of
11 stakeholder workshops. Ms. Gerhart also indicated that the
12 implementation timeline had been modified, and the program would
13 become effective in early 2020, rather than late 2019.
14

15 Mr. Jesse Leslie with NOAA Law Enforcement showed the committee
16 representative VMS units to help the committee visualize how
17 these units would be installed and function on a vessel. Mr.
18 Andrew Peterson from Bluefin and Ms. Emily Muehlstein then gave
19 the committee a demonstration of the utility of the VESL
20 reporting application.
21

22 The committee advocated including survey questions about
23 descending and/or venting devices. Questions regarding these
24 devices could be used to also help determine the universe of
25 for-hire vessels using these devices, so that future promotion
26 of their use could be determined in the for-hire sector. One
27 committee member indicated that questions about descending
28 and/or venting devices could be included in recreational surveys
29 (MRIP) as well to determine the universe of recreational anglers
30 that may also be using the devices.
31

32 SERO staff indicated that changes to the data collection program
33 were difficult to make at this time. Committee members asked
34 when changes to the program could be made, and SERO staff stated
35 that changes could be made after the program was implemented by
36 the council in the future.
37

38 Since the timeline for SEFHIER implementation has been modified,
39 Ms. Boggs suggested reaching out to stakeholders to communicate
40 this modification. Dr. Simmons suggested council staff work
41 with SERO to identify relevant information and revised
42 implementation timelines to provide to all federally-permitted
43 for-hire permit holders via a letter. Mr. Chair, this concludes
44 my report.
45

46 **CHAIRMAN FRAZER:** Thank you, Dr. Stunz. Do we want to bring up
47 any other business with regard to this particular committee
48 report? Mr. Banks.

1
2 **MR. BANKS:** I just have a quick question. The letter that you
3 guys are planning to send to the permit holders, is it possible
4 to have a copy of that provided to the council members, just
5 advising them of the change in the timelines, and it would be
6 helpful for us to put out a news release from our agency to our
7 permit holders.

8
9 **CHAIRMAN FRAZER:** Do you want to tackle that, Ms. Gerhart, or
10 Dr. Simmons?

11
12 **MS. GERHART:** I think -- I'm not sure if this will come from the
13 Fisheries Service or from the council office, but certainly it
14 can be forwarded. It would be great if you guys were all on our
15 bulletin list to receive our bulletins, and then you would see
16 that, but that may be the route we go, and it may not be, but
17 we'll make sure that somehow the council sees what we send out.

18
19 **MR. BANKS:** We're on the bulletin list, and so I think that's
20 fine, but I just wanted to make sure that we don't miss it, so
21 that we can put something out to our guys. Our guys aren't
22 always checking their mail, unfortunately.

23
24 **CHAIRMAN FRAZER:** Dr. Stunz.

25
26 **DR. STUNZ:** I think the intent of the discussion, and maybe,
27 Susan, you can correct me if I'm wrong, but that was coming from
28 the council office, maybe Emily's group or something, and was
29 that right? I didn't think it was coming from SERO, but I guess
30 it doesn't really matter, but I think that was sort of what the
31 discussion was revolving around.

32
33 **CHAIRMAN FRAZER:** Dr. Froeschke.

34
35 **DR. JOHN FROESCHKE:** Emily, go ahead.

36
37 **MS. MUEHLSTEIN:** I think one of the things we were going to do
38 when we come back from the meeting, and we could use some
39 guidance here, is we had planned to send an update out to, at
40 the very least, our list of about a third of the fleet's email
41 addresses, and then consider either putting it in the post-
42 council press release or creating a press release of its own to
43 send out.

44
45 **DR. FROESCHKE:** We decided that we would just send it to all of
46 the federally-permitted --

47
48 **MS. MUEHLSTEIN:** Like a paper letter?

1
2 **DR. FROESCHKE:** Yes, we're going to send a letter.
3

4 **MS. MUEHLSTEIN:** I didn't realize that.
5

6 **DR. FROESCHKE:** We can send a copy to the council when we send
7 that letter out.
8

9 **CHAIRMAN FRAZER:** Okay, and so I'm just going to circle back
10 with Dr. Simmons real quick, to make sure that everybody knows
11 exactly what we're doing here.
12

13 **EXECUTIVE DIRECTOR SIMMONS:** We need to work with the Regional
14 Office on the revised timelines and get that information all on
15 the same page and provide that in a letter to me, and we need to
16 send it to all federal permit holders, and then Emily needs to
17 provide feedback as well to the folks that are more involved
18 with the council process with her one-third listserv, and we'll
19 also provide the letter to the council members.
20

21 **CHAIRMAN FRAZER:** All right. Perfect. Thank you for that
22 clarification. We're going to move on. I don't see any other
23 hands up, and we're going to try and move on and knock out
24 another committee report. Mr. Banks, if you're amenable, we
25 would be willing to go through the Habitat Protection and
26 Restoration Committee Report.
27

28 **HABITAT PROTECTION AND RESTORATION COMMITTEE REPORT** 29

30 **MR. BANKS:** Sure, Mr. Chair. Thank you. The Habitat Protection
31 and Restoration Committee met on June 3, 2019. The agenda and
32 minutes of the April 2019 meeting were approved.
33

34 We heard a presentation from Manna Fish Farms, Gulf of Mexico
35 Finfish Aquaculture Operations. Dr. Kelly Lucas, who is the
36 Director of the University of Southern Mississippi Thad Cochran
37 Aquaculture Center, presented an overview of the plans to
38 install aquaculture facilities in the Gulf waters offshore of
39 Pensacola, Florida.
40

41 Overall, the committee appreciated the level of detail provided
42 during the presentation and the considerations taken for this
43 effort. A few questions about the location of the cages and the
44 proposed finfish species for grow-out from fingerlings were
45 discussed. Red drum, almaco jack, and striped bass were the top
46 three finfish species currently being considered by the company.
47

48 The committee expressed concern regarding the design and

1 location of the cages and how this might affect entanglement of
2 fishing gear, as well as other marine animals. The team from
3 Manna Fish Farms described materials used for the cages and
4 mentioned that they will work with the pertinent agencies to
5 install proper lighting on buoys for signaling and navigation
6 around the cages.

7

8 The committee also asked questions regarding the genetics of the
9 brood stock, the use of medication, and the impacts this may
10 have to the native population of red drum or any other finfish
11 species they decide to grow out later in the facilities. Dr.
12 Lucas reassured the committee that they are using local brood
13 stock and that part of their team includes an aquatic
14 veterinarian who will monitor the fish and the genetic diversity
15 of the brood stock.

16

17 In addition, Mr. Diaz inquired about the time it takes from
18 stocking the cages to harvesting. Dr. Lucas replied that the
19 process takes about a year, depending on the finfish species.
20 Mr. Chair, that concludes my report.

21

22 **CHAIRMAN FRAZER:** Thank you, Mr. Banks. I have a question from
23 Ms. Bosarge.

24

25 **MS. BOSARGE:** No, not a question, and it's not so much about
26 this particular aquaculture endeavor. I think Dr. Lucas did a
27 great job of doing her due diligence, as far as siting and
28 figuring out maybe what fisheries may interact with this, and
29 she looked at the shrimp trawl data. They started that process
30 when the council still had some management purview over
31 aquaculture. Then, in the middle of their process, the
32 judgment, I guess, came through from the courts saying that
33 we're not going to handle that anymore.

34

35 I just wanted to throw out there that I know we're going to have
36 a presentation from the U.S. Army Corps of Engineers, hopefully
37 in August, and so I guess this is going to fall under the Corps
38 purview at that point, and they will have to get permission from
39 the Corps, and maybe that's something else we could take up with
40 the Corps of Engineers when they come and present to us and say,
41 you know, when you get into siting these, and you're having
42 these discussions, it would really be beneficial if somehow you
43 could loop the council in and let's all discuss where this is
44 going to go in, because I'm not sure that new aquaculture
45 endeavors would have done quite that much background on the
46 fishing industry, but Dr. Lucas has that background anyway, but
47 the next one may not.

48

1 **CHAIRMAN FRAZER:** Thank you, Leann. Any more discussion? Dr.
2 Mickle.
3

4 **DR. MICKLE:** Thank you, Mr. Chair. I just wanted to bring up
5 that I was not sitting on the council when this was given, and I
6 had to step out for a conference call, but I wanted to see if
7 there was any discussion during this committee meeting on wild
8 harvest and price of wild harvest and if production of species
9 similar that's harvested on wild stocks in other states in the
10 Gulf, if that was brought up when Dr. Lucas was talking. If it
11 was, that it be included in this report. If it wasn't, then I
12 don't want to influence the report as it is now, but, if there
13 was discussion yesterday about that, I would like it included in
14 this report. Thank you.
15

16 **CHAIRMAN FRAZER:** There was some discussion around the table
17 about that, Paul, and I guess I will defer to the committee
18 chair if we want to make some modifications to the report to
19 honor the request of Dr. Mickle.
20

21 **MR. BANKS:** I don't at all mind adding it to the report. I
22 didn't make that change, because I didn't feel like it was all
23 that substantive, but there was some discussion, and it didn't
24 seem like it was that big of a point, and so that's why I didn't
25 add it, but I don't mind adding it, just to make the record
26 complete.
27

28 **CHAIRMAN FRAZER:** Dr. Mickle.
29

30 **DR. MICKLE:** I am not implying that it's a problem or not, but,
31 if it's not a problem, I would like it highlighted in there,
32 just to clarify that, from Dr. Lucas's expert experience and
33 knowledge in the subject, if price is not to potentially be
34 affected from the wild stock from aquaculture production, that
35 it's highlighted in report, to put folks at ease, and so not
36 having that impact is great news, and we would like to highlight
37 that, at least from my opinion, because there is some
38 reservations out there about aquaculture production, and, if we
39 can put those at ease and such expertise is being presented
40 here, I think it's the platform to do so. Thank you.
41

42 **CHAIRMAN FRAZER:** Dr. Simmons.
43

44 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Dr. Mickle,
45 it was brought up, is my recollection, and I believe, and I
46 don't want to speak for Dr. Lucas, and she is here, but I
47 thought she said she thought that there would be no impact, but
48 they didn't really have any quantitative information in front of

1 us or at their fingertips right now to discuss at this time, but
2 they could run some simulations, was I believe what the
3 discussion was on the economic impacts, but I could be incorrect
4 in remembering that.

5

6 **CHAIRMAN FRAZER:** Mr. Banks.

7

8 **MR. BANKS:** That's my recollection as well. It was her opinion
9 that there would not be an impact on price, but I don't recall
10 her having any data or analysis of that, and so that was part of
11 the reason why I decided not to include it, but I don't mind at
12 all at least expressing their professional opinion that it will
13 not have an impact on price.

14

15 **CHAIRMAN FRAZER:** I just want to make sure what we're doing, and
16 so the conversation will be clearly captured in the minutes of
17 the committee meeting, and so it will be there, and do you want
18 us to put it in the report as well, Dr. Mickle, a sentence or
19 two?

20

21 **DR. MICKLE:** As Vice Chair, I don't know if I have the
22 authority, but I respectfully request, thank you, to the Chair.

23

24 **CHAIRMAN FRAZER:** We will do that. All right. Thank you. Are
25 there any additional comments or questions? Seeing none, we're
26 going to keep moving along. I believe that we have the
27 Migratory Species Committee Report completed. Dr. Stunz, would
28 you be amenable to moving through that?

29

30 **DR. STUNZ:** I am ready if you are.

31

32 **CHAIRMAN FRAZER:** Okay. Thank you.

33

34 **MIGRATORY SPECIES COMMITTEE REPORT**

35

36 **DR. STUNZ:** The Migratory Species Committee met on June 5, 2019.
37 The agenda and minutes of the February 2017 meeting were
38 approved.

39

40 Summary Presentation of HMS Proposed Actions was on Tab M,
41 Numbers 4(a) through (f). Dr. Jennifer Cudney gave a
42 presentation of four proposed management actions being
43 considered for several highly migratory species. The committee
44 expressed interest in seeing the final three-year report on the
45 individual bluefin quota (IBQ) program, and Dr. Cudney indicated
46 that she would make that report available to the committee.

47

48 The committee inquired about the success of the IBQ program.

1 Dr. Cudney indicated that the program had reduced incidental
2 interactions of bluefin tuna up to 80 percent in the pelagic
3 longline fishery.

4
5 The committee asked how the Highly Migratory Species Division
6 proposed to quantify the effectiveness of closed areas for
7 managing HMS species. Dr. Cudney indicated that existing
8 fishery-dependent monitoring would be conducted for these
9 provisional area openings to fishing and that a final report
10 would be published after three years of study to inform future
11 HMS management of those areas.

12
13 The committee reiterated the importance of the council to
14 provide input on HMS management decisions, as several species
15 managed by the council interact with HMS fisheries.
16 Additionally, the collection of data on highly mobile predator
17 species, such as sharks, can be used to inform future ecosystem
18 management.

19
20 Draft BAYS Species Working Group Recommendation Letter, Tab M,
21 Number 5, the committee reviewed a letter drafted by the Bigeye,
22 Albacore, Yellowfin, and Skipjack (BAYS) Tuna Species Working
23 Group, which outlined a number conservation and management
24 recommendations. BAYS is interested in receiving input and
25 support of the recommendations from the Atlantic and Gulf
26 regional councils before the finalized letter is sent to NOAA.

27
28 Ms. Anna Beckwith, representing the South Atlantic Fishery
29 Management Council, expressed interest in working with Gulf
30 Council members to add language to the letter to clarify the
31 fifth suggested recommendation regarding conservation of
32 skipjack tuna.

33
34 Ms. Guyas indicated she would be available to work with Ms.
35 Beckwith on the draft. Ms. Beckwith also indicated that the
36 working group would be reviewing council input to the letter in
37 October 2019. Mr. Chair, this concludes my report.

38
39 **CHAIRMAN FRAZER:** Thank you, Dr. Stunz, and thank you, Anna and
40 Martha, for agreeing to prepare that language for the letter.
41 That will be really helpful moving forward. Is there any other
42 discussion with regard to this committee report? Okay. Seeing
43 none, we're going to try to knock out a couple of other things.
44 Ms. Gerhart, would I be putting you on the spot if we could
45 tackle some of those items of Other Business? Maybe we could
46 start off with the changes to the allowable gear table.

47
48 **OTHER BUSINESS**

1 **DISCUSSION OF CHANGES TO ALLOWABLE GEAR TABLE**
2

3 **MS. GERHART:** We sent around a table for you to take a look at.
4 This is the current table of allowable gear for the Gulf of
5 Mexico Fishery Management Council that we have in our
6 regulations in the 600 section of the regulations.

7
8 What we're looking at is to make some changes to this table for
9 a couple of reasons. One is to clarify the gear that is
10 allowable for use for lionfish, because we've been encouraging
11 fishing for lionfish, and we want to be very clear on which gear
12 can be used for that fishery, and then the second reason is
13 there are some updates that are needed to various areas of the
14 table, and so we just want to do some cleanup.

15
16 If we could scroll to Number 6 on the list, this is just an
17 example of a cleanup. This is the stone crab fishery, and it
18 says "FMP" by it, and it was years ago that you repealed that
19 FMP, and so that's an example of a kind of cleanup. That would
20 remain there, but we would change it to say "non-FMP". We do
21 have a number of fisheries that are in here, and the first ones
22 are all the FMP fisheries, but then we have other things, for
23 example like the blue crab fishery and the golden crab fishery
24 and mullet, et cetera, that are non-FMP, but that have specific
25 gears that are allowed for them in federal waters of the Gulf of
26 Mexico. If you scroll to Number 19 and 20, and I believe Ms.
27 Levy has something.

28
29 **CHAIRMAN FRAZER:** Ms. Levy.

30
31 **MS. LEVY:** I just want to say something about the idea that it's
32 allowable gears in the Gulf of Mexico, and so this is in the
33 general regulations, in the general allowable gear table. To
34 the extent there is something that is prohibited in the 622
35 regulations, it's not allowed under here, and so you might see
36 something and go, well, we have specifically prohibited this
37 gear.

38
39 As long as it's specifically prohibited in 622, it's not
40 allowable under this table. Our specific regulations override
41 this allowable gear table, and I just didn't want anyone to get
42 nervous that there might be something that you know is
43 prohibited more specifically, but it's listed in this table as
44 allowable.

45
46 **CHAIRMAN FRAZER:** Thank you.

47
48 **MS. GERHART:** In fact, that's part of what our cleanup is, is

1 that there's some things that are in here that 622 prohibits,
2 for example fish traps, with some exceptions, and so fish traps
3 are not allowed, except for those used in certain crustacean
4 fisheries, like spiny lobster, stone crab, and blue crab, and so
5 there are other places in here that say "trap" when they
6 shouldn't, because they are trumped by the 622 regulations, and
7 so we're going to clean that up in this rulemaking that we're
8 going to do.
9

10 **CHAIRMAN FRAZER:** Real quick, to that point, if you would scroll
11 up to the golden crab, for example, and there's an entry there
12 that simply says "trap", and would there be an asterisk or
13 something there that would kind of clarify why it's on this
14 particular table?

15
16 **MS. GERHART:** I believe -- I am not sure now. We thought we
17 knew, but we're not sure, but I believe that we're removing
18 that, because it's not allowed under the 622 regulations, even
19 though it says that there, and so that's part of what we want to
20 clear up, is that that's not an allowable gear for golden crab
21 in the Gulf, because of the fish trap prohibition that is in the
22 specific Gulf of Mexico regulations, and so, like I said, that
23 trumps whatever is in this table, but, for clarity, we're going
24 to be doing some of that cleanup, so that it's not confusing to
25 people reading it.

26
27 **CHAIRMAN FRAZER:** Great. Thank you.

28
29 **MS. GERHART:** Again, if we could go back to 19 and 20, and so
30 Numbers 19 and 20 you can see say "commercial fishery non-FMP"
31 and recreational fishery non-FMP", and so anything that's not
32 covered in one of these other boxes is covered under these two
33 categories.

34
35 What we are proposing to do is to add a Number 22 and 23 which
36 would be specific to lionfish, and one would be commercial and
37 one would be recreational, and, for the most part, the gears
38 that you see here under the general non-FMP would be under the
39 lionfish, with a couple of exceptions of some things that just
40 would never be used for lionfish.

41
42 One thing to -- It's just going to clarify for the public what
43 is legal and what is not. Now, be clear that traps, except for
44 those that fall under that traditional crustacean fisheries,
45 will still be prohibited for lionfish. You have seen some EFP
46 requests for some different types of traps that are being tested
47 for lionfish, and those would still not be allowed until we take
48 some additional action by the council, and so just to be clear

1 that this will allow, for example, the spiny lobster fishermen
2 that catch lionfish as bycatch to be able to retain -- Clarify
3 that they can retain and sell those fish caught there, but it
4 will not allow new types of traps to be used in the Gulf of
5 Mexico.

6

7 **CHAIRMAN FRAZER:** Thank you. Dr. Simmons.

8

9 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. I just
10 wanted to say thank you, guys, for doing this. When we were
11 doing the regulatory review, even our staff were confused about
12 this, and so I think this is a great thing to do, and I hope it
13 will avoid confusion. Is it possible to share this with us, the
14 staff, council staff, before it's finalized, so that we also
15 have a chance to have another set of eyes on it? Is that
16 doable?

17

18 **CHAIRMAN FRAZER:** Ms. Levy.

19

20 **MS. LEVY:** I think we can do that. I don't think that the
21 intent is to take out everything in the allowable gear table
22 that's prohibited under the 622 regulations, and so I don't want
23 us to go through and scrub it in that way, and we're going to be
24 proposing these changes, and so we have to do a rulemaking to do
25 this, and so there will be a proposed rule and then a final
26 rule, and so we could definitely also come back to the council
27 hopefully with the proposed rule, and I guess we have to look at
28 the timing, and so we could potentially time it so that the
29 comment period is open during a council meeting or something
30 like that.

31

32 **CHAIRMAN FRAZER:** Okay. Great. Ms. Bosarge.

33

34 **MS. BOSARGE:** I just wanted to make sure, on the lionfish, that
35 you said you will have a commercial and recreational, and I
36 assume you're pretty much going to copy and paste what I see in
37 19 for non-FMP commercial, but you said there might be some
38 things that might get removed, and I just want to make sure that
39 you leave trawl in there. I say that just because they're
40 showing up when we're trawling in certain parts of Florida, and
41 there are some boats in the more southern parts of Florida that
42 land them as bycatch and sell them.

43

44 **CHAIRMAN FRAZER:** Thank you, Leann. Kevin.

45

46 **MR. ANSON:** Isn't there another table that you all reference
47 that has like the dimensions of -- When you mention trap for
48 lobsters, isn't there like a dimensions that a trap would fall

1 under? Then I have a second question.
2

3 **CHAIRMAN FRAZER:** Do you want to tackle the first question,
4 based on that?
5

6 **MR. ANSON:** No, it's a separate comment.
7

8 **CHAIRMAN FRAZER:** Okay. Ms. Gerhart.
9

10 **MS. GERHART:** We have separate lobster regulations, and I don't
11 know that it's a table. It's just a list of what the
12 specifications are, and I'm pretty sure they mimic what the
13 State of Florida has done.
14

15 **CHAIRMAN FRAZER:** Go ahead, Kevin.
16

17 **MR. ANSON:** All right, and then, when looking at the last
18 category there, where it says offshore aquaculture, if the EFP
19 goes through and sargassum is allowed to be harvested in the
20 manner it's been described in the EFP, we might want to include
21 "loop current" after "net pens". Thank you.
22

23 **CHAIRMAN FRAZER:** All right. Any further discussion? Okay.
24 Seeing none, thank you, Ms. Gerhart, for providing that
25 overview. Would you be willing to talk about the Bryde's whale
26 listing? Thank you.
27

28 DISCUSSION OF BRYDE'S WHALE ESA LISTING 29

30 **MS. GERHART:** Recently, the final rule was effective that lists
31 the Bryde's whale in the Gulf of Mexico as endangered. This
32 affects the council, to the extent that there are some areas
33 where there is overlap of the Bryde's whale biologically
34 important area that has been identified with a couple of the
35 fisheries, and one is the longline fishery and the other is the
36 royal red shrimp fishery.
37

38 There is overlap in those areas where those fisheries are
39 prosecuted and where the whales occur, and we do not believe
40 that there is a lot of overlap or that it's a situation where
41 it's going to create a big problem. We are working through some
42 memos with the Protected Resources Division now, but it was
43 suggested that the council might be interested in hearing a
44 briefing from our Protected Resources Division at the next
45 meeting, where they can hear about the Bryde's whale and maybe
46 some of the other things that were recently listed and the
47 overlap with fishing operations, and so that was asked to be
48 asked for the council, if they would be interested in that.

1
2 **CHAIRMAN FRAZER:** All right, and so are folks around the table
3 interested in getting a presentation from the Protected Species
4 group? I am seeing a lot of nods and thumbs-up, and so, yes, we
5 would like to have that. Thanks for working with us to get that
6 on the agenda.

7
8 **MS. GERHART:** Thank you very much.
9

10 **CHAIRMAN FRAZER:** Are there any other questions with regard to
11 the Bryde's whale listing? Okay. Seeing none, we have another
12 item of other business having to do with a release mortality
13 workshop that's coming up, and, Ms. Muehlstein, would you like
14 to handle that?

15
16 **DISCUSSION OF RELEASE MORTALITY WORKSHOP**
17

18 **MS. MUEHLSTEIN:** Yes, and I just wanted to provide the council
19 with an update. We have had a lot of discussions around the
20 table about discard mortality and the way that we can best
21 handle that, and we also had a presentation at our last council
22 meeting from the Open Ocean TIG folks who are dealing with the
23 Deep Water Horizon restoration funds, and we have been sort of
24 talking with them and working with them and trying to figure out
25 how best to approach the issue of recreational discard mortality
26 as a council.

27
28 I just wanted to inform you guys that we are going to host a
29 release mortality symposium, and, at that symposium, it's going
30 to be a two-part workshop. The first part is going to focus on
31 the science that surrounds release mortality and how we can sort
32 of track the use of devices and get a better understanding of
33 the discard issue in the Gulf and then eventually, hopefully,
34 make some changes that would incorporate that information into
35 the stock assessments better.

36
37 Then the second part of that workshop is a meeting of the
38 council's Outreach and Education Technical Committee, and so
39 it's going to be a three-day symposium hosted on October 7
40 through 9. As part of that science workshop, we are inviting
41 twenty-one participants, and it's a mix of scientists from
42 throughout the region and different managers, including some
43 Gulf Council members, and some different industry personnel that
44 we have selected along with the Council Chair and then some
45 other appropriate folks, including folks that are dealing with
46 the restoration funds and then folks from the west coast who
47 have a perspective on how they have promoted the use of
48 descending and venting devices and ultimately ended up in a

1 situation where they were able to harvest some of that foregone
2 yield that would have otherwise died and been thrown back.
3

4 I just wanted to give you guys an update. I believe that
5 council members -- If you guys have interest in attending that
6 symposium, go ahead and contact Carrie and myself, and we can
7 work on your attendance. We will be hosting it at a hotel in
8 the Tampa Bay area, possibly St. Petersburg, and then we are
9 also -- We've had a really exciting opportunity.
10

11 Captain Dylan Hubbard and Hubbard Marina is going to partner
12 with us to host a field trip, so that the science participants
13 and the outreach participants can go and actually use some of
14 these tools on one of the headboats, and so just thank you to
15 Dylan. I know he's in the audience, and I wanted to make sure
16 that the council was aware that he was doing that for us.
17

18 **CHAIRMAN FRAZER:** Great. Thanks, Emily, for that overview. It
19 looks like it's going to be an excellent workshop, and, Dylan,
20 if you're out there, thank you for partnering with the group to
21 make that happen. Is there any further discussion? Go ahead,
22 Dr. Stunz.
23

24 **DR. STUNZ:** Thank you, Mr. Chair. I just had a quick comment to
25 that, and I just wanted to say thanks to Carrie for her
26 leadership and, Emily, especially you for pushing forward this
27 campaign we have regarding the discards and all that.
28

29 You know, obviously, I was really pushing for regulations on
30 this, and, obviously, there was some pushback and things and why
31 we're not there just yet, but I do think that the direction
32 we've gone now of really educating upfront, because, obviously,
33 enforcement is going to be an issue with any type of regulation
34 we do, and that was probably a nice way to go, because now we'll
35 have all of that out there, which I hope is in front of some
36 future regulation and other research and things that are coming
37 along, but I just wanted to say thanks for you all doing that
38 and really doing what I consider above and beyond what I was
39 sort of expecting, and so that's a good thing.
40

41 **CHAIRMAN FRAZER:** Great. Thank you, Dr. Stunz. Any additional
42 discussion? Okay. Seeing none, I think the other remaining
43 committee reports are in progress, and some of them need to be
44 held onto until after public testimony, and so we'll go ahead
45 and break for lunch, and we'll reconvene this group at two
46 o'clock. I will see you all then.
47

48 (Whereupon, the meeting recessed for lunch on June 5, 2019.)

1
2
3
4 June 5, 2019
5
6 WEDNESDAY AFTERNOON SESSION
7
8 - - -
9
10 The Full Council of the Gulf of Mexico Fishery Management
11 Council reconvened at the Sandestin Golf and Beach Resort,
12 Miramar Beach, Florida, Wednesday afternoon, June 5, 2019, and
13 was called to order by Chairman Tom Frazer.
14
15 **CHAIRMAN FRAZER:** Good afternoon, everyone. Public input is a
16 vital part of the council's deliberative process, and comments,
17 both oral and written, are accepted and considered by the
18 council throughout the process.
19
20 The Sustainable Fisheries Act requires that all statements
21 include a brief description of the background and interest of
22 the persons in the subject of the statement. All written
23 information shall include a statement of the source and date of
24 such information.
25
26 Oral or written communications provided to the council, its
27 members, or its staff that relate to matters within the
28 council's purview are public in nature. Please give any written
29 comments to the staff, as all written comments will also be
30 posted on the council's website for viewing by council members
31 and the public, and it will be maintained by the council as part
32 of the permanent record.
33
34 Knowingly and willfully submitting false information to the
35 council is a violation of federal law. If you plan to speak and
36 haven't already done so, please sign in at the iPad registration
37 station located at the entrance to the meeting room. We accept
38 only one registration per person.
39
40 Each speaker is allowed three minutes for their testimony.
41 Please note the timer lights on the podium, as they will be
42 green for the first two minutes and yellow for the final minute
43 of testimony. At three minutes, the red light will blink, and a
44 buzzer may be enacted. Time allowed to dignitaries providing
45 testimony is extended at the discretion of the Chair.
46
47 If you have a cell phone or similar device, we ask that you keep
48 them on silent or vibrating mode during the meeting. Also, in

1 order for all to be able to hear the proceedings, we ask that
2 you have any private conversations outside, and please be
3 advised that alcoholic beverages are not permitted in the
4 meeting room. With that said, we're going to get our computer
5 online here, and we'll start. Our first speaker will be
6 Lawrence Marino, followed by Gary Jarvis.

PUBLIC COMMENT

10 **MR. LAWRENCE MARINO:** Good afternoon. My name is Lawrence
11 Marino, and I'm here on behalf of Louisiana Attorney General
12 Jeff Landry. Attorney General Landry fully supports the generic
13 amendment to allow carryover of unharvested quota. There is
14 only so many ways to increase access to the fish consistent with
15 good science, and this is one of them. It is, therefore, worth
16 doing.

18 Attorney General Landry also supports reducing the for-hire red
19 snapper ACT buffer. For-hire has proven its ability to meet
20 ACTs, and reducing the buffer to 9 percent still allows a
21 significant margin of safety. However, Attorney General Landry
22 does urge the council to continue to authorize state management
23 of the red snapper for-hire component for the states that want
24 it. Louisiana for-hire does want it, and the Louisiana
25 Department of Wildlife and Fisheries has proven that it can do a
26 good job of it.

28 As to Amendment 36B, Attorney General Landry urges the council
29 to continue moving forward. As long as the IFQ program is in
30 place, this extraordinary privilege should be allocated to the
31 active fishermen that it was designed to help and not non-
32 fishermen who merely hold shares and profit from the private
33 control of this public resource. Use-it-or-lose-it should be
34 the rule.

36 Defining who is an active fisherman is not as simple as just
37 determining who holds a reef fish permit, but it's certainly a
38 place to start. It's low-hanging fruit. Taking the analysis
39 further requires knowing who actually landed the shares and not
40 just how many shares are held by permit holders.

42 How many shares were landed by non-shareholders? How many of
43 each shareholder's shares were landed by the shareholder, as
44 opposed to others? What, if any, relationship is there between
45 the shareholder and who actually landed the shares? This
46 information, and analysis of it, is important to making informed
47 decisions on Amendment 36B. Attorney General Landry therefore
48 urges the council to request it.

1
2 Also, as we're seeing, there are shades of use, such as covering
3 bycatch and avoiding discards, that are more nuanced than may
4 initially appear. Share leasing to cover bycatch is a good
5 thing, but Action 2 of Amendment 36B enables this. It can be
6 handled through the proposed quota bank without further
7 entrenching private control of this public resource.
8

9 Finally, Attorney General Landry urges the council to allocate
10 post-IFQ quota increases to the quota bank under Action 3.1 to
11 provide them to fishermen other than the original shareholders.
12 If this is done for no charge, then at least it's no worse than
13 the original giveaway of the original quota, or, if it is done
14 for a charge, at least the public would receive the proceeds for
15 this public resource, instead of the private shareholders.
16 Thank you.
17

18 **CHAIRMAN FRAZER:** Thank you, Mr. Marino. The next speaker is
19 Gary Jarvis, followed by Nick Ruland.
20

21 **MR. GARY JARVIS:** Dr. Crabtree, council members, and staff,
22 welcome to Destin, the luckiest fishing village in the world.
23 I'm glad that, after years of absence from being able to host a
24 Gulf Council meeting, that you've come to Destin.
25

26 I do, however, apologize for the lack of participation of our
27 fleet members. Due to the fact that the meeting is scheduled
28 the very first week of our high recreational fishing season and
29 the opening of red snapper, most of our guys are in the Gulf of
30 Mexico for the next twelve to sixteen hours a day, and so it's
31 just basically me and Jim Green here today.
32

33 Well, as many of you know, I'm a man of many hats. My life as a
34 professional fisherman, father, husband, coach, businessman, and
35 now as mayor-elect, have all had an impact on my life and of
36 those that my life has touched. Most of you here have been many
37 things as well, and some of you have been my friend and ally, a
38 leader, an advocate, an antagonistic person, a foe, maybe even a
39 thorn in some of you all's backsides, but, through it all, it's
40 always been with a level of civility, respect, and sincerity,
41 both in my efforts and my accomplishments.
42

43 Now I'm going to thank you for giving me this opportunity to
44 share, and this is the beginning of my rant. I will end my rant
45 though with some encouraging words. First is the allocation
46 debate over red snapper and a few other species the last two
47 days, and it's the same discussion that's gone on for over a
48 decade now. In fact, probably two decades.

1 During the twenty or ten years of this discussion, some
2 improvements in management systems have actually taken place.
3 During this time, some definitive improvements to data
4 collection, accountability, and scientific uncertainty has taken
5 place. During this time also, stakeholders have actually worked
6 to be contributors to the success of the rebuilding fisheries,
7 in a sincere effort to enhance fishery management and are
8 committed to never be satisfied with the status quo of the
9 fishery, but to actually try to improve them.
10

11
12 Again, here, as it has been for decades, the pontificating
13 began. It's so disheartening and frustrating to hear comments
14 by council members who try to justify their agendas by trying to
15 create a narrative that their sector or user group is more
16 important, more moral, or righteous than the other stakeholders
17 based on a false premise that their existence and motivation to
18 kill a fish and eat it is far superior than other stakeholders.
19

20 Then we have the age-old economic argument that a pound of fish
21 caught on a rod-and-reel by a boat owner and his family is more
22 valuable and a morally-justifiable experience than the
23 experience and value achieved by a family who sit together at
24 their dinner table or at a table in a restaurant, and so the
25 beat goes on.
26

27 During these excruciating period of posturing and positioning,
28 it consumes the resources and capital of the management process
29 with no telltale solutions or visions that enhance the
30 capabilities for this council to become problem solvers, and, in
31 that end, they do so under the guidelines of policies
32 established, laws of the land, that keep us all out of the
33 courts, and so now my rant is over.
34

35 I would like this entire council to consider to take a different
36 course to end this decades of old-bunker mentality and try a
37 different approach. When it comes to allocation, we all know,
38 beyond a shadow of a doubt, that, as we manage a rebuilding
39 fishery, it's a fact that, if you increase the level of
40 accountability in actual harvest rates and knowing the level of
41 participation, that you will increase your access to that
42 fishery as it grows. There are two user groups that have proven
43 that since 2007 all the way until 2019.
44

45 Also, when dealing with allocations of fish for each sector and
46 the establishment of ACLs and ACTs, there are specific buffer
47 levels of scientific uncertainty in the harvest modality in each
48 sector. This is the low-hanging fruit that this council needs

1 to turn its immediate attention to, and here lies the quickest,
2 the least controversial, and the most easily-fixed way to
3 increase the access levels for each sector without raiding the
4 other sector's allocation.

5
6 The most important aspect of this approach is the fact that,
7 instead of nit-picking and fighting for 2 or 3 percent of an
8 allocation shift, this council and the states, if determined
9 enough and committed to the resources necessary, that they can
10 create the capability for large increases of allocation, access
11 by building a data collection system that would allow the
12 reductions of buffers that are preventing 5, 10, 15 percent of
13 allocation access.

14
15 Now, we are talking about an increase up to a half-million
16 pounds or more and creating the benefits sharing associated with
17 any further allocation increase. One of the biggest problems
18 over these past five to ten years is the accountable sectors,
19 the ones that have the least amount of scientific uncertainty,
20 as the stock grew, they benefited with the growth, and yet the
21 group, the sector that didn't have that capability, saw a loss
22 of access. It sounds so simple.

23
24 Now we are talking with fishers from all sectors that have
25 encouraged our state commissioners, and this is what we are
26 doing here in the State of Florida, to move in this very
27 direction by creating a policy that we can carry to our state
28 legislators to take the free mandatory reef permit that is being
29 funded by BP RESTORE monies that is about to run out and create
30 a fee to our mandatory license that will stop the event that's
31 taking place now. We have a mandatory license that's free, and,
32 when somebody buys one, and they're buying a license to go catch
33 a redfish, or you go scalloping in St. Andrews Bay, the guy at
34 the counter just checks the box, and they are being extrapolated
35 into unit per effort for reef fishing in the State of Florida.

36
37 Not only that, but, as that money runs out, and our state is
38 soon to be responsible for managing the red snapper fishery out
39 to 100 miles, we need a permanent funding source, not only for
40 the increased data collection or the increased enforcement, but
41 just to enhance the management process in the State of Florida
42 as a whole.

43
44 Each one of the states here has that same responsibility looming
45 before it now, and this is a direction I think that this council
46 could take the lead in, in moving of this direction of finding a
47 robust enough data collection system that we reduce these
48 scientific uncertainties and give the regular angler, the

1 recreational private boat owner, who now that's the realm I'm
2 in, because I sold my charter boat, my commercial fishing
3 interest, and it gives us more access without the pain and the
4 wailing and the gnashing of teeth that has taken place over the
5 last ten to twenty years.

6
7 If you're fair-minded and you're knowledgeable of the management
8 process, if you believe in the process and the policy
9 established by MSA, then you know what I am saying is true. I
10 believe good leadership creates good quality of life. Good
11 leadership from this body will do that for all of us in the
12 angling community, no matter how we harvest our fish.

13
14 Now the fishery-side issues, and I be will done here in just a
15 second, Mr. Chair. Cobia are in serious trouble in the northern
16 Gulf of Mexico. I have stood here before that, and we have had
17 some discussions of this council, and I really wish -- The State
18 of Florida has taken a really proactive position on this, with
19 not only a per-person limit, but a boat limit, and I would think
20 a good compromise for this body in federal waters would be a
21 one-fish per person limit, and I'm not asking for a boat limit,
22 but we need to do something with cobia in the Gulf.

23
24 The lack of cobia is not as intense in other states, or off
25 other states, but everyone I know, their anecdotal evidence,
26 from Key West all the way to Freeport, Texas, is there is not as
27 many fish as there were, and it's at not only a noticeable rate,
28 but it's at an alarming rate, and maybe in these other areas
29 they are beginning to see what we began to experience five years
30 ago, and it has not gotten better, and it's been an eleven-year
31 issue. We have seen it decline, and it was one of my most
32 passionate fisheries.

33
34 I am standing here before this council and saying to seriously
35 consider that, in spite of what the science says. Sometimes the
36 science doesn't get it right, as we've experienced in gag and
37 red grouper.

38
39 I support Captain Hubbard, who will speak in a moment, in his
40 request to create a clear protocol in how we enforce overnight
41 trips for multi-passenger charter and headboats on trips greater
42 than twenty-four hours, and Captain Hubbard will expound on
43 that.

44
45 Myself and the fleet members here in Destin request to consider
46 a fractional bag limit for greater amberjack, to enhance the
47 chances that attaining that four-month season we were shooting
48 for, still keeping the August 1 opening, from August 1 to

1 October 31, and hopefully get a few days in May.
2

3 Lastly, I recommend a twenty-inch size limit for almaco jacks,
4 and I think it needs to be considered. We're seeing a trend in
5 very small fish being harvested, and some of that is because all
6 of our other fisheries are closed, but a twenty-inch fish is a
7 decent-sized fish, and I'm seeing a lot of really small fish,
8 and this is a species that we have very little scientific data
9 on, and so this is just something that needs to be brought up,
10 and I know it's come before our FWC on this issue.
11

12 The benefit of being the Mayor is I got more than three minutes,
13 as it's apparent that I did, but, everything I say, I say it
14 with total respect and honor to your group. Your task is
15 difficult, and I hope my comments may break down a few barriers
16 and maybe redirect the course that you steer when it comes to
17 sector allocation. Thank you.
18

19 **CHAIRMAN FRAZER:** Gary, I think we're going to have a question
20 from Martha.
21

22 **MS. GUYAS:** Just a quick one. On almaco, are you talking
23 recreational, or are you talking commercial, or are you talking
24 both?
25

26 **MR. JARVIS:** I'm talking both. Once you get below twenty inches
27 on the commercial side, the fillets become small, and it's
28 always been considered a bycatch fish, and the same thing on the
29 recreational side. I see guys that will pull up to sargassum
30 grass patches, and they will string ten or twenty little almaco
31 jacks this big, because there's no size limit, and they're
32 harvesting them when they probably ought not to. Any other
33 questions? Thank you, Mr. Chair.
34

35 **CHAIRMAN FRAZER:** Thank you. Our next speaker is Nick Ruland,
36 followed by Ralph Andrew. Is Nick in the room?
37

38 **UNIDENTIFIED:** I think him and Ralph left to go back to Fort
39 Myers.
40

41 **CHAIRMAN FRAZER:** Okay, and so I will just double-check. Is
42 Ralph Andrew here? All right. We will move ahead. The next
43 speaker will be James Bruce, followed by Ken Haddad.
44

45 **MR. JAMES BRUCE:** I'm James Bruce, a commercial fisherman.
46 Thank you all for letting me talk. I think that's what I am
47 supposed to say. Amendment 36, just IFQs in general, and this
48 is the best way to manage fisheries, but you've got to have

1 laws, and people have got to have stewardship.
2

3 The way the IFQs are going now, it ain't working, because the
4 price is so high for leases, and I have no concerns about it,
5 but I'm worried about the fisheries, because I don't lease fish.
6 I don't got enough to lease to nobody. I've got enough for me,
7 but you all took everything out of 36B that was good, and you
8 all destroyed it, and I don't know why, but it is.
9

10 Now you're going to have to wait another five years or so before
11 a stock assessment or whatever it's called that you all review
12 it, every five years, and then it's going to even be worse, and
13 so something has got to be done. You do all kinds of things,
14 and you all can do things to make it better, to trade shares,
15 and so why not reverse it back, but I was told that I've got to
16 come to the council to do that.
17

18 They did change the system that I voted on, and I don't know how
19 they did it, because I didn't understand it, because I'm not in
20 the business of having a bunch of boats. I have my own boat,
21 and I have one account, and I've never had to put no fish in a
22 vessel account. When they did that, they created a monster, and
23 it ain't good.
24

25 I would like to know how they could change my system. I know
26 why. To make it easier. Well, anytime you're going to make
27 anything easier, and anybody who wants to bypass the system,
28 we'll bypass the system. As far as full retention, what
29 happened to the cameras ten years ago? I see them outside now,
30 and that would help for everything, cameras. You all could see
31 where the people is fishing, and you all could see what they're
32 catching. The outlaws might not like it. I would like it, and
33 I would pay for it myself.
34

35 As far as getting permits, putting a permit, you don't have to
36 have a qualifier no more, an income qualifier. Anybody can buy
37 a permit, and it's open to the public, these fisheries, and how
38 can you open our fisheries to the public? I was proud of this
39 when we first started, and now it's like I don't know what to
40 do, and you can't do it. Everybody has got to get together and
41 find a plan or make it a damn gamefish. I'm going to say it,
42 because I'm tired of the fussing and the fighting. I have
43 nothing to gain from this. You all need to -- If you all want
44 the fisheries -- Think about the fisheries.
45

46 Like Jarvis said, stop the bickering and fix the problem. Find
47 a solution, and there are solutions out there, but not everybody
48 is going to like the solution, but I didn't like it when I got

1 cut in half on the quota when they issued it to us, but we had
2 to deal with it. Thank you.
3

4 **CHAIRMAN FRAZER:** Thank you. The next speaker is Ken Haddad,
5 followed by Edward Maccini.
6

7 **MR. KEN HADDAD:** Thank you, Mr. Chairman and council members.
8 Probably the main reason that I want to be up here today is to
9 thank Doug Boyd for his service on the council. He has been
10 with you for nine years, and he outlasted probably most people
11 here, and he has been representing the recreational interests
12 for nine years, and, Doug, I just want you to know that we
13 recognize that from a recreational perspective, and we're going
14 to miss your voice on the council, and so thank you for your
15 service.
16

17 I only have one other comment, and it has to do with a motion
18 made at your last meeting. It was to direct staff to contact
19 SERO and Southeast Fisheries to put together an allocation
20 review workgroup tied to your letter of policy that you voted on
21 at the last meeting and submitted to NOAA.
22

23 What isn't in there is any kind of priority or timeframe, and
24 I'm not asking for anything specific, Mr. Chairman, and it's
25 possible that you can just work with staff, but, when I don't
26 see a timeframe, I start to worry that there is no timeframe,
27 and so if you would either discuss it at the council discussion
28 or work with staff somehow to let us in the public know what
29 kind of timeframe this process is going to follow. Thank you.
30

31 **CHAIRMAN FRAZER:** Thank you. The next speaker is Edward
32 Maccini, followed by Brad Gentner.
33

34 **MR. EDWARD MACCINI:** Good afternoon. My name is Ed Maccini,
35 President of SOFA and a commercial fisherman and IFQ
36 shareholder, a fisherman for over forty years. I would like to
37 talk a little bit about the decline in the red grouper landings,
38 and I believe that there are five main reasons for the decline,
39 and I will start with what I believe is the lowest and work to
40 the main culprit.
41

42 I believe that the red tide occurrence seems to be occurring
43 more often and lasting and hanging around a lot longer, and the
44 increase in the lionfish, which I'm sure you're all aware of,
45 and a couple of weeks ago, in that tournament, when over 24,000
46 fish were speared. Now, I don't know how much of an impact
47 these two have, but, whatever impact it is, it's definitely not
48 positive, and now we'll go to the sharks and the porpoises.

1
2 What is happening in that situation is the shark population is
3 exploding, and the porpoises have realized that there is an all-
4 you-can-eat buffet right next to every fishing boat, and this
5 can be best illustrated by the number of hooks that have been
6 purchased over the past few years.
7

8 Fishermen's Ideal Supply House, which is in Madeira Beach,
9 provides most of the tackle, probably 90 percent, to the
10 fishermen. In 2013, they sold 400,000 hooks, and these are the
11 hooks that vertical as well as longliners are using, 13/0,
12 either straight or offset, 400,000. In 2018, they sold
13 1,549,000. Now, that's an increase of 1.1 million.
14

15 If only 10 percent of that 1.1 million, 110,000, you have a
16 grouper on there, say six-and-a-half-pound average, you're
17 looking at an additional 700,000 pounds that would have been
18 caught.
19

20 Number five, the main culprit, red snapper. I know of three
21 fish houses in Madeira Beach, and one fish house allows their
22 boats to catch 500 pounds, and that's what they have leased for
23 quota, and they come in every trip with 500 pounds. Another one
24 is allowing their boats to catch 2,000 pounds, and they come in
25 every trip with 2,000 pounds. Another one allows them to,
26 whatever they catch, they land, until their quota is done, and
27 they're coming in 30 to 40 percent.
28

29 Now, the problem with the snapper is not just that we're
30 discarding a huge amount, but what we're doing is we are
31 attracting the porpoise and the sharks, and so, in essence, with
32 the shrimp boats, when they used to discard their bycatch, they
33 would be followed by the sharks and the porpoises. Well, now
34 they are following us, and so what's happening is we are
35 discarding the fish, the snapper, and attracting the porpoise
36 and the sharks.
37

38 When our hooks do make it through the snapper and make it to the
39 bottom to catch the grouper, a lot of them are being eaten by
40 the sharks and the porpoises, and, as a result, the sharks and
41 the porpoises are getting fat, and, unfortunately, those fish
42 are no longer available for the American consumer, and that's
43 about it. Any questions?
44

45 **CHAIRMAN FRAZER:** Thank you very much. The next speaker will be
46 Brad Gentner, followed by Randy Lauser.
47

48 **DR. BRAD GENTNER:** I would like to thank the Chairman and the

1 rest of the council for giving me this opportunity to speak. I
2 also want to recognize Doug's service for this council. Ever
3 since leaving the last council meeting, Amendment 18 has kind of
4 stuck in my craw.

5
6 Before that meeting, I read the material provided by the council
7 staff about the impacts to the recreational red snapper fishery
8 and the commercial red snapper fishery, and I was initially
9 satisfied by their analysis, the estimated total biomass of red
10 snapper, and they used the correct recreational and commercial
11 values to evaluate the cost to the commercial and recreational
12 sectors.

13
14 As an economist, I felt good about that. Staff was actually
15 trying to balance the benefits of this increase in shrimp effort
16 against the costs, in what is 100 percent an allocation
17 analysis. We are reallocating fish from commercial and
18 recreational red snapper fishermen to the shrimp industry.

19
20 That's what we should strive for in all of our amendments,
21 frankly, as an economist. Ironically, this is exactly the
22 approach we tried with the recreational red snapper reallocation
23 that was unsuccessful. The more that I thought about Amendment
24 18, the more questions I had, and so I went back and read the
25 Scott Denton report and the full analysis in Amendment 18, and
26 red snapper bycatch is only 0.3 percent of all the bycatch in
27 that fishery.

28
29 My honest question to the council is why are we ignoring 99.7
30 percent of the bycatch? Why are we not including that in the
31 estimation of the cost of that increase in shrimp effort? I am
32 not a stock assessment scientist, and I can't draw up the rest
33 of that bycatch like NMFS did in their stock assessment model
34 for red snapper, but their analysis grows out roughly 60,000
35 pounds of juvenile red snapper bycatch per year under the
36 preferred to one-million pounds in the first year and about 3.1
37 million pounds by year-six and each year thereafter for fourteen
38 years.

39
40 Following that same logic, and using the back of an envelope,
41 the preferred in Amendment 18 would kill 11.2 million pounds of
42 mature finfish bycatch for the 5.7 million pounds of additional
43 shrimp that would be caught. Most of those finfish that are
44 bycaught are highly-sought-after recreational targets. If you
45 grow that out like red snapper, that's over 300-million pounds
46 of finfish in the first year and up to 11.6 billion pounds of
47 finfish over the fourteen-year time horizon used in Amendment
48 18. If those fish were worth as much as the recreational red

1 snapper, the net present value of those dead discards would be
2 \$438 million. That's five-times larger than the benefits to the
3 shrimp fishery.

4
5 If those fish were allocated to the commercial finfish sector,
6 using the same value per pound of shrimp, the preferred would
7 still be a loser by over two-times. If you are a commercial or
8 recreational fisherman, you should be appalled by these numbers.
9 I would urge the council to go back and look at this issue more
10 closely next time we look at the shrimp bycatch issue and use
11 the right stock models and grow that bycatch out, and I would
12 also like to point out that the Gulf Council has now officially
13 reallocated a stock using solely economic valuation.

14
15 Staff did an analysis and took red snapper away from the
16 commercial and recreational fishermen and gave them to
17 shrimpers, because they estimated it was the highest and best
18 use for those fish. Unfortunately, they didn't include all of
19 those losses for the rest of the finfish, and that's all that I
20 have.

21
22 **CHAIRMAN FRAZER:** Thank you, Mr. Gentner. Our next speaker is
23 Randy Lauser, followed by Scott Daggett.

24
25 **MR. RANDY LAUSER:** Good afternoon. I'm Randy Lauser, and I'm an
26 eastern Gulf commercial fisherman, and I've been doing it for
27 thirty-four years now, and I just wanted to start off with the
28 VMS landings. You know, it's kind of hard sometimes to get it
29 right, because it depends on what time of year it is. Like
30 right now is summertime, and we'll catch a couple or three or
31 four fish, and we'll throw them right in the ice to keep them,
32 if it's really hot out, and so it's hard to keep a good count on
33 them. You're always going to be off somewhere here and there.

34
35 You have your bad apples in everything you do, your bad apples
36 who are doing stuff, and so I think that should be just left
37 alone. I mean, we're all doing good, and we all -- They see us
38 coming and going, and they know when we're going to be there.
39 If they want to meet us at the dock, they meet us at the dock.
40 A lot of us bigger commercial guys go to fish houses, and so, I
41 mean, it's heavily populated and all that, and we're just -- A
42 lot of us obey the law, and some don't.

43
44 Second, I hear a lot on new participants in the fishery, and
45 I've been in Madeira Beach for thirty-five years, and I haven't
46 seen any new participants who want to come into this fishery.
47 It costs too much, your longline endorsement and your boat. I
48 am teaching one guy right now, and I've seen like two people in

1 the last year, new guys, but I don't see any new blood coming
2 into this fishery to catch these fish ten years from now.
3

4 It just costs too much, and then, with the red snapper taking
5 over -- It's just taken over, and we have too many discards, and
6 I can't afford to put red snapper on my boat, because I have a
7 smaller boat, and it only holds so much fish, and it just costs
8 too much, and so I have to throw away all these red snapper just
9 so I can keep my grouper.
10

11 I am sure we can all work together to find out something to fix
12 this problem, where we're not throwing away all these red
13 snappers. We just need to work together, and I'm sure we can
14 figure out some kind of system somewhere. Thank you very much.
15

16 One other thing is I was reading the catch share newsletter, and
17 the adaptive catch share shares, and that seems like we could go
18 further with that, and that sounds like a good idea for the
19 people who lease all their fish, which I do. I lease every fish
20 that I catch, me and my partner, Scott, and so thank you very
21 much.
22

23 **CHAIRMAN FRAZER:** Thank you, Mr. Lauser. Our next speaker is
24 Scott Daggett, followed by Bill Kelly.
25

26 **MR. SCOTT DAGGETT:** Good afternoon. My name is Scott Daggett,
27 and I'm an owner-operator out of Madeira Beach, thirty-two
28 years. I am not very good at public speaking, and so I'm going
29 to try to storm through this as quickly as possible.
30

31 I was going to get on the snapper tangent too, but you guys are
32 going to hear enough about that. My main thing today will
33 probably be the three-hour notification. For instance, I heard
34 the other day, and I think one of the officers was talking about
35 you have a five-pound fish and everybody knows what it weighs,
36 but, for instance, where we fish, a lot of times down in the
37 Tortugas, and especially this time of year, and I'll be heading
38 to deep water and off the Tortugas, which I will probably come
39 home with maybe four to six different species of fish.
40

41 You can have three tubs of fish, say yellowedge and red grouper
42 or scamps, and have them filled right to the top of the tub the
43 same, and all three are going to weigh different weights. Like,
44 for instance, a tub of yellowedge will weigh somewhere between
45 110 and 125, and a tub of red grouper will weigh 125. The other
46 thing about this is -- I've been doing this my whole life, since
47 I was sixteen, and a good fisherman always underestimates what
48 he has. It's a cultural thing.

1
2 If you come in and if I say I have 7,000, and I come in and
3 unload 6,000, it's kind of shameful. It's almost like ice cream
4 fish, they call it. They melted on the way home, and it's like
5 a shame thing when you get to the dock and you say you have a
6 certain weight and you don't unload it. That's the way I was
7 brought up, and that's the way it is. It's just a cultural
8 thing.
9

10 This fine I see, that would be crazy. I am one of those -- From
11 your numbers, one out of three fishermen would be catching this
12 fine, and I would be that guy. Historically, if you looked at
13 my boat, and I will say I have 5,000, but I unload 6,000, it's
14 never under. It's always over what I claim, and so I'm not
15 trying to hide anything, and I unload at a fish house, and
16 everything is accounted for, and I think it's more of an
17 enforcement issue. If they want to be there, be there. I have
18 no problem with that. I play by the rules.
19

20 That catch share thing that I heard about from Jessica, I think
21 that would be a good program too, and so that's what I've got to
22 say. Thank you.
23

24 **CHAIRMAN FRAZER:** Thank you, Scott. The next speaker is Bill
25 Kelly, followed by Richard Fischer.
26

27 **MR. BILL KELLY:** Mr. Chairman and council members, Bill Kelly,
28 representing the Florida Keys Commercial Fishermen's
29 Association. First off, a tip of the hat to Doug Boyd. Thank
30 you so very much for your service over these years, and ride
31 'em, Cowboy.
32

33 On the allocation issue, it's good to see the council making
34 steps to move forward on addressing allocation issues. Do me a
35 favor. Please don't pick the no action alternative as your
36 preferred, which seems to be the case over in the South Atlantic
37 Council.
38

39 We spent seven-and-a-half years here trying to get some
40 reallocation on yellowtail snapper, and it's gone absolutely
41 nowhere in seven-and-a-half years' time, and, two days from now,
42 they're going to shut down that fishery again for the fourth
43 time in seven-and-a-half years, while the recreational have left
44 over three-quarters of a million pounds of yellowtail snapper
45 unharvested for the past ten years, and they will do the same
46 again this year.
47

48 There are still people that are concerned. The recreational

1 side, if we give, we won't get back, and the commercials say the
2 same thing. I will tell you what. You had the dream plan
3 thrown in your lap from your council chairman, the Bosarge plan,
4 and absolutely nobody would get hurt under that system, and it
5 would be a good way to test it and see what we could do to
6 balance things out.

7
8 It got turned over to Ryan Rindone, and he spit-polished it and
9 brought it back to you again, and it still went nowhere, and it
10 was then presented to the South Atlantic Council, and they
11 didn't buy-in either, mostly because everybody is afraid, and
12 they treat allocation like a four-letter word, and that needs to
13 change.

14
15 Something else is I just wanted to give you an update on
16 lionfish. As many of you know, we want to do a directed trap
17 fishery on lionfish. We spent three-and-a-half years trying to
18 get an exempted fishing permit out of NOAA, and it didn't work.
19 The Florida Fish and Wildlife Research Institute asked if they
20 could plagiarize our project plan, our narrative, et cetera, and
21 said of course you can, and they submitted it using the top
22 pick, the trap design that we knew was already crushing
23 lionfish.

24
25 They dropped it down to just one test area, but the exact same
26 area that we outlined, and it was within the Florida Keys
27 National Marine Sanctuary. It took them just over two months to
28 get a permit. Our project was fully funded, to the tune of a
29 million dollars. With FWRI, we're all paying for it, because
30 it's coming out of tax dollars. Again, I salute your efforts on
31 allocation here, and please be very proactive and be prompt.
32 Thank you.

33
34 **CHAIRMAN FRAZER:** Bill, we've got a question from Ms. Bosarge.

35
36 **MS. BOSARGE:** Bill, it's good to see you. I was just wondering
37 -- When you're telling us to look back at the allocation
38 sharing, what you call the Bosarge plan, were you referring to a
39 specific species?

40
41 **MR. KELLY:** Well, I think that the narrative that you put forth
42 would work as an outline for any of the regional councils. The
43 percentages of allocation over to the other side, the triggers
44 that you had in place, based on the data that we're getting and
45 so forth, or that seems to be available to us each and every
46 year, nobody could get injured under this thing, but, in the
47 course of seven-and-a-half years of dealing with yellowtail
48 snapper in the South Atlantic, for example, and it was MRFSS and

1 NOAA, by their own admission, that said we can't trust this
2 data, and so it was the new version of MRIP, and so that
3 postponed things.

4

5 Now the third iteration is out, and we were discussing that last
6 night in the Q&A session and so forth, and they're showing an
7 increase in effort by the recreational side, and so probably
8 we'll see an increase in landings as well.

9

10 I had to sit there and scratch some more of the hair out of the
11 top of my head, wondering how can we have an increase in effort
12 when we just had Hurricane Michael ravage the Gulf of Mexico and
13 significant parts of Florida. The year before that, in 2017, we
14 had Irma impact this entire state, and we have the largest
15 charter boat fleets in the state in the Florida Keys, and over
16 half of them were out of commission, and they lost over 50
17 percent of their business.

18

19 Fuel down there for recreational anglers is just under the five-
20 dollar mark, and we've got a significant increase in effort?
21 Who is the bean counter? Where are you getting these statistics
22 that seem so ludicrous, based on the events from Mother Nature
23 and the activities that are going on here, and so, again, that
24 plan I think would apply to any species of fish, because the way
25 it was crafted is it has the appropriate triggers for both
26 sides. Thank you.

27

28 **CHAIRMAN FRAZER:** Okay. Our next speaker is Richard Fischer,
29 followed by Kenneth Daniels.

30

31 **MR. RICHARD FISCHER:** Mr. Chairman and council members, thank
32 you all for having me here today. Real quick, on amberjack,
33 please absolutely not go back to a January opening here.
34 Representing the Louisiana charter fleet, our guys can't get out
35 there until the spring, at the earliest, to be able to catch
36 amberjack, and so January and February and having it open, we
37 can't have that, and so please keep it way it was this year, at
38 least for right now. I want to thank Mr. Banks yesterday for
39 speaking against any notion of changing it back.

40

41 Quickly, on cobia, it was said by a commenter earlier that
42 captains from Florida to Texas say that cobia numbers are down.
43 Well, the captains that I have talked to in Louisiana say they
44 do not think that cobia numbers are down, and so I just kind of
45 want to put that out there, that we may be talking to different
46 captains here.

47

48 Now on to logbooks, and I will spend the rest of my time here on

1 logbooks. The first part is going to be for the council. It
2 was stated by Emily, who did a great job at these local meetings
3 that we had earlier this year, at the last council meeting that,
4 talking to coast-wide captains, that about half the attendees
5 were actually not in favor of logbooks at all, and that's in
6 pretty stark contrast to the small group of captains who seem to
7 be at just about every meeting and sometimes claim to represent
8 the interest of the entire fleet. Maybe not so much here.
9

10 Whether logbooks will or will not happen, we're not in the dream
11 world, and of course they're going to happen, and that's already
12 been decided, but I just wanted to point out that that
13 conclusion was pretty illuminating, and, in the future, when
14 other topics are considered here in front of this body, please
15 remember that maybe these captains don't speak for the entire
16 fleet.
17

18 The rest of my comments now are going to go towards NOAA
19 Fisheries. Please consider this before writing the final rule.
20 This specific piece was already voted on by the council, but
21 you've got to remember that there is 2,000 boats in the
22 Atlantic, and there is 1,300 here in the Gulf. Why is weekly
23 reporting good enough for those 2,000 in the Atlantic, but 1,300
24 here in the Gulf have got to do daily reporting?
25

26 Much of the Louisiana fleet does not operate at public marinas,
27 and they could be picking up and dropping off customers at
28 private locations, and we would like to request that there be a
29 work-around of some kind to accommodate these possibilities. If
30 commercial docks are allowed, as mentioned on Monday, we think
31 private houses should be worked in as well. We don't have giant
32 marinas in Louisiana. A lot of people leave from their dock,
33 and they come back and they drop people off, and we would like
34 it if you all thought about that.
35

36 It's our understanding that NOAA Fisheries wants boats to hail-
37 out every time that they move. Remember that we have mostly
38 center consoles in Louisiana, and these guys -- Let's say they
39 put their boat on a trailer and on land take it to a regular
40 Exxon to fuel up, to save thirty-cents, and do they have to
41 hail-out for that, since they moved their boat? It sounds like
42 a stupid question, but I don't know if we know the answer to
43 that.
44

45 We would also really like for NOAA Fisheries to put some more
46 thought into the device needing to be on at all times. Like I
47 said, center consoles, we're not talking about big yachts, like
48 we have in other parts of the Gulf, and we don't want a one-

1 size-fits-all rule that only accommodates those guys, and so, if
2 there's a shelter that doesn't have a GPS signal, and it's
3 enclosed, and so you're not getting any solar power, will those
4 things be able to survive for two weeks, like we heard earlier
5 this week?

6
7 We really want to make sure -- We also want to make sure that
8 we're not locking our captains into necessarily needing to only
9 get the early-approved VMS units, or high-end units, and that
10 maybe there will be more units to come later, and I've got
11 plenty more to say, but I'm out of time. NOAA Fisheries, my
12 phone number is (985) 691-3474, and I want that on the record.
13 Please give me a call, and I would love to talk about all of
14 these issues, and a lot of the ones that I couldn't get to.
15 Thank you, all.

16
17 **CHAIRMAN FRAZER:** Thank you, Richard. Our next speaker is
18 Kenneth Daniels, followed by Dylan Hubbard.

19
20 **MR. KENNETH DANIELS:** I would like to start with thanks to the
21 Gulf Council and NMFS for giving me a chance to speak today. My
22 name is Kenneth Daniels. I'm a second-generation fisherman and
23 owner-operator of a bottom longline fishing vessel out of
24 Madeira Beach, a long-time member with SOFA.

25
26 I would like to just touch on a lot of subjects kind of quickly
27 today. We really feel that, in our red grouper fishery, that
28 there are factors, and that's why we're not getting the fish to
29 the dock, and it is porpoises, and it is sharks, and it is
30 snappers, and it is actually triggerfish.

31
32 A lot of our rod-and-reel guys out of the west coast of Florida
33 are wondering why we're doing this with the triggerfish, because
34 they say, when you get through the snappers, next you've got to
35 get through the triggerfish, and it seems like a lot of us, even
36 with the longline, we're not having any problem catching the
37 triggerfish, and the rod-and-reel guys are really complaining
38 about these triggerfish.

39
40 Back to the hooks. We're only allowed to fish with 750 hooks,
41 and, on an average trip, we are going through 500 to 1,000 hooks
42 a trip, and so there is something going on there, and it worked.
43 You guys did good. The snappers came back, and the sharks came
44 back, but now it's affecting the red grouper, and so we don't
45 want to be adversely affected by that in stock assessments and
46 the way that we get to fish our fishery in the future, because
47 we are primarily a red grouper fishery.

48

1 Quota rollover in excess, we're in favor of that, and then,
2 also, a government-ran quota bank or even something similar or
3 different, and we're interested in it, and we're looking forward
4 to working with you guys in the future on that. Thank you very
5 much for your time.

6

7 **CHAIRMAN FRAZER:** Thank you, Kenneth. The next speaker is Dylan
8 Hubbard, followed by Eric Schmidt.

9

10 **MR. DYLAN HUBBARD:** Hello. My name is Captain Dylan Hubbard,
11 and my family business has been fishing central west Florida for
12 over ninety years and four generations. We operate six
13 federally-permitted vessels, both charter and headboats, and I'm
14 here today representing my family business and my family
15 business alone.

16

17 As far as the multiday trip bag limits issue causing more of a
18 discard issue, we strive to be leaders in our fishery and lead
19 by example to our private recreational passengers. For example,
20 aboard our thirty-nine, forty-four, and sixty-three-hour
21 multiday trips, venting tools are required for each individual
22 onboard. Whether they buy their own venting tool or we supply
23 them a venting tool, they must have one before boarding.
24 However, the boats will not leave the dock until this occurs.

25

26 In addition to that, on our website for each one of these
27 thirty-nine, forty-four, and sixty-three-hour trips, we have a
28 link to an outreach page that we created, with the help of Sea
29 Grant, FWC, and Salt Strong. Once they book their trip, their
30 confirmation email has the same link inside it to an outreach
31 page for best practices on venting and barotrauma mitigation.

32

33 Once arrived at our business, the waiting area that we stage all
34 our guests in has a large Sea Grant poster further discussing
35 barotrauma mitigation and the need for it. Once they are on the
36 boat and on their way offshore, they attend a fishing seminar,
37 where our crew illustrates how to properly vent fish that are
38 being discarded throughout the trip.

39

40 Then, throughout the trip, the crew goes around to make sure
41 that the customers are doing so in a proper way and not injuring
42 the fish or venting improperly. That way, when they get off our
43 boat and go do their own trips with their buddies or on their
44 own boats, they know how to properly vent fish.

45

46 We also try to work, to the best of our ability, to prevent
47 high-grading and illustrate the issue of why that's a problem
48 and how it is a detriment to our fishery. All of these things

1 are all in the name of barotrauma mitigation and mitigating dead
2 discards, and fixing the issue we face with multiday trips and
3 allowing us to land our two-day bag limit at any point
4 throughout our multiday trip that meets the requirement set
5 forth in the CFRs would allow us to continue to be leaders and
6 would enable us the least possible number of discarded fish.
7

8 During this meeting alone, I heard the discarded issue was
9 raised countless times, and why not fix an easy issue to prevent
10 more discards in the fishery? These are long-range trips
11 catering to the highest caliber of experienced angler.
12

13 We are going to land the fish, regardless of the sea condition
14 and other variable, and why not allow efficiency and the least
15 number of discarded fish? We're willing to utilize VMS and add
16 the requirement of a hail-out and three-hour notification of
17 landing through a hail-in as well, to make life easy for LEOs
18 and ensure that abuse does not occur.
19

20 I am out of time, and so I'm going to skip forward to the
21 solution. Just allow us, on a trip greater than twenty-four
22 hours, to land our two-day bag limit at any point during the
23 trip, as long as we meet the requirements set forth in the CFRs,
24 and we're even willing to add that three-hour landing
25 notification, if that help as well. We're flexible, and we just
26 want to continue to be leaders and prevent discarded fish.
27 Thank you.
28

29 **CHAIRMAN FRAZER:** Thank you, Dylan. We've got a question from
30 Mr. Diaz.
31

32 **MR. DIAZ:** Hi, Dylan. Thank you for coming, and thank you for
33 your comments. Some of the other charter operators that spoke
34 mentioned cobia. Can you tell me what your perception is of
35 cobia in your area?
36

37 **MR. HUBBARD:** In our area, cobia are one of those fish that
38 we're bottom fishing and we're focused on our grouper and
39 snapper and, hey, look, there's a cobia, and we catch it.
40 That's kind of how our fishery goes, and we still have been
41 saying, hey, look, there's a cobia a pretty decent amount of
42 times.
43

44 I haven't noticed a significant decrease, like they've seen in
45 the northern Gulf, off the coast of Florida, but we're pretty
46 far south, and I think we're definitely more in that mixing zone
47 with the South Atlantic population, and so I don't know if that
48 has a lot to do with it, but Tampa Bay has a really good cobia

1 population inside the bay and around the mouth of the bay, and
2 we benefit from that greatly.
3

4 We don't see a huge issue with cobia, but we definitely have
5 seen a small decrease, and we don't see as many as we have in
6 the past, but it's not this huge issue that we see up in the
7 northern Gulf, and there's a lot more comments, and I do mention
8 cobia in my public comment, and I will email it to you guys as
9 well.

10
11 **MR. DIAZ:** Thank you, Captain Hubbard.
12

13 **MR. HUBBARD:** No problem.
14

15 **CHAIRMAN FRAZER:** Dylan, I think Dr. Stunz also has a question
16 for you.
17

18 **DR. STUNZ:** Captain, I just wanted to commend you and your
19 operation for the stewardship of the resource, particularly as
20 it relates to those discards, because, wherever we land as a
21 council on regulations or educational programs or whatever it
22 might be with discards, it's going to take that kind of
23 leadership from the fishery, I think, to really educate the
24 public, especially in a fishery like yours, where the potential
25 for discards is high, and so I appreciate that, and I hope that
26 others follow your lead.
27

28 **MR. HUBBARD:** It's because of coming to these meetings and
29 getting involved in the fishery that led us to this current
30 policy that we have, and everything we work for as a council and
31 in this council process is to prevent dead discards and discard
32 mortality, and so that is why this is such a passionate issue
33 for me. We need to fix this problem with multiday trips, so
34 that we can continue preventing throwing back dead fish.
35

36 **CHAIRMAN FRAZER:** Mr. Robinson.
37

38 **MR. ROBINSON:** Thank you, Dylan. I appreciate the comments.
39 The question is you mentioned on allowing a double day, or two
40 limits, on a twenty-four-hour or longer trip. You mentioned
41 that, and, looking at your website here, you go from a twelve to
42 a thirty-nine-hour trip.
43

44 **MR. HUBBARD:** Yes.
45

46 **MR. ROBINSON:** Would a thirty-hour cap be the -- Would that
47 work?
48

1 **MR. HUBBARD:** Yes, I'm amenable to that. I mean, I'm not the
2 only one along the coast of Florida, and there's about six or
3 seven boats that do these multiday trips that harvest a two-day
4 bag limit, and some of those boats do run shorter than thirty-
5 nine hours, but, for me and my business, thirty hours would be
6 very sufficient, and I'm willing to do whatever I need to do to
7 fix this issue, because throwing back dead fish is never good.
8

9 **CHAIRMAN FRAZER:** We've got a couple more questions, and we're
10 going to start with Doug Boyd.
11

12 **MR. BOYD:** Dylan, thank you for your efforts, and thank you for
13 your continued education of the public. Just one question. Do
14 you see any opposition from your customers that come on the boat
15 to venting themselves, rather than having a crew member do it?
16

17 **MR. HUBBARD:** Yes, sir. That's something we battle with.
18 Basically, we advertise these trips as advanced angler trips,
19 and you need to be an advanced angler to get onboard. It's not
20 one of those trips where we're going to hold your hand and tie
21 your knots for you, is what I tell our guests.
22

23 This is a trip where you need to know what you're doing, and
24 we're going to teach you how to do it if you don't know how to
25 do it, and so, if you don't know how to do it, let us know
26 early, and we'll spend more time with you in the seminar and
27 before you leave, but, by the time you get off of this boat,
28 you're going to know more about the fishery, and you're going to
29 know how to be a better steward of your fishery, and we do a lot
30 through outreach.
31

32 We do a weekly show on our Facebook and YouTube channel, and
33 that's a how-to Q&A kind of thing, and we spend a portion of
34 that show focused on conservation. Being as though we have red
35 snapper season opening and stuff like that, we have been really
36 focused on barotrauma mitigation the last couple weeks of that
37 show.
38

39 **CHAIRMAN FRAZER:** Mr. Dyskow.
40

41 **MR. DYSKOW:** Thank you. Thank you, Dylan, for all of your
42 efforts. As Doug said, we appreciate what you do to reduce
43 release mortality. Educate me on something here. These
44 multiday trips, you are under different constraints than a
45 typical one-day charter vessel. As I understand it, and I'm
46 asking the question, you have to have sleeping accommodations
47 onboard, and you have to have at least two skippers onboard, and
48 what else do you have to do?

1
2 **MR. HUBBARD:** In order to meet the requirements set forth in the
3 CFRs to harvest a two-day bag limit, or be eligible to harvest a
4 two-day bag limit, you have to -- According to the CFR, you have
5 to be on a vessel acting as a charter, and you have to have two
6 captains onboard. Every passenger has to be in possession of a
7 receipt, and the trip length has to be greater than twenty-four
8 hours.
9

10 Now, there are some things not mentioned in that, and those
11 things not mentioned in that are the Coast Guard regulations and
12 your regulations of having a federal permit, and so you can read
13 into that, and you have to add that you have to have a federal
14 permit, because, to act as a charter boat or a partyboat in the
15 Gulf of Mexico, you have to have a federal permit. Then, when
16 it says that you have to have two captains onboard, by default,
17 a captain cannot work longer than twenty-four hours, and so
18 that's why our website has five, ten, and twelve-hour trips, and
19 then the next longest trip is thirty-four hours.
20

21 If I am going to pay to put one of my experienced captains that
22 I probably overpay a little bit, but you pay for what you get
23 right, and so, if we're investing the money to have two
24 experienced captains onboard the vessel, that's why we jump to
25 thirty-nine hours, because the fixed costs of the trip for the
26 business owner is a lot higher, and so we wouldn't do that in a
27 twenty-four hour trip, or it would be too expensive for us, and
28 the customer wouldn't pay the high ticket price for the shorter
29 trip, and so that's why we jump to thirty-nine hours.
30

31 The sleeping accommodations come into play because a captain
32 can't work longer than twelve hours, and so a captain works for
33 twelve hours, and then, when he's off for twelve hours, he needs
34 a place to sleep, and so the Coast Guard requires sleeping
35 accommodations.
36

37 **CHAIRMAN FRAZER:** Thank you, Dylan.
38

39 **MR. HUBBARD:** Thank you.
40

41 **CHAIRMAN FRAZER:** The next speaker is Eric Schmidt, followed by
42 Ken Pearson.
43

44 **MR. ERIC SCHMIDT:** Good afternoon. My name is Eric Schmidt, and
45 I have fished here in the Gulf of Mexico for thirty-seven years.
46 I've been a licensed captain, and I just got my seventh renewal.
47 I have a dual-permitted vessel, and I both commercial fish and
48 charter fish, as well as I am one of the operators of one of the

1 few multiday boats that this discussion over a three-day bag
2 limit or two-day bag limit is surrounding.
3

4 I am here because a group of twenty-five charter captains,
5 federally-permitted charter captains, and headboat operators
6 from south Florida wanted me to address you on two specific
7 items. The first item is the two-day trip limit.
8

9 At lunch, I spoke with Captain Greg Mercurio from Key West, and
10 he has a hundred-foot partyboat that specializes simply in
11 multiday trips. He's in the unique position of having a New
12 England groundfish permit, a South Atlantic permit, and a Gulf
13 of Mexico permit.
14

15 He fishes out of Stock Island, and so he has to have the South
16 Atlantic and the Gulf permit, because he jumps back and forth.
17 In New England, if you do a multiday groundfish trip, every
18 fifteen hours counts as one day. Every thirty hours is two
19 days, and you can have a three-day bag limit, and so up to
20 forty-eight hours is considered a three-day trip.
21

22 In the South Atlantic, headboats can hold a three-day trip
23 limit, and there is no designation whatsoever as to the number
24 of hours. The twenty-five fishermen that asked me to speak here
25 on their behalf would support Dylan Hubbard's comments previous.
26

27 The second item that I'm here to talk about is the desire to add
28 African pompano to the federal management plan. African pompano
29 is in the jack family, and the juveniles are considered to be
30 pelagic, and the south Florida area has seen an explosion in the
31 last five years. We catch them on structure, wrecks, springs,
32 ledges, where we fish for grouper and snapper, and we're having
33 to throw back a lot of fish dead.
34

35 Because there is not a federal fishery management plan for
36 African pompano, the State of Florida designates that, if
37 there's not a federal plan, the State of Florida regulations
38 supersede and become the federal plan. The State of Florida has
39 designated African pompano as two fish per vessel.
40

41 The only place in state waters that African pompano are caught
42 is in the Florida Keys, and all the ones caught on the west
43 coast of Florida are caught in federal waters by federally-
44 permitted vessels and recreational anglers. We would appreciate
45 it if the council could at least start a discussion or look into
46 the possibility of adding African pompano to the FMP. Thank
47 you.
48

1 **CHAIRMAN FRAZER:** Thank you. The next speaker is Ken Pearson,
2 followed by Bob Spaeth.
3

4 **MR. KEN PEARSON:** Hi, guys. Thank you very much for your time.
5 I am a forty-year charter boat captain out of southwest Florida.
6 Fifteen years ago, the gag season was implemented to where it
7 was shut down, and it has opened up gradually over the years,
8 but, in the time that the gag season has opened, it has not
9 benefited southwest Florida.
10

11 It has benefited areas of the state that have the cooler water,
12 and so what I am asking you is to make a separate line from 27
13 degrees north to the south and change the dates from March 1 to
14 August 31, and that would help our area, as far as economically
15 on the gag grouper, because, when it opens in June and goes all
16 the way to the first of the year, our waters are so hot that the
17 gag grouper move north into the cooler waters, and it does not
18 help us at all. That's one of the things.
19

20 Also, on the conservative side, if you make a proposal to help
21 us out on that situation, we would also reduce the bag limit to
22 one per person on the flip side of conservation. A lot of
23 people would just say that we would love to just catch and keep
24 one gag grouper in the wintertime when the people are here.
25 When the people aren't here, that's when the season is open, and
26 you can't catch them anyway.
27

28 Also, on the amberjack proposal, I'm okay with the May for the
29 thirty days, but it does back to our season. August, September,
30 and October, the water is so hot, and we have hurricanes, and it
31 doesn't benefit us at all, and so I'm proposing, for amberjack,
32 to open in May, how you already described, but January and
33 February for 27 degrees and south.
34

35 Also, our area was hit with the worst red tide that you could
36 ever think about. The water was so orange, and it was a massive
37 destruction from twenty feet out to seventy feet. Hotels and
38 restaurants and boats were shut down for five to six months. My
39 boat alone did not move for five months. We need help in this
40 area, and making a few slight changes and giving the people hope
41 to come back and be able to catch and keep a gag grouper while
42 they're here, instead of they're not here, would help
43 tremendously. I am asking you for your help. Thank you.
44

45 **CHAIRMAN FRAZER:** Thank you. Our next speaker is Bob Spaeth,
46 followed by Ronald Chicola.
47

48 **MR. BOB SPAETH:** Thank you, council members. My name is Bob

1 Spaeth, and I'm the Executive Director of the Southern Offshore
2 Fishing Association. I see a lot of new faces, and I've been
3 coming to these meetings for about thirty years. SOFA is
4 representing probably half the grouper landed in the Gulf of
5 Mexico, our members, and some of them came here today, and they
6 spent their own money to be available to talk to you about some
7 of the issues.

8
9 The biggest issue that concerns us right now is the
10 overabundance of red snapper, and it's taking over the habitat,
11 and the reefs only have so much carrying capacity. If that is
12 in fact the case, then we are on a slow road to putting
13 ourselves out of business.

14
15 We are basically asking for your help for our group to try to
16 solve this problem. We understand that our hands are tied by
17 the Magnuson Act, and we have talked to Roy and Clay and a few
18 others, and I don't know what we can do, but I hope the council
19 in the future -- We're going to lose our red grouper fishery if
20 we don't do something, and that's why these guys came here today
21 to give you some of the issues that we face in the Gulf of
22 Mexico, in the eastern Gulf.

23
24 One of the other things we would like to have you look into is
25 if you require a permit to have an IFQ, and our position is, if
26 you have an IFQ, you should have the ability, and I use the word
27 "ability" to harvest it. Now, what does that mean? That means
28 I have to have a boat, I have to have a VMS, and I've got to go
29 to turtle school, and I've got to have turtle gear, and I can go
30 on and on about several other things, safety equipment and a
31 raft. I have to do that every year.

32
33 If somebody has to do that, and they don't have to fish, but
34 they just have to have the ability to harvest their fish. We
35 would like to see that, and I think you would see a lot of those
36 shares that are out there go right back into the industry, and
37 it would give somebody an option either to sell back to the
38 industry or buy yourself a boat and get in the game, and that's
39 kind of how we feel about that.

40
41 The other thing that we're concerned about is lease prices are
42 so high, and they're going higher and higher on red snapper,
43 but, today, I can sit here, and I don't believe that you can
44 lease a red snapper if you want to. I asked several people here
45 that, hey, do you have any red snapper to lease, and it was no,
46 and so here's the problem.

47
48 There's just not enough snapper for the fishermen out here with

1 the abundance, and so hopefully we can work together and we can
2 get this figured out. Our fishermen are committed, and they're
3 here. If you want us to come back again, if you need to get
4 with us, Carrie and the rest of them, we're at your disposal,
5 and thank you very much, and we're looking forward to working
6 with you.

7

8 **CHAIRMAN FRAZER:** Thank you, Bob. The next speaker is Ronald
9 Chicola, followed by Tim Dillingham.

10

11 **MR. RONALD CHICOLA:** Good afternoon. What I want to show you is
12 the leasing trip and exactly how it works. There's a trip that
13 I brought up here, and I can let everybody see the ticket. It's
14 an actual trip. It's a twelve-day trip, and I fished for nine
15 days. I had 10,000 snapper quota, leased, and I had 10,000
16 grouper quota, leased, and we caught about 13,000 pounds of
17 fish. The price of the fish are there, and you can see
18 everything.

19

20 The gross total on the tickets is it's an \$80,000 trip. Boy,
21 that sounds pretty good. If you look down at the bottom, coming
22 on down the ticket, and you will see where I paid \$40,000 for
23 the fish before I left the dock to the lessor. With fuel and
24 ice and all, you're looking at \$50,000 when you untied the boat.
25 At the bottom of the ticket, you'll see what's left of it.
26 After fuel, ice, tackle, and all, it's \$20,000 to split between
27 a five-man crew and a captain and the boat. I just wanted to
28 show you exactly the numbers, and it's pretty staggering.
29 Anybody got any questions? That's about it. It's self-
30 explanatory.

31

32 On the snapper, we fished eight or nine days, and we only kept
33 the snapper for the last three days. The first part of the
34 trip, we pitched them, and so you can do the numbers on them.
35 It's 8,500 pounds in three days, and we pitched them for six,
36 and so you can figure the discards. That's about it. It's
37 pretty self-explanatory, the ticket is.

38

39 **CHAIRMAN FRAZER:** Okay. Any questions? Dr. Stunz.

40

41 **DR. STUNZ:** Would you mind saying that one more time about your
42 discards? It took how many days to get this?

43

44 **MR. CHICOLA:** We kept the snapper the last three days, 8,500
45 pounds on a longline. When you longline fish, they are all
46 fifteen-pound and up fish. We pitched them for six days, out of
47 500 to 600 feet of water. If it took three days to catch 8,500,
48 you know what we did for the first six, and we landed 6,000

1 pounds of grouper, mostly yellowedge and a few snowy. Thank you
2 very much.

3

4 **CHAIRMAN FRAZER:** We've got one more quick question for you from
5 Dr. Simmons.

6

7 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. Mr.
8 Chicola, could you remind us where you port, where you come
9 into?

10

11 **MR. CHICOLA:** Dulac, Louisiana. This trip right here was made a
12 little bit to the west, around the 92 line or the 93 line, in
13 about 500 to 600 -- We don't normally get inside of 500. Most
14 of the time, it's anywhere from 600 to 700 feet of water. Where
15 the pipeline crosses -- We fish a lot of deepwater pipelines.

16

17 When you get to a crossing in the pipeline, if you don't cut the
18 gear off, if you go across that crossing, there will be a
19 redfish hanging on every hook, and so, every time we come to a
20 pipeline crossing, we cut it. We don't let it go across a
21 pipeline crossing, unless you want to just string them up.
22 Thank you very much.

23

24 **CHAIRMAN FRAZER:** Thank you. Our next speaker is Tim
25 Dillingham, followed by Buddy Guindon.

26

27 **MR. TIM DILLINGHAM:** Hello, everybody. I want to thank the Gulf
28 Council for giving us the opportunity to speak. I am a rather
29 new person in the industry. I have been commercial fishing for
30 about five years. I started out commercial diving for lobster
31 in the Keys and graduated from there up to grouper and snapper
32 and reef fishing.

33

34 I want to thank each one of you for coming here, and I wish that
35 I was a little more prepared. I didn't know that I was going to
36 get a chance to speak today. Otherwise, I would have tried to
37 look a little better, like you guys do, and I would also like to
38 thank Dr. Crabtree and Dr. Porch for taking our questions
39 yesterday. The question-and-answer was very valuable for all of
40 us, and so there's a lot of issues that I would like to talk
41 about.

42

43 It's been an eye-opening experience coming here, and this is my
44 very first Gulf Council meeting, and I've met a lot of people,
45 and I've got a lot of assistance from people, and there is one
46 major issue that I want to talk about, and that is the
47 discussion, and I don't know what exactly the number is on it,
48 but as far as for us commercial fishermen in our three-hour

1 landing notification estimates.
2

3 I hope that everybody understands how serious of an issue that
4 is. I don't know if any of you have been a commercial fisherman
5 or have been on a commercial fishing boat, but what we do is
6 very hard, just like what you guys have done is very hard as
7 well. We're out there working, and it's blood, sweat, and
8 tears. The fish bite will turn on, and, when it turns on, we've
9 got a certain window of when we can catch these fish, and then
10 the bite will shut back off for hours and hours on end. You get
11 a few here and a few there.

12
13 It's going to be very difficult for us to give you a real
14 accurate answer on how many red grouper we've got and gag
15 grouper we've got and red snapper and tilefish. There is
16 shallow-water grouper. What you're asking -- What we're trying
17 to do is the best of our ability, and we're not the bad apples.
18 I'm a commercial fisherman, owner-operator, and I'm a wholesaler
19 dealer, and I'm a retail dealer. I own part of a restaurant,
20 and I have a food truck. I catch my fish, and I bring them to
21 my restaurant, and I take them to a few other restaurants, and
22 that's how I do my business.
23

24 It is very difficult for us to estimate within especially a 10
25 or 20 percent amount, to get that number down. Even if you got
26 up to 25 percent, you're still going to have good fishermen
27 trying to do the right thing to bring good product, good, local
28 product, to our tourists, who mostly -- Most restaurants around
29 this state are serving product out of Mexico. It's not coming
30 from the people in this room.
31

32 We actually provide a very small percentage of the seafood being
33 served in all these restaurants, and that's the whole point
34 about what I've done with my restaurant and bringing my fish in
35 and letting my customers see what I am bringing to the table.
36 It's important to me, and I don't want to set there and get
37 subject to a fine of potentially \$2,500 to \$18,000 for me just
38 trying to do my job.
39

40 I support law enforcement, and I cooperate with law enforcement.
41 I will call them personally and have them let them come check my
42 boat. They do come and check my boat literally almost every
43 single trip, and so to penalize the rest of us who are trying to
44 do a good deed, I think that's a disservice to what we're trying
45 to accomplish.
46

47 I guess my last thing is I was very happy when I heard Officer
48 Harwell, NOAA Officer Harwell. If there is anybody better to

1 make a suggestion to this panel on this judgement, it would be
2 Officer Harwell. He's out there, and he does not support this,
3 and, us as fishermen, we don't support it either. Thank you.
4

5 **CHAIRMAN FRAZER:** Thank you, Ken. Our next speaker is Buddy
6 Guindon, followed by Chris Niquet.
7

8 **MR. BUDDY GUINDON:** Hello. I'm Buddy Guindon. Doug, I'm going
9 to miss you. Your reign of terror on the commercial fishery is
10 finally over, but I want to thank you for your service to the
11 country and to this council.
12

13 With that said, I would like to reiterate what the young man
14 just said about please don't punish the commercial fishermen
15 that are doing a good job by putting in a restriction that would
16 cause some people to get enforcement actions against them for
17 doing nothing but making an honest mistake in a reporting
18 situation.
19

20 We have had that law pushed on us many, many times, where we
21 make a mistake in our bookkeeping and don't get enough quota
22 into an account, even though the owner of the boat has plenty of
23 quota, but you still get the ticket, and so I wish you would
24 just think of another way to handle what we perceive as a
25 problem of folks that are somehow cheating because of what
26 they're calling in, because you have the right to go to the
27 dock, and you know when they're going to be there, and you can
28 count the fish, and so there's no reason to put in any other
29 restrictions on the commercial fishermen for that issue.
30

31 I would like to bring a few trip tickets from my longline
32 grouper fishing boats that harvested anywhere from 8,000 to
33 14,000 pounds of deepwater grouper, average maybe 4,000 pounds
34 of tile in those trips, and they have made at least ten trips
35 this year, and I would venture to say never more than 1,500
36 pounds of red snapper were harvested, and they keep every red
37 snapper that they catch, and so I think this deepwater grouper
38 fishery can be executed without interacting with red snapper if
39 you care to and if you stay out past 600 feet of water, where
40 snapper kind of quit living. A few of them live past there,
41 because they do catch a few.
42

43 I think the fact that folks would like to see a permit and a
44 vessel to own shares, that's something you could do from this
45 date forward, but to try to do that going backwards would just
46 take away the fish that are available, and at a high price it
47 may be, but they're available, and, if you tell them that they
48 have to buy a boat and a permit, they're just going to fish, and

1 so those fish will no longer be available to the market.
2

3 The way we fix the price of shares is either to bring this
4 fishery down to the amount of fishermen that should be in it
5 that the fish that are available can make successful businesses
6 or raise the commercial TAC to a point where you can cover all
7 this bycatch. We can do that with better science and better
8 accountability in all sectors, and I thank you for your time,
9 and I thank you for your service.

10
11 **CHAIRMAN FRAZER:** Thank you, Buddy. The next speaker is Chris
12 Niquet, followed by Jim Bonnell.
13

14 **MR. CHRIS NIQUET:** Thank you for the opportunity to speak.
15 Doug, I hope you catch that thirty-inch speckled trout. I know
16 you've been trying for a long time. I am going to give you a
17 little timeframe on a couple of problems that this country has,
18 or had, and I want your feedback on how to do something better.
19

20 The number one problem was we wanted to send a man to the moon,
21 and it took less than a decade. The next problem we've got is
22 how to stop the private recreational sector from overfishing red
23 snapper. Twenty-three out of twenty-six years, they have been
24 over, and, folks, you've got a problem. You will not implement
25 the requirements and restrictions, as you have on the charter
26 and commercial fleet, to stop the overfishing, and then, of
27 course, you've got to have enforcement. That's one item.
28

29 The next item is there is a huge abundance of sharks in the
30 western Gulf. Twenty-one years ago, my father applied for a
31 permit for a directed fishery for sharks in the western Gulf,
32 and we submitted the gear we were going to use. Literally, the
33 hooks were this long, a shank and a curve like that, and it was
34 impossible to catch a red snapper. They used the same equipment
35 after World War II, and, in four years, my father caught one
36 jewfish and one what they called a snider, and you call it a
37 true black grouper now. The rest were sharks.
38

39 If you want to solve a problem with sharks, give us the permit.
40 If you want the problems to continue for the lack of allocation,
41 don't issue more allocation. If you want to solve them, issue
42 more allocation.
43

44 This last year, I took care of the allocation needs, partially,
45 of over forty boats with mine and my family's shares, and I can
46 lease an additional 400,000 pounds in the next fifteen minutes.
47 It's up to you people to solve the problem. You have the power.
48 If you don't want to solve the problem, tell us, and we'll quit

1 coming. Thank you very much for your time, and good luck, Mr.
2 Boyd.

3
4 **CHAIRMAN FRAZER:** Thank you, Chris. The next speaker is Jim
5 Bonnell, followed by Kelia Paul.

6
7 **MR. JIM BONNELL:** I'm Jim Bonnell, and I own the Fishing Vessel
8 Michelle Maria out of Madeira Beach, Florida. It's a longliner,
9 and I'm also Vice President of the Southern Offshore Fishing
10 Association.

11
12 What I wanted to address was the snapper situation that we're
13 having and the difficulty with the discards. When I ran my
14 first fishing boat, I was bandit fishing at the time, and it was
15 in the early 1980s. About a third of my catch consisted of red
16 snapper, and I fished a little deeper than the majority of the
17 people, and so I think my catch was better with the snapper than
18 a lot of people, because there were larger snapper out at that
19 depth, but the man that taught me to fish and gave me my first
20 boat to run told me stories about when they would make one stop
21 and load the boat with snapper, 6,000 or 7,000 pounds, and I
22 have heard other stories from people a little older than me, and
23 not a lot, but a little bit that had those opportunities to have
24 catches like that.

25
26 It wasn't commonplace, but it did occur. Over time, the
27 population declined. Over time, I started longlining, and, at
28 that time, you all issued snapper permits. I think they were
29 Class A and Class B, or Class 1 and 2, whichever, and it was a
30 200-pound and a 2,000-pound limit. Because of our decrease in
31 the population of snapper, the majority of us on the Florida
32 west coast, excluding the Panhandle, but from on down, I believe
33 the majority of us received the 200-pound-class permit.

34
35 The season would open for ten days out of ten months. If we
36 were to catch that amount, we would probably end up with roughly
37 2,000 pounds for the year of what we would be allowed to have,
38 but we didn't even come close to that, because of the fact that
39 we would be out, and the majority of the boats average about
40 fourteen-day trips, maybe twelve or fourteen days, somewhere in
41 there, and the chances of us being able to catch those within
42 that ten-day time period and be at the dock and unload them was
43 slim, and, for 200 pounds a trip, we're not going to work our
44 trip around that, and so it would be very easy for us to catch
45 fish earlier in the trip, red snapper, and have them buried low
46 in the fish boxes, and then the ten days were up, and we would
47 come in after that and have illegal fish.

48

1 To avoid that, we would throw the snapper back, and so, when the
2 IFQ system came in, we had very, very low landings. My boat
3 that I have owned for close to thirty-five years now, a little
4 under that, has always been a pretty good-producing boat. I was
5 issued I believe it was about 197 pounds for the year, and now
6 I'm up to 213 pounds or something like that. All the rest, we
7 have to lease, if we can get the leases.
8

9 Usually the fish house gets them for us, and then we get them
10 from them, at cost, but it's usually about \$3.75 or \$4.00 a
11 pound, and we get about \$5.50 return on them, plus we pay the 3
12 percent management fee for the system, plus all the expenses
13 that go along with operating and owning and maintaining a boat,
14 and it's not a workable solution for us.
15

16 I have had the opportunity to speak with a few of you
17 individually, and I have to admit that I see how complex this
18 whole thing is and that you have to fall within the legal bounds
19 of the Magnuson-Stevens Act, and you have to have something
20 that's reasonably fair for everybody, and it has to be
21 enforceable, and I don't envy you your job. I know this is hard
22 to work out, where everybody is happy and it's going to fall
23 within those bounds, but I'm hoping that we can all work
24 together and come up with something workable for everyone
25 involved and for the fish.
26

27 I think a lot of what's been said here today is very factual,
28 and I can back it up, as far as the shark problem that we've had
29 and the porpoise problem and the number of hooks. It's not
30 unusual for my boat to go through, like they've said, 500 to
31 1,000 hooks on a trip, because of the hooks and fish that we're
32 losing to the porpoises and sharks. Anyhow, I just want to
33 thank you for the opportunity, and I hope we can all do
34 something to work together and get a solution for this. Thank
35 you.
36

37 **CHAIRMAN FRAZER:** Thank you, Jim. I believe we have a question
38 from Mr. Diaz.
39

40 **MR. DIAZ:** Captain Bonnell, early on, you said about one-third
41 of the fish you caught in 1980 was red snapper. What is the
42 percentage of fish you're catching right now that are red
43 snapper?
44

45 **MR. BONNELL:** I am not actually running the boat now. I have
46 somebody running it for me. I ran it for years myself, and so I
47 can't give you an exact figure. I know we don't bring in a
48 whole lot. It depends what the fish house has to offer us, as

1 far as the leases. Last time, I think we brought in about
2 three-hundred-and-sixty-some pounds, and it varies trip to trip,
3 but it's not unusual at all to throw away easily 2,000 pounds.
4 Some trips vary, depending on where they're fishing, and we
5 might not catch more than 500 in a trip, but 2,000 or better is
6 not unusual at all on a trip.

7

8 **CHAIRMAN FRAZER:** We've got another question from Ms. Bosarge.

9

10 **MS. BOSARGE:** I have a silly, sentimental question for you. I
11 love the name of your boat, the Michelle Marie. Is that your
12 wife and your daughter?

13

14 **MR. BONNELL:** No. I will give you the true answer though. When
15 I bought the boat, I was struggling, and the man that I bought
16 it from financed it for me, and he was really fair with me, and
17 I tried to give him more money down, and he said just give me
18 this much, and you're going to need it, and I kept the name the
19 same, because, when I hauled the boat out, I couldn't afford a
20 sign painter at the time, but it was a friend of mine's
21 daughter. Thank you.

22

23 **CHAIRMAN FRAZER:** We have a couple more questions, first from
24 Greg Stunz.

25

26 **DR. STUNZ:** You mentioned about the \$4.00 -- That you're leasing
27 and that's returning \$5.50 a pound, but you mentioned the other
28 fees that you have on top of that.

29

30 **MR. BONNELL:** Well, there's the 3 percent management fee that is
31 collected for the management of the program. That does not come
32 off the person that leases it out. It comes from us, the person
33 that leases the fish share to catch, or not share, but
34 allocation.

35

36 **DR. STUNZ:** Okay, but that \$5.50 number includes or does not
37 include that?

38

39 **MR. BONNELL:** No, it's taken off of the top of that.

40

41 **DR. STUNZ:** In addition to. Okay.

42

43 **MR. BONNELL:** Yes.

44

45 **CHAIRMAN FRAZER:** Kevin Anson.

46

47 **MR. ANSON:** Thank you, Captain Bonnell. Thanks for coming
48 today. It's good to see a fresh face.

1
2 **MR. BONNELL:** Thank you.
3
4 **MR. ANSON:** How many pounds do you normally lease from the fish
5 houses or get from the fish houses for red snapper lease?
6
7 **MR. BONNELL:** How many do I lease?
8
9 **MR. ANSON:** Yes, and is that done per trip, or is that done over
10 a month or six months or a year?
11
12 **MR. BONNELL:** Usually by the trip, and it all depends on what
13 they happen to get at the time. Some of the fish houses -- Like
14 somebody mentioned earlier, it's very hard to get any right now,
15 because a lot of places -- The fish houses, it's advantageous to
16 them, because, once they get them, they have a product to sell
17 then, but it's a big chunk of money to put out.
18
19 The fish house that I deal with doesn't seem to have the
20 resources to lease like 100,000 pounds or whatever, and so they
21 let me know when I leave that this is what we can afford to let
22 you have, and not that that's all they have, but there is other
23 boats that want them too, and so they divide it up fairly
24 between us, and you can have 500 pounds this trip, or,
25 occasionally, 1,000, and that's about all we're able to get,
26 usually.
27
28 **CHAIRMAN FRAZER:** Kevin.
29
30 **MR. ANSON:** So what happens when you bring in more red snapper
31 than they told you that you can lease?
32
33 **MR. BONNELL:** We don't.
34
35 **MR. ANSON:** So you're able to count them and get them in within
36 that 500 or 1,000 pounds fairly accurately?
37
38 **MR. BONNELL:** Fairly accurately, and we keep it on the low side,
39 to be safe, because the last thing we want to do is come in
40 there and land illegal fish and have to deal with all of that.
41 We normally underestimate, just to be on the safe side with it.
42
43 **MR. ANSON:** But they would be probably upset if you did come in
44 with more than what you --
45
46 **MR. BONNELL:** Well, probably they wouldn't know, because, if I
47 saw it getting up there, I would stop things and try and deal
48 with it however we could, and I don't know what we would do, and

1 it would all depend if enforcement was there and said, hey,
2 you've got these fish. I mean, we don't want to do anything --
3 I would not take them and sell them. I've got too much at risk
4 for that.

5
6 We have never had that happen, because, like I said, we try and
7 keep it low. Probably what I would more likely do is see if I
8 could find somebody that would be willing to lease me some at
9 the last minute, which probably would be illegal, I'm assuming,
10 because I think have to have them in my account before I even
11 call in our landing and give them the amounts then, but, like I
12 said, I've never had that happen, and I've never had to cross
13 that bridge, and so I don't know. There probably isn't a real
14 good solution as to what to be done in that situation.

15
16 **MR. ANSON:** Thank you.

17
18 **MR. BONNELL:** Thank you.

19
20 **CHAIRMAN FRAZER:** Thank you, Jim. Our next speaker is Kelia
21 Paul, followed by Alicia Paul.

22
23 **MS. KELIA PAUL:** Good afternoon, and thank you for allowing me
24 to come up and address the council today. My name is Kelia
25 Paul, and I am with the dually-permitted vessel the Long Shot
26 out of Panama City Beach. There are quite a few things that I
27 want to address, and so I'm going to try to get through them
28 before my time limit.

29
30 Amberjack, this is one of the two topics that I am most
31 passionate about. I hear you guys, and we are under a
32 rebuilding plan, and we have to be mindful of that while
33 maintaining our livelihoods though.

34
35 For the commercial trip limits, we were some of the few to plead
36 with you not to cut our trip limits by two-thirds, because we
37 depend on those stronger fish in the cold-water months. I don't
38 remember who said it, but they were exactly correct. Those fish
39 houses are not going to want to mess with the smaller limits,
40 the 500 pounds, and that's going to drastically drive our price
41 down, and that's going to hurt us.

42
43 That being said, my preference would be Alternative 6, 1,000
44 pounds, until the 75 percent of the ACT is harvested and then
45 250 pounds post-that. For recreational amberjack, I know you
46 guys have heard a lot about this, and you're going to continue
47 to hear a lot about it today, but we've got to do something for
48 a May spring season.

1
2 It is extremely important to us. We've lost so many trips this
3 year, and the ones that we did get were extremely hard to sell
4 on b-liners and Spanish mackerel. Again, I understand we're
5 under a rebuilding plan and we want to protect the fishery, but
6 we have got to have the season. I am in support of the AP's
7 suggested motion for the split season.
8

9 Something has to give, but we just need a May season, and I know
10 that the fractional bag limits are not everyone's preference,
11 but, at this point, if that's what it takes to get those people
12 out there and not have to cancel the trips that we had to cancel
13 this year, I am all for it.
14

15 For the data collection on charter/for-hire coming in 2020, I
16 was fortunate enough to be selected for the MREP workshop last
17 May, and I have a new respect for the need of better data
18 collection as well as the disconnect between time of data
19 collection to management decisions.
20

21 You all have a tough job working with the antiquated data, and
22 I'm all for giving you that in any way we can. We want to
23 provide you with accurate and robust data, to allow you to, in
24 turn, effectively manage the fisheries. My crew will count
25 every fish that comes across the rail, including those bait
26 fish, which I kind of thought was nuts, but, okay, we'll go with
27 it.
28

29 However, what I am not onboard with are these economic questions
30 and the timeframes in which you're asking for these reports to
31 be sent to you. Let's start with the economic questions, and
32 I'm probably going to go over my time, and I'm sorry.
33

34 If you have an older car, one that doesn't have the you have so
35 many miles until no gas, and if you have one of those, can you
36 tell me how much gas you burned going to the store running
37 errands? In turn, if you used a credit card to pay for that
38 gas, are you going to remember what you paid for it at the pump?
39 Probably not.
40

41 This is what we deal with. At our marina, we charge our fuel,
42 and, during the thick of the charter season, we pay for it once
43 a month. We're not looking at those tickets when we sign them.
44 Most of the time, the deckhand is the one actually taking fuel.
45 To ask us to estimate that every single trip and expecting an
46 accurate amount is unreasonable.
47

48 Also, and I will be frank here, it's none of anyone's business

1 what I run my trips for, and that's how it should be. I don't
2 know the boats next to me, what they are running for, and that's
3 how it should be.

4
5 The responses to the feedback for the issue aren't reassuring.
6 The comment was made that there would be research to tell if we
7 were being accurate in our reports, checking our website and
8 Facebook, et cetera, and making sure that it was in parity.
9 Most of us don't even post our prices, because they vary so much
10 between the seasons and amount of passengers.

11
12 It really does not make it an easier pill to swallow if these
13 requirements are just for data collection purposes and not the
14 intrusive burden that it actually is. I did hear that this was
15 a solution to get feedback given about you making decisions that
16 affected the fishermen economically and not having data to
17 quantify that, which I understand, but I don't know that this is
18 the answer.

19
20 For my last point, this keeps getting compared to commercial
21 fishing logbooks, and there are similarities, but there's a big
22 difference, time. Those logbooks are not due before the vessel
23 hits the dock, and not everyone has to submit those economic
24 factors. I know, because we have been randomly selected the
25 last two years running, but, even still, I have time to figure
26 out what fuel I burned, et cetera, in order to accurately send
27 those numbers in.

28
29 Ms. Bosarge actually spoke logic when she said that, as a
30 charter fishing fleet, we are a balancing act. We're dealing
31 with customers, regulations, boats, et cetera, and expecting us
32 to send all of that in, including fuel and other economic
33 factors, and before we hit the dock, in my opinion, is an unfair
34 ask.

35
36 Think about it. We're going from delayed data of years to real-
37 time in the trip data, and is it really that much of a
38 difference for twenty-four hours? Red snapper is a derby
39 season, and we're running multiple trips a day. You add turning
40 around on trips, taking payments, unloading and loading people
41 off, and it gets to be a lot in a very short period of time, and
42 now you're asking for that data in an even shorter amount of
43 time, which, if incorrect, could be very costly for us.

44
45 The response was given that, for that concern, it was
46 discretionary with law enforcement, but that doesn't take away
47 the possibility that we could be severely fined for making a
48 simple error by rushing to get you this data while balancing

1 everything else that goes on with the derby snapper season. We
2 could provide much more accurate data given a bit more time to
3 do so.

4

5 Also, as we all know, the recreational sector holds much more
6 quota than we do. I believe this would be much more palatable
7 if there was a bit more effort to improve their data collection
8 as well. Don't misunderstand me. We're onboard with giving you
9 the fishery data you need, but I know there has been pushback,
10 and I believe that, if it was illustrated that a significant
11 amount of effort was being made to improve the vast data
12 efficiency on a sector, there would be less resistance, and just
13 consider that in your decision, and I appreciate you guys
14 letting me go over, and I'm going to stop there.

15

16 **CHAIRMAN FRAZER:** Thank you, Ms. Paul. John Sanchez.

17

18 **MR. SANCHEZ:** I just want to thank you for coming, and I'm glad
19 that you went over. You provided a lot of valuable information
20 and answered some of the questions that I had regarding going
21 forward with some of the economic data.

22

23 **MS. K. PAUL:** Thank you for listening.

24

25 **CHAIRMAN FRAZER:** Okay. Thank you, Ms. Paul. Our next speaker
26 is Alicia Paul, followed by B.J. Burkett.

27

28 **MS. ALICIA PAUL:** Hello, and thank you all for letting me speak
29 this afternoon. I'm Alicia Paul from Long Shot Charters in
30 Panama City Beach, Florida, a dually-permitted vessel. I am not
31 going to be as long-winded as her.

32

33 A couple of issues. I was one of the people in my area that
34 actually pushed for the electronic logbooks. I would like some
35 real-time data, but the burden of all the economic questions and
36 everything before we actually unload these fish is going to be
37 too much. You know, we're already balancing an act quickly to
38 try and get these people on and off the boat and push it out as
39 many hours as we can in the sixty days that you allot us.

40

41 Another big issue I have is the amberjack, and I stood in front
42 of you all in October of last year and fought for a spring
43 season, and I fought against that changed start date from
44 January to August, and here we are without a spring season, and
45 it really hurts.

46

47 Its hurts financially, and it hurt everybody at our marina.
48 There's a lot of us that had to cancel trips, and I don't know

1 what we have to do to fix that, amend that, but please give us a
2 spring season, 60/40 or 70/30, whatever it takes, just give us a
3 month in the spring. I'm not asking for a whole lot.

4
5 Amendment 36B, Preferred Alternative 2, the commercial fishing,
6 it's hard to give you accurate estimates, and I've heard a lot
7 of people tell you that we're all doing the best that we can,
8 and, yes, there's a few bad apples in every profession, but
9 please don't hurt the ones that are trying really hard to make
10 it right.

11
12 The red snapper, Preferred Alternative 2, keep it at the 90
13 percent buffer and more days while maintaining a sustainable
14 fishery, and that's really all I've got to say. Thank you, all.
15

16 **CHAIRMAN FRAZER:** Thank you, Ms. Paul. The next speaker is B.J.
17 Burkett, followed by Randall Kramer.
18

19 **MR. B.J. BURKETT:** My name is B.J. Burkett, the owner-operator
20 of Hook 'Em Up Charters in Panama City Beach, Florida. It's a
21 dual-permitted boat, and I'm an IFQ holder. Also, I own a
22 commercial fishing boat based out of Apalachicola, Florida. I
23 am here today representing my business and about another fifty
24 charter boats, charter businesses, in Panama City Beach that are
25 mainly all out fishing today. This is our busy season.
26

27 Just to name a few of those boats, and I will miss several, but
28 the Lady Kelly Charters, Miss Kelly Charters, Backlash, Captain
29 Hank, Captain Mike, Great Escape and Real Commotion, and many
30 more, and so, all of those boats, I am here for their behalf.
31

32 Guys, I can't afford to be here today, but I can't afford not to
33 be here today for my future. The main thing that I'm here to
34 talk about is the amberjack, the recreational amberjack season.
35 The council passed it last year, to change the start date to
36 August, assuring we would have a spring season.
37

38 Well, we didn't get no spring season, and so, in my opinion, the
39 whole thing failed, and so we really want you to go back to the
40 January start date. There is no reason to keep it at August, if
41 we're going to have a spring and fall season, and I've seen
42 where you all are trying to do a 60/40 split, or a 70/30, and
43 what is the reason for the fall start date? There is hardly any
44 other fish in the Gulf that has that. Let's do a January to
45 December, as normal.
46

47 The main thing I'm here to say is we want the council to take
48 emergency action at this meeting to return the amberjack to a

1 normal calendar year of January to December, and that's what
2 Panama City wants.
3

4 This will drastically help the historical stakeholders, and it's
5 just needed. Our fleet has had the slowest spring that we've
6 had ever, because of this. We've lost a pile of trips, and it
7 has devastated our area. There is guys right on the brink of
8 not making it. If snapper season wasn't to come along, there is
9 guys going out of business, and that's all I have on that part.
10

11 On the commercial amberjack, if it's got to change, I guess what
12 the most poundage will give us, and I guess 1,000 pounds, but
13 1,500 was fine with us, and that's all I've got. Thank you.
14

15 **CHAIRMAN FRAZER:** Thank you, B.J. The next speaker is Randall
16 Kramer, followed by Kindra Arnesen.
17

18 **MR. RANDALL KRAMER:** Hello. My name is Randall Kramer, and I
19 own a longline boat and a couple of rod-and-reel boats in
20 Madeira Beach. I just wanted to let you know what my situation
21 is down there, and it's drastic. My fishery is red grouper, and
22 I hear everything today about snapper, and everything is
23 snapper, snapper. I want to save my industry, which was red
24 grouper.
25

26 I can't catch the fish, and, when I do catch the fish, I don't
27 make any money on the fish, and so it's a false hope that you're
28 giving my captain and crew when they go out and there spend
29 \$4.00 a pound to catch a \$5.50 fish and it's only worth \$1.50.
30 I can go catch porgies. I can catch almost any other fish
31 that's worth more than that, and I can't afford to put that fish
32 on my boat. It's not a large boat, and I have so much ice, and
33 I just don't know where to go, and I don't know why -- My
34 allocation for snapper is 177 pounds. How can I deal with that?
35

36 We couldn't qualify for any fish. There wasn't snapper there
37 back when it was time to qualify, and I own all my shares, and I
38 lease very few, and I don't want to lease red snapper, but I
39 just don't know where to go, and so I just hope that you guys
40 can fix this for me and take care of my fishery and maybe be
41 equal about it. They should be the same.
42

43 My fish is worth nothing compared to the snapper, and I've got
44 nothing. Red grouper sells for \$3.00 to \$5.00 a pound, and
45 snapper sells for \$45.00 a pound, but it's still a \$5.50 fish,
46 and I don't know where to go, but I need your help in order to
47 do anything to sustain my family and my business, and so I thank
48 you for letting me talk. Have a good day.

1
2 **CHAIRMAN FRAZER:** Thank you, Randall. The next speaker is
3 Kindra Arnesen, followed by George Arnesen.
4

5 **MS. KINDRA ARNESEN:** Good afternoon, and thank you for your
6 time. I am Kindra Arnesen, and I've been around the commercial
7 fishing industry since before I was a teen, and my husband and I
8 are in both the state and federal fisheries. Our home port is
9 Venice, Louisiana.

10
11 We have five commercial boats and a whole pile of permits. The
12 reason we have so many boats, permits, and gear is because every
13 fishery that we have has been regulated to the point that we
14 have no choice but to be broad about our efforts, and so this
15 has worked out pretty well for us, and the only thing that
16 hasn't worked well for us is that we weren't lucky enough to be
17 part of the IFQ program, and so we don't own IFQ allocations.
18

19 The months of January and February are vitally important to my
20 business and, of course, my family. Our primary target during
21 January and February are greater amberjack. Just a few years
22 ago, we were cut from 2,000 pounds to 1,500 pounds, and that
23 brought us down by 25 percent, and here we are today discussing
24 cutting our daily allowable limit yet again.
25

26 I would like to go over the 2015 stock assessment. The 2015
27 stock assessment followed the largest environmental disaster in
28 our nation's history. That stock assessment, I don't believe,
29 is a reflection of what is out in the water today. 2015 was the
30 absolute worst tax year that I have had in the last twenty
31 years, everything from near-shore from a shrimp to deepwater, we
32 saw a drop-off in our stocks. In 2015, we didn't clear over
33 \$15,863, I think is what we cleared, with all the boats, all the
34 equipment, and all the permits that we have.
35

36 We desperately need to stop taking away from our commercial
37 fishing sector. We cannot continue to do this if we plan on
38 being successful and sustainable. I beg of you to wait until
39 the next stock assessment, until there are any other changes, to
40 make any changes at all to the amberjack fishery. This does not
41 need to be a bycatch fishery. We cannot continue to take access
42 away from the commercial sector and creating a situation where
43 certain species are only considered bycatch.
44

45 With that being said, if this is turned into a bycatch fishery,
46 we will be pushed out. It will take away a whole quarter of
47 every year of my family's income, and so I'm begging you to
48 reconsider, at least for now, until we have another stock

1 assessment. I am not saying that we can't come back and look at
2 this.
3

4 Looking at the numbers, 27 percent of the catch was caught
5 between 1,000 and 1,500 pounds, and you're looking at about
6 110,000 pounds of the quota. If you take away a third of that,
7 and you multiply it times 220 permits, you're only looking at
8 163 more pounds per permit. If you take away more than that,
9 two-thirds, and you multiply that times the 220 permits, or
10 divide it by the 220 permits, you're still looking at only 327
11 pounds more per permit.
12

13 This isn't going to lengthen the season. That's not what this
14 is going to do. This is going to decrease my profit and people
15 that have the same business model as I do, or even close to
16 mine, and it's going to decrease our profit to where we can't
17 afford to maintain our boats, and so I ask you to reconsider, if
18 you have any questions.
19

20 **CHAIRMAN FRAZER:** We have a question from Chris.
21

22 **MR. CHRIS SCHIEBLE:** I just wanted to thank you, Ms. Arnesen,
23 for coming all the way over here to talk to us about this. I
24 think everybody in this room can hear the passion in your voice
25 for your industry and what you're doing, and, also, thank you
26 for taking the time to explain to us how this isn't just a
27 bycatch fishery. There are people out there that make a living
28 off of this fully. Thank you.
29

30 **MS. ARNESEN:** Thank you.
31

32 **CHAIRMAN FRAZER:** Thank you, Kindra. The next speaker is George
33 Arnesen, followed by David Walker.
34

35 **MR. GEORGE ARNESEN:** Hello. My name is George Arnesen, and I'm
36 a commercial fisherman, multiple generations. First, I want to
37 talk about the amberjack, and that's my wife, and she pretty
38 much laid it out.
39

40 I do target amberjacks. We run in and out and target the 1,500
41 pounds a day, and, if it lowers to 500, you can't afford to run.
42 It will be a bycatch, and, if we want to extend the quota, to
43 try to help the fishery, we need more of the quota back. That's
44 a resource that -- It's the whole country's resource, 380-
45 million people's resource, and we have eleven-million people
46 that is allowed 73 percent of it. What about the 380-million
47 people that it's their resource? I think they would be pretty
48 upset knowing that their part of it is only 27 percent.

1 I wanted to touch real quickly on the call-in, the three-hour
2 notice. I have a fast boat to run in and out, and sometimes,
3 when I'm snapper fishing, I make my three-hour notice, and I've
4 still got an hour to an hour-and-a-half to fish, and I may catch
5 1,000 pounds in that hour, and so my numbers won't be right,
6 because I can't estimate what I may catch on my three-hour
7 notice. I am telling them what's on the boat at that time.
8

9
10 If I catch 500 more pounds, or 1,000 more pounds, before I go
11 in, then I'm going to come in with more fish than what we're
12 reporting, and it's not that I didn't report what was on the
13 boat. I did, but I was still fishing, and so that's another
14 problem that I see with the -- You know, the enforcement is
15 there the majority of the time, with our three-hour notice, and
16 so it's not like we're trying to sneak fish in. They are seeing
17 the offloading of the boat at the dock.

18
19 The individual fishing quota, if you look at the explosion of
20 snapper in the Gulf now, it happened under the rodeo fishing,
21 before the IFQ happened, and the snapper exploded in it, and we
22 have snapper in south Florida where we didn't have snapper, and
23 that's because the program that you all had initiated was
24 working. The stocks were growing, and then we changed the
25 program to the individual fishing quota, and what it allowed is
26 a hostile takeover of our fisheries.

27
28 We have people that are not fishing at all, that are not
29 involved with the fisheries, and they own our fishery, and we
30 can't afford to lease it from them, because they push the price
31 to \$3.75 or \$4.00, and I hear people talking about \$5.50 at the
32 dock, and we get \$4.50 at our dock. I leased 50,000 pounds last
33 year at \$3.75, and I was working on a dollar, and you can't work
34 on a dollar, because it's bait, fuel, tackle, and your help and
35 your boat expense.

36
37 They made it to where we're not in the snapper fishery no more.
38 It got taken away from the fishermen, and something needs to be
39 changed. It was a bad idea, and I think it allowed our fishery
40 an opening for a hostile takeover of people with money. They
41 can come in and buy the shares up, as we've talked about, and
42 they don't have to own a boat. They don't have to be a
43 fisherman, and they can just have the money to buy your fishery.

44
45 When you set your fishery up like that, you're setting it up for
46 failure, and I think you all need to change it. Something has
47 to be done. The fishermen are no longer in the fishery. Thank
48 you for letting us speak with you all today, and I know there's

1 no easy fix to any of it, and hopefully you will use your
2 judgment and your knowledge to do the best that you can. Thank
3 you.

4

5 **CHAIRMAN FRAZER:** Thank you, Mr. Arnesen. We have a couple of
6 questions. Chris.

7

8 **MR. SCHIEBLE:** I would like to also thank you for coming all the
9 way over here and talking with us today. It sounds like the
10 trip limit for amberjack is something that you're passionate
11 about. How would you feel about, when we would reach the 75
12 percent of the ACL, dropping to 250 pounds per trip? Is that
13 still workable for you?

14

15 **MR. ARNESEN:** Well, it will make it where we're not going to be
16 able to run in and out and target it, because it's not enough.
17 Amberjack is not a high-dollar fish. It's a \$1.50 or \$2.00 a
18 pound fish, \$2.50 if you've got a really good market, and so,
19 when you're looking at even 1,000 pounds, when you talk about
20 your fuel and your tackle and your help and the boat expense, at
21 \$2.00, or maybe \$1.50, and our prices are not great in Louisiana
22 on our fish prices, you're not dealing with very much money when
23 you talk about the astronomical expense that you have,
24 especially on a boat like I have, where we run in and out, and
25 you burn more fuel than a slow boat would. When you lower the
26 quota, I just won't be in the fishery is what it will amount to.
27 Thank you.

28

29 **CHAIRMAN FRAZER:** Thank you, Mr. Arnesen. The next speaker is
30 David Walker, followed by Eric Brazer. It's good to see you,
31 David.

32

33 **MR. DAVID WALKER:** Good to see you too, council. Good
34 afternoon. I'm David Walker, a commercial fisherman from
35 Alabama. I see a lot of new folks in the audience, and it's
36 good to see the participation. I see a lot of new faces, and,
37 as always, I'm grateful for the opportunity to participate in
38 the council process.

39

40 Amendment 50, thank you. Thank you, council. Let's get that
41 Amendment 36B, the hail-in, and I think it's just an unnecessary
42 hardship. You have some examples of it's raining on the deck,
43 and it's slippery, and there's fish being cleaned, and it's
44 intensive labor, and we have to deal with cold weather, and the
45 wind picks up to twenty or twenty-five knots, and now you're up
46 into the safety-at-sea issues.

47

48 It's much different than weighing fish at the dock than it is

1 offshore, and I don't know of anybody in the commercial industry
2 that's been asking for this. Don't let a few bad apples spoil
3 the whole bunch, and I don't think that law enforcement has been
4 asking for this. There will always be bad apples, and there's
5 no need to penalize the commercial industry because of a few bad
6 apples, and you will still have bad apples, and it doesn't
7 change anything. There is no purpose and need for this.
8

9 On the amberjack, I started out amberjack fishing years ago,
10 and, at one point, a lot of people will remember, there wasn't
11 many snapper around, but there was a lot of amberjack, and
12 nobody fished for them, but I did, and so I have watched it for
13 thirty-something years, and I can hear -- I listen to them speak
14 about the 500-pound limits, but I have looked at it and weighed
15 it and measured it, and I see it's the best way to go for now.
16 Maybe they can work on another FMP that helps folks, and I would
17 definitely like to see that.
18

19 Doug, nine years, and I know the private angler leadership is
20 grateful for your service. I just want you to enjoy your life
21 to the fullest in retirement, and I'm just going to kind of give
22 you some advice that I have run into, and that is be careful
23 when you're exercising. I injured my knee a few weeks ago,
24 about three-and-a-half weeks ago, and it's been tough, and it
25 was -- I am just grateful that I made it here to give testimony
26 today, but it kind of started with my doctor, and I was having
27 some problems, and he said to stay away from the salt and sugar
28 and flour and exercise. You need to exercise, David. Just be
29 careful when you exercise. If you need any tips, get with me.
30

31 **CHAIRMAN FRAZER:** Thank you, David. We have a question from
32 Doug.
33

34 **MR. BOYD:** No, I've got a comment. I want to thank you,
35 seriously, for all the years of your testimony and your
36 friendship. We have differences of opinion on things, but we
37 have always been able to work together and have a drink
38 together, and sometimes laugh together, and I would like to tell
39 you that I think exercise is a very dangerous sport, and I gave
40 it up a long time ago.
41

42 **MR. WALKER:** Thank you.
43

44 **CHAIRMAN FRAZER:** All right. Our next speaker is Eric Brazer,
45 followed by Jim Green.
46

47 **MR. ERIC BRAZER:** Thank you very much, Mr. Chairman. Eric
48 Brazer, Deputy Director of the Gulf of Mexico Reef Fish

1 Shareholders Alliance. First off, I want to thank you for the
2 chance to speak with you earlier this week about the quota bank,
3 and I apologize for being a little bit late. I should have
4 known better, that you would be ahead of schedule, Mr. Chairman.
5 I hope it was informative, and I know I hit you with a lot of
6 information, but my goal was to give you some insight into the
7 structure and the programming and everything we had to do to
8 build and continue to evolve this program.

9
10 I was going to speak to allocation, but I think you know
11 probably what I will say and where I stand, and I would refer
12 you to our comment letter if you don't, and so the only comment
13 that I'm going to make today is about the unique trip
14 identifier.

15
16 It may sound like an insignificant issue, but it really is an
17 important issue to the commercial fleet, and you've heard
18 fishermen come to this mic dozens of times talking about all the
19 reporting requirements and all the data they provide and all the
20 data streams, and it's a bit frustrating to know that there is
21 nothing out there that really effectively links these five, ten,
22 or more data streams. You have got different silos, and you've
23 got different programs, and you've got different agencies in
24 different states.

25
26 If we have any hope of getting to the point where we're retiring
27 paper-and-pen reporting, where we're getting to electronic
28 logbooks, where you give fishermen the option of putting a
29 camera on their boat instead of taking an observer, we really
30 need to lock down this unique trip identifier and get something
31 that links all of these data streams together. With that, I'm
32 done. Thank you.

33
34 **CHAIRMAN FRAZER:** Thank you, Eric. The next speaker is Jim
35 Green, followed by Jason Delacruz.

36
37 **MR. JIM GREEN:** Hello, and thank you, Mr. Chairman and council
38 and staff. Welcome to Destin. I'm Captain Jim Green, and I'm
39 the President of the Destin Charter Boat Association, and I'm
40 Vice President of the Charter Fishermen's Association. I'm here
41 speaking on behalf of all of DCBA, no matter what some
42 associations think.

43
44 There would be a lot more of our fishermen here if it wasn't for
45 the opening of snapper season. A lot of them would be here
46 concerning amberjack. The Destin Charter Boat Association is
47 having a lot of heartburn over the adjustments in the management
48 over the last few years and the lack of urgency to fix these

1 measures that have not provided to be fruitful.
2

3 I have heard from some that, with amberjack, we need to have
4 more time, since we've done all this adjusting in the last few
5 years, to get better data, and we've been through that few
6 years, and we already feel more action is needed to be taken and
7 that we do not have to settle with where we're at.
8

9 Now, the one thing that has created this issue is the rate of
10 harvest. Reducing harvest by means of a fractional bag limit
11 and not a vessel possession limit will spread that reduction
12 equally across mode of access and size of vessel. Again, we
13 have had to operate in a circumstance that has proved not to
14 meet the mark we're striving for.
15

16 Please do something that gives us a greater ability to execute
17 the four-month season we all agreed upon a little over a year
18 ago. When we get a logbook in place, and if it shows something
19 different, then we can go back and raise up the bag limit.
20

21 Addressing the possession limit concerning multiday trips, the
22 DCBA supports looking into regulatory changes concerning a
23 possession on bag limits on multiday trips, and these trips can
24 cover a vast range, and, by allowing a vessel to target species
25 only once, it will be beneficial to the fishery and allow a more
26 efficient harvest and use of trip time utilization.
27

28 I have heard talk about a thirty-hour minimum to possess a two-
29 day bag limit, and I would have to hear the rationale behind
30 that, but, at first glance, that's not something that we would
31 probably support.
32

33 Pertaining to reallocation, listening to the continuing dialogue
34 on this topic for many years, I would have to say that any sub-
35 sector in this fishery should be tasked with providing the
36 highest level of stewardship, improving data collection to per-
37 trip submissions, and a buffer reduction before being considered
38 to take fish from one sub-sector and move it to another,
39 especially a sub-sector that have these accomplishments under
40 their belt.
41

42 I have seen some literature on the lane snapper, and this
43 fishery in the Gulf is very robust. It has grown steadily in
44 the past decade, and there is a vast range of age classes that
45 we're seeing off of Destin right now, and we're seeing a larger
46 fish, on average. I have been told that this fishery is data
47 poor, and we at the DCBA find it difficult to swallow a probable
48 closure on this fishery that shows such diverse age classes and

1 growth in population. We ask that you adjust the ACL or ACT on
2 the vermillion and the lane snapper, so that there is no closure.
3

4 When it comes to vermillion snapper, last year, we were talking
5 about lowering the ACL and ACT for future problems. Now it is
6 the creator of the potential problem, and I have seen where we
7 have come close to -- We almost overfished the catch limit. The
8 vermillion is the rabbit of the Gulf, thank god, and we should
9 adjust to maintain a safe place for that stock, but we should
10 also make it a broad enough range to where the natural ebb-and-
11 flow of the historical catch doesn't affect it. I appreciate
12 your time. Thank you.

13
14 **CHAIRMAN FRAZER:** Jim, we've got a couple of questions. We will
15 start with John Sanchez.
16

17 **MR. SANCHEZ:** You brought up -- As you know, we're talking about
18 the two-day trip, the two-day bag limit, and you brought up -- I
19 guess you said you had some concerns with some thirty-hour
20 threshold or something, and could you elaborate a little more,
21 so I can fully understand where your concern is?
22

23 **MR. GREEN:** Well, I have been trying to figure out how to add
24 six hours to a day for my whole life, but I don't see where --
25 When you take a daily bag limit, you're talking about a twenty-
26 four-hour day, and I don't see where raising it six hours is
27 going to give someone some kind of -- By extending it to thirty,
28 that that's going to -- I heard Mr. Hubbard say that that was
29 effective for his business, but a lot of our guys run twenty-six
30 and twenty-eight-hour trips in Destin, to be able to obtain that
31 bag limit, and I just don't see the rationale in raising six
32 hours on your trip to obtain something that you can legally
33 obtain in a twenty-five-hour time, if you want to look at it
34 that way, by coming back to the dock and leaving again with the
35 same people, and so I think it's kind of an arbitrary timeframe.
36 Thank you.
37

38 **CHAIRMAN FRAZER:** Next we've got Dale Diaz and then Kevin Anson.
39

40 **MR. DIAZ:** Thank you, Captain Green, for coming. One of the
41 scientists that I used to work with used to call white trout the
42 rats of the sea, and so I always remembered that, and I will
43 always remember that vermillion are the rabbits of the Gulf, and
44 so that will stick with me forever.
45

46 Last year, in the April timeframe, and the June timeframe, we
47 got a tremendous amount of testimony about cobia, and I was
48 hoping that we would have a few more charter fishermen here, but

1 a lot of the charter fishermen from your area talked about cobia
2 last year, and so I wanted to ask you what your impression of
3 the cobia stock is, from what you all are seeing so far this
4 year.

5
6 **MR. GREEN:** This year, this past spring, with the cobia, we saw
7 a lot of smaller fish, which is good, the fish that we saw. We
8 did not see a lot more fish, but it seems like we're seeing
9 smaller age classes, which is good. We still aren't seeing the
10 numbers, and anything to -- We worked hard with the FWC, to get
11 them to lower the possession limit on the vessel, and we
12 actually wanted them to raise the size limit, and cobia is a
13 fast-growing fish, and we feel that there still needs to be some
14 work done at the federal level.

15
16 I testified last year in that timeframe of wanting a possession
17 limit on a vessel, and that's me personally. When you are
18 trying your hardest to revive a fishery, and you see where
19 people can catch two per person and have that possession limit
20 on the boat in federal waters, it's a little disheartening. I
21 know we went to the one fish, but I think that we really need to
22 look at going to a possession limit on the vessel, in my
23 personal opinion, on cobia in federal waters, a smaller
24 possession limit, I should say.

25
26 **MR. DIAZ:** Thank you, Captain Green.

27
28 **CHAIRMAN FRAZER:** Kevin.

29
30 **MR. ANSON:** Captain Green, thanks for being here today during
31 the busy time of year for you. Just to follow-up on John
32 Sanchez's question, I got a little bit of dichotomy from you in
33 regard to this issue regarding the multiday trips. On the one
34 hand, you want the council to explore it, but, yet, when we talk
35 about setting a minimum number of hours, at least at thirty, you
36 weren't comfortable with that, and is there a -- Are you just
37 not interested in the minimum number of hours, or is thirty-two
38 better, or thirty-four? Can you provide any insight?

39
40 **MR. GREEN:** I apologize, and I've been quite busy, but I didn't
41 catch the dialogue on why thirty was decided or why the extra
42 amount of hours was added. Twenty-four is what the regulations
43 state on all fisheries. It's a daily bag limit, and they don't
44 say a calendar day. They say twenty-four hours, and so, to me,
45 I didn't quite understand why you were adding six more hours to
46 that.

47
48 Yes, we would like to explore it. I think, if that's what you

1 decide on, that's fine. Like I said, at our face value, or my
2 face value, I didn't really agree with it, but there's a lot of
3 things that are done in this world that I don't agree with, and
4 so, if that's what it gets to make a more efficient fishery for
5 these boats that are running these multiday trips, and you all
6 decide that, then so be it. It was just more of my opinion,
7 sir.

8
9 **MR. ANSON:** Thank you.

10
11 **CHAIRMAN FRAZER:** All right. Thank you, Jim.

12
13 **MR. GREEN:** Thank you very much, and thank you, Mr. Boyd, for
14 your service on the council.

15
16 **CHAIRMAN FRAZER:** The next speaker is Jason Delacruz, followed
17 by Wayne Werner.

18
19 **MR. JASON DELACRUZ:** Thank you very much. Jason Delacruz.
20 Thank you, Doug, for nine years. Man, that's a tough row to
21 hoe, and I couldn't do it, not for nine years. I want to talk
22 about two quick things. Probably the primary is representing my
23 fish house today, Wild Seafood Company. I offload about fifteen
24 different boats, some of which I own, or, actually, very few
25 which I own, comparatively.

26
27 First is this hail-in thing, and I have harped on this kind of
28 before the rest of the crew got on it and said, man, you are
29 setting us up to get fines for no reason. They have made it
30 very clear that the federal government doesn't want it, and the
31 federal law agency doesn't want it. They're the ones who
32 primarily investigate this federal rule.

33
34 All you're going to do is give some of the states that sometimes
35 aren't really commercial leaning an avenue to figure out a way
36 to fine me and put me in a penalty box, and please don't do
37 that. We're not trying to do anything wrong. We're doing
38 everything the best we can, and it's a two-party system, and
39 they're real clean.

40
41 Next, of those twenty boats that I represent, I have four of
42 them that are full-time reef fishing boats. They don't have
43 charter permits, and they don't have shrimp permits, and they
44 don't have anything else. They go out and they catch reef fish,
45 and those four boats count on amberjack too, and I have had
46 discussions about trip limits with them and everything, and the
47 number-one thing they want to do is keep that season open as
48 long as possible.

1 They fish as fishermen of opportunity. Whatever they come
2 across is what they try to get, and so, if they get an
3 opportunity to have amberjack late in the year, they would like
4 to have it, and I kind of want to talk about the fish house's
5 role in this and what the implications of this are and where
6 some of the people that were at this podium before me may be led
7 astray by their fish house.
8

9
10 The illusion that they won't want to mess with 500 pounds is a
11 joke, and here is the absolute truth of amberjack, and I will
12 tell you this as a guy who has sold a lot of amberjack.
13 Amberjack in the Gulf of Mexico is the best amberjack in the
14 United States. We do not have the parasite count like they do
15 in the South Atlantic. The South Atlantic amberjacks will have
16 worms from the middle of the gut all the way back, and so the
17 yield is horrible.

18
19 The reason we have this ridiculous \$1.50 or \$2.00 price for
20 amberjack is because our season opens and closes
21 instantaneously, and we never get a traction hold in the market.
22 If you give us these fish year-round, you are going to see a
23 \$2.00 or \$3.00 or even \$3.50 or maybe even \$4.00 amberjack to
24 the boat, and that's the truth, and so, if we're talking about
25 going from a 1,500-pound trip limit down to say a compromise of
26 1,000, in the long run, you're better off to keep the season
27 open and let the fish houses that are doing the right thing get
28 the prices up.

29
30 Everybody else has to match, because that's the way it works,
31 and then you will see them getting the same money for less fish,
32 and we have a year-round fishery. We have a better product than
33 the rest of the United States. Please let us use it. It's just
34 a fact, and I don't care what anybody says, because, at the
35 beginning of amberjack season, I have the same conversations
36 with my customers.

37
38 These are not South Atlantic fish, because their fishery stays
39 open, because nobody wants those fish, because they run off the
40 backside of us. We open up our fishery, and we run and we shut
41 down, and then, all of a sudden, their fishery opens, because
42 the South Atlantic opens at a different schedule than us, and
43 they start selling those, and then the people get mad, and they
44 stop buying them, and then, the next year, I have to have the
45 same conversation. They don't have worms in them and trust me
46 that this is a quality product, and you're getting good yields,
47 and they are good stuff.

48

1 This will give these guys an opportunity. Even if they are not
2 part-time. If they're just part-time fishing, if 500 pounds, or
3 350, you're making more than you were at 1,500 at \$1.50, and so
4 please let's try to keep this fishery open year-round. That's
5 really my goal for my fishermen, and I was sent here by them to
6 represent them, and that's my job as a fish house, and that's
7 what I'm doing. Thank you.

8

9 **CHAIRMAN FRAZER:** Jason, we've got a question from John Sanchez.

10

11 **MR. SANCHEZ:** Jason, following that, if you had your preference,
12 what would be your pounds, and would you agree -- What would be
13 the poundage, trip limit, that you would think would be ideal to
14 accomplish stretching this out for the longest period possible
15 and, if there were a step-down, what should that poundage be,
16 and at what percentage should that occur?

17

18 **MR. DELACRUZ:** I'm on the Reef Fish AP, and I crafted that
19 motion that came out of the Reef Fish AP. 500 pounds with a
20 step-down to 250 when we get to 75 percent, and, if we still
21 close that year, the next year, the opportunity to go 500 pounds
22 and a step-down at 50 percent.

23

24 I don't think we are. The numbers don't show that we are, and I
25 don't think that you're going to see as many directed trips, but
26 what it will do is stretch the trip out, where some people that
27 would just pound that 1,500-pound trip limit won't do it quite
28 as hard, but, yet, they will still be able to go catch those
29 fish during odd trips, when you can't charter fish or you can't
30 do something else in the fall. If you give me the fish year-
31 round, I'm telling you that it's going to make a difference.
32 Thank you.

33

34 **CHAIRMAN FRAZER:** Thank you, Jason. The next speaker is Wayne
35 Werner.

36

37 **MR. WAYNE WERNER:** Good afternoon. I'm Wayne Werner, Fishing
38 Vessel Sea Quest. First, Doug, I appreciate all your time.
39 Just like you said last time, we had a lot of differences, but
40 we were still talking, and so we appreciate all your time on the
41 council and enjoy yourself.

42

43 I want to talk about 500 pounds of amberjack. I'm with him. I
44 am tired of just killing them all the time. At least I will
45 kill a few less, and it's just going to help.

46

47 One thing I would like to say is Captain Gary Jarvis brought up
48 the twenty-inch size limit on almaco jacks, and I support that.

1 The small ones are too easy to catch around the oil platforms
2 and stuff and just we don't need that. I think he had a really
3 good idea there to put a size limit on them.

4
5 The oil spill, red tide, episodic events, that affects both
6 types of fish, groupers and snappers, no matter how you want to
7 look at it. They both had devastating effects, but one fishery
8 is coming through, and it's the red snapper. One fishery isn't.
9 Well, I must really be getting old, and I know I'm getting old,
10 but I am probably the only person here that has been on a boat
11 where groupers have been a problem when we were trying to catch
12 snappers, where we had to throw back 3,000 pounds of groupers to
13 ice snappers when I was a kid, and I hated it. I would never do
14 it myself as a captain, but I did it as a kid.

15
16 I have also seen spots that we've found that we had to clear the
17 groupers out of the way to get to the snappers. This is a
18 grouper problem, and it's time to address it as a grouper
19 problem. I have said all along, and I said it at a roundtable a
20 couple of meetings ago, that we're sitting here not protecting
21 the big fish, the breeding stock. Every time you hear someone
22 talk about longlining, I hate to say it, but all you keep
23 hearing about is the big fish they catch.

24
25 Well, there you go. All the snappers are big, and, the
26 groupers, that's a different situation, because they have had to
27 go to smaller and smaller hooks, because they ran out of big
28 fish. When I fished it, our average size was twenty-five
29 pounds, and I think I made that clear at a roundtable, once
30 again. Let's try to do something to protect the big fish in the
31 fishery and let it grow like the snapper fishery. That's all I
32 have to say. Thank you.

33
34 **CHAIRMAN FRAZER:** Thank you, Wayne. All right. I don't believe
35 that we have any other speakers, but I am going to make a last
36 call. All right. Seeing no other speakers, I want to thank
37 everybody for taking the time to come and give that testimony
38 today, and, again, I just appreciate your efforts and your time.
39 Thank you.

40
41 It's about 4:30 or so, and we're going to take about a ten or
42 fifteen-minute break, and then we're going to try to knock out
43 some other things this afternoon before we depart.

44
45 (Whereupon, a brief recess was taken.)

46
47
48 **COMMITTEE REPORTS (CONTINUED)**
GULF SEDAR COMMITTEE REPORT

1
2 **CHAIRMAN FRAZER:** I am looking at the agenda, and we have a
3 couple of committee reports. I think we'll try to do the SEDAR
4 Committee Report first, and we'll save the Sustainable Fisheries
5 Committee report and the Reef Fish Committee reports for
6 tomorrow, in the morning. After we do the SEDAR Committee
7 report, then I would like to walk through the agency updates and
8 the liaison reports. If we have time then, we can circle back
9 and talk a little bit about the EFP issue and the other business
10 items, and then we'll call it a day.
11

12 Everybody has the SEDAR Committee summary. I will go through
13 that now. Council staff provided an overview of the many topics
14 discussed by the SEDAR Steering Committee at its May 16 through
15 17, 2019 meeting in Charleston, South Carolina.
16

17 The committee reviewed modifications to the stock assessment
18 schedule due to the government shutdown, key stocks/stock
19 prioritization, progress on interim assessments, best scientific
20 information available, and the requested scope of work process.
21

22 The key stocks analysis was discussed, which can be used to
23 prioritize and request interim analyses for stocks with reliable
24 fishery-independent indices of abundance. This approach will be
25 further explored between the SSC and the Southeast Fisheries
26 Science Center in the coming months. A benefit of this approach
27 is the ability to use the most current data to inform catch
28 advice on a regular basis and could serve the purposes of the
29 carryover and payback provisions by regularly updating that
30 catch advice.
31

32 The committee requested that the Southeast Fisheries Science
33 Center develop a list of stocks which would be able to be
34 assessed in this manner and preferred a scenario whereby the
35 interim analyses could be requested annually for those species.
36 The committee also requested a brief presentation from the
37 Southeast Fisheries Science Center on interim analyses at a
38 future meeting.
39

40 SEDAR Assessment Schedule, staff reviewed the SEDAR schedule for
41 Gulf stock assessments as approved thus far by the SEDAR
42 Steering Committee. The Southeast Fisheries Science Center
43 indicated that the two years currently blocked off for red
44 snapper may not be necessary, as the items which are currently
45 being considered for modification may be able to be addressed in
46 less time.
47

48 The committee was concerned about the timing of the west Florida

1 hogfish stock assessment, presently requested to begin in late
2 2021, with a terminal year of 2019. The council increased the
3 minimum size limit for west Florida hogfish in 2017, and, thus,
4 a terminal year of 2019 only gives the assessment a few years of
5 data to observe the effects of the minimum size limit increase.
6 The committee requested that the west Florida hogfish assessment
7 begin in 2022, with data through at least 2020.

8
9 Committee members queried how the MRIP FES/APAIS calibrations
10 and the inclusion of state survey data would be incorporated
11 into the upcoming stock assessments. The Southeast Fisheries
12 Science Center indicated that, by early 2020, a calibration from
13 NMFS would be in place for each survey to be used in stock
14 assessments. All effort data are currently being included in
15 the stock assessments in MRIP FES currency. However, catch
16 limits may be in another currency, to which the data can be
17 calibrated.

18
19 The Gulf States Marine Fisheries Commission has completed a
20 species profile for cobia, which can be incorporated into the
21 scheduled update assessment. Staff will ensure that this
22 information is provided to the analytical team. This concludes
23 the SEDAR Committee report. Does anybody have any questions on
24 the SEDAR Committee report? Dr. Porch.

25
26 **DR. PORCH:** Thank you, Chair. More a comment. The key stocks
27 and interim analyses are different concepts, and so we probably
28 need to rephrase that first sentence just to focus on -- It's
29 just an introductory statement to what interim analyses are, and
30 that's basically updating catch advice, based on trends in an
31 index of abundance. I mean, I could talk with you offline to
32 get an alternative sentence, if you would like.

33
34 Then I would bring up, in the third paragraph, where it says
35 "SEFSC indicated that the two years currently blocked off for
36 red snapper may not be necessary", in our red snapper research
37 track assessment. Thank you.

38
39 **CHAIRMAN FRAZER:** Just to rephrase, I will work with you to
40 rephrase that one sentence having to do with the key stocks and
41 interim analyses, and then we will make an insertion in that
42 third paragraph, making sure that it's referring to the red
43 snapper research track. If the committee is good with me and
44 Dr. Porch making those changes, we can move forward. Seeing
45 nodding of heads, we will do that. Thanks, Clay, for offering
46 to do that. Okay. Let me take a quick look at the agenda.

47
48 I think what we can do at this point is go ahead and try to run

1 through some of the agency reports and the liaison reports. I
2 think I will start with Lieutenant Zanowicz with the U.S. Coast
3 Guard Report.

4

5 **SUPPORTING AGENCIES UPDATES**
6 **U.S. COAST GUARD**

7

8 **LT. ZANOWICZ:** Thank you, Mr. Chairman. I don't have any slides
9 for this update, and it will just be a verbal update, and I'm
10 going to plan to have a more in-depth presentation at our next
11 meeting, but, just to update everyone, we're continuing
12 enforcement efforts, obviously both domestically and against
13 foreign vessels in south Texas.

14

15 Our current count for seized lanchas for this year is sixty, and
16 that's for this fiscal year, Fiscal Year 2019, which is the same
17 amount that we interdicted in Fiscal Year 2018, and we still
18 have three months to go with Fiscal Year 2019, and so we're
19 still interdicting record numbers of those vessels.

20

21 Of those vessels that had catch onboard, we recovered just over
22 20,000 pounds of red snapper. Just to highlight how dangerous
23 this mission is, we did have a case last month where, during a
24 pursuit, one of these lanchas actually collided with a Coast
25 Guard cutter. Fortunately, there was no serious damage, and no
26 one was hurt, but that just highlights how dangerous this
27 mission is, this mission that we do every day.

28

29 Many of these vessels will stop when they see a Coast Guard
30 vessel come on-scene, but a lot of them do flee as well, and
31 that's something that we have to contend with. There's a lot of
32 pursuits that happen in the middle of the night, and it could be
33 a very dangerous mission, and this incident definitely
34 highlights that.

35

36 On a more administrative note, our current Coast Guard District
37 Commander, Rear Admiral Paul Thomas, who I think a lot of you
38 probably met at our last New Orleans meeting in January of 2018,
39 he will be transferring this summer, and so our new District
40 Commander coming in is Rear Admiral John Nadeau, and he's going
41 to be arriving next month, and so I'll try to arrange a meet-up
42 at our next meeting, which is in New Orleans, where our District
43 office is based, so the council will have the opportunity to
44 meet him there. Pending any questions, that concludes my
45 update.

46

47 **CHAIRMAN FRAZER:** Thank you, Lieutenant Zanowicz. Mr. Dyskow.

1 **MR. DYSKOW:** Thank you. Can you refresh my memory? When you
2 seize a vessel, one of these lanchas, do you crush those or
3 destroy those in some way, or do they get back into the system?
4

5 **LT. ZANOWICZ:** Thank you for the question. The process is based
6 on an agreement we have with Mexico that was established in the
7 mid-2000s, and I don't remember exactly which year, and what
8 that agreement says is that, when we seize one of these Mexican
9 lanchas, we will store it at our holding yard in South Padre
10 Island for forty-five days and give Mexico the chance to reclaim
11 it. If they don't reclaim it, then we destroy the vessel.
12 Historically, Mexico has never attempted to reclaim one, and so
13 every lancha we have seized has been destroyed.
14

15 **CHAIRMAN FRAZER:** Are there any other questions for Lieutenant
16 Zanowicz? Dr. Stunz.
17

18 **DR. STUNZ:** I have one question. I was talking to some
19 enforcement folks in Texas, with Texas Parks and Wildlife, and
20 they were talking about there may be some ability to curb some
21 of this activity, not so much at sea, obviously, and that's one
22 place, but another one is there is some administrative loophole
23 of -- They have got to do something with those fish in Mexico,
24 assuming that they want to sell them back in the United States,
25 similar to the trip ticket system that we have, and I don't know
26 the details, and I don't know if you guys are pursuing that, but
27 there is some way to track that, so that, if they were to show
28 up at checkpoints, they have documentation of those fish and
29 where they come from and that sort of thing, and I don't know if
30 that's being pursued or not, but that was one avenue to stop the
31 actual flow of the fish back into the U.S.
32

33 **LT. ZANOWICZ:** At previous law enforcement meetings that I have
34 attended, I have heard that as well. That, to my understanding,
35 is a joint interagency effort involving NOAA OLE, Texas Parks
36 and Wildlife, and I believe Customs is involved as well. The
37 Coast Guard isn't directly involved, because a lot of that
38 happens onshore, and, obviously, we focus more on at-sea
39 enforcement.
40

41 However, the Coast Guard is actively looking at other ways that
42 we could possibly -- Well, that we could possibly combat this
43 problem besides just catching and seizing the vessels. One of
44 the things we currently do, for example, is, if we pursue a
45 lancha, and the lancha doesn't stop, and we have evidence that
46 the lancha operator did see the Coast Guard vessel, often we
47 will attempt to prosecute those individuals on a lancha for
48 what's called a failure to heave-to prosecution, which is a

1 criminal violation.

3 It's not related to Magnuson, and it's a separate criminal
4 violation, and so, if we get a successful prosecution with that,
5 those operators can face jail time. That's one legal avenue we
6 have to prosecute these individuals, and there is a couple
7 others that we're exploring as well, but those are still in
8 their infancy, and so I wouldn't want to comment any further on
9 those.

10
11 **CHAIRMAN FRAZER:** Okay. Any further questions? Okay. Seeing
12 none, we will move on. Thank you, Lieutenant Zanowicz. I think
13 we'll go to the Gulf States Marine Fisheries Commission and Dave
14 Donaldson.

GULF STATES MARINE FISHERIES COMMISSION

18 **MR. DONALDSON:** Thank you, Mr. Chairman. Just a quick note that
19 we are in our third year of aquaculture funding, and there is
20 two components, an Oyster Consortium Grant Program as well as a
21 pilot program, and we have selected the projects for -- We had
22 about \$1.3 million this year, but we haven't announced them yet,
23 and so I can't share who were awarded, but we're hoping to
24 announce it here in the near future and send out a press
25 release, but we're anticipating that the projects for this year
26 will start sometime next month, and so I just wanted to keep you
27 guys updated on our aquaculture stuff, and I will answer any
28 questions.

30 **CHAIRMAN FRAZER:** Thanks, Dave. Any questions? Okay. Seeing
31 none, we will move forward. Anna Beckwith.

SOUTH ATLANTIC COUNCIL LIAISON

35 **MS. BECKWITH:** Thanks. First of all, I just want to thank you
36 guys for the hospitality. It's always nice to come over here
37 once a year and get a feel for what's happening on our Gulf
38 coast.

40 In terms of what the South Atlantic Council is up to, we did
41 provide a report that is available, but I will hit just a few
42 highlights of interest. Our red snapper season this July will
43 allow for a five-day recreational season with a one-per-person
44 bag limit for recreational and charter and a seventy-five-pound
45 commercial trip limit. We are very excited about that.

47 We are moving forward with our best practices amendment. One
48 item of interest is we are likely to mandate devices to be

1 rigged and ready for use when fishing for snapper grouper
2 species.

3

4 On red grouper specifically, at our upcoming meeting, we will be
5 taking final action to revise the rebuilding schedule to extend
6 the spawning closure through May for North Carolina and South
7 Carolina, and we're going to be reducing the commercial trip
8 limit to 200 pounds.

9

10 On jacks, our council is considering beginning work to remove
11 the jacks complex from our Snapper Grouper FMP and possibly move
12 them to our Mackerel Cobia FMP. We are also working on
13 allocation policies, and we're going to continue work on our
14 allocation triggers policy, with the intent to finalize our
15 policy at this upcoming meeting next week.

16

17 Finally, on mackerel, at our last meeting, we reviewed
18 stakeholder concerns about low commercial trip limits in the
19 Atlantic Southern Zone during Season 2, which is October to the
20 end of February, and we have directed staff to begin work on a
21 framework amendment to increase these trip limits, and those are
22 the majority of what I think you guys would be interested in,
23 and so that's my report.

24

25 **CHAIRMAN FRAZER:** Great. Thank you, Anna. Are there any
26 questions? Okay. Again, we appreciate you being here. It's
27 always great when one of our folks go over to sit and listen to
28 your council deliberations as well. Thank you. Okay.

29

30 I talked with Glenn Constant from the U.S. Fish and Wildlife
31 Service, and he says we're good to go, and there's not much to
32 report, and I appreciate that, Glenn. I did not have an
33 opportunity to talk with NOAA Law Enforcement, and so I
34 apologize if I'm putting anybody on the spot, but, if there's a
35 representative here, if you're prepared to give an update, we'll
36 take it. If not, I will circle back with you in the morning.
37 Okay.

38

39 We're going to go ahead then and move on from the agency updates
40 and liaison reports, and I think what I would like to do is deal
41 with some of these Other Business items that we tackled earlier,
42 and the first one would be the bycatch reduction device and the
43 EFP. I felt like there was really good, solid agreement around
44 the table that that's something that was supported by everybody
45 here, and there were no objections. I guess, in order to move
46 forward on that and make a recommendation that we write a letter
47 to the SERO staff, and we can do that here, but we need a motion
48 to do that, and would somebody be willing to make that motion?

1 Ms. Bosarge, thank you.
2

3 **VOTE ON EXEMPTED FISHING PERMIT (EFP) APPLICATIONS**

4
5 **MS. BOSARGE:** I guess the motion would be to direct staff to
6 write a letter to National Marine Fisheries recommending
7 approval of the exempted fishing permit for testing the new BRD
8 device -- Sue, how do you title this exempted fishing permit?
9 For Dr. Parsons' BRD device.

10
11 **MS. GERHART:** That's great.
12

13 **MS. BOSARGE:** That sounds good? Okay.
14

15 **CHAIRMAN FRAZER:** Thank you, Ms. Bosarge. We have a second by
16 Dr. Mickle. Is there any further discussion on the motion?
17 **Seeing none, is there any opposition to the motion? Seeing no**
18 **opposition, the motion passes.**

19
20 When we were taking about EFPs, a couple of other things came
21 up, and one of them had to do with the sargassum-related EFP
22 that came before the council at a prior meeting, and I talked
23 with Ms. Gerhart, and she was going to try to get us some more
24 information with regard to the status of that project.
25

26 After that discussion, it appears that an LOA has not been
27 requested at this time, and so, until we actually get a request,
28 then there's not an update that we can provide, but, if we do
29 happen to get a request for an LOA in the interim, then what
30 we'll do is -- Go ahead, Ms. Levy.
31

32 **MS. LEVY:** A request for a letter of acknowledgment isn't going
33 to come to the council. It's to NMFS, because it's scientific
34 research, and so the agency would just issue that if they agreed
35 that it was scientific research. I'm sure they could tell you
36 they did that.
37

38 **CHAIRMAN FRAZER:** Yes, my bad. I knew that as soon as I was
39 saying it. Sorry. I was just trying to move along, you know?
40 If the agency should receive an LOA, I'm sure that they would
41 inform us, and then we would talk about it at a later time. Ms.
42 Gerhart.
43

44 **MS. GERHART:** Also, we'll try to contact Ms. Myers, who is the
45 person was doing this. We haven't talked to her since shortly
46 after the last council meeting, but we'll try to just find out
47 what's going on with her project and give you an update either
48 way.

1
2 **CHAIRMAN FRAZER:** Okay. I really appreciate that. That said, I
3 don't think that we have any other business to -- Maybe we do
4 have some more. Mr. Diaz asked if we needed to talk about
5 almaco jack in any capacity. Ms. Bosarge.
6

7 **MS. BOSARGE:** I was going to ask, if we have time, could we talk
8 about the African pompano that was brought up in public
9 testimony and the almaco jack, and I was just going to simply
10 ask if we could -- Then I will let Martha do almaco, and so all
11 I was going to ask on the African pompano is if we could maybe,
12 at our next council meeting, put it on the agenda, and if we
13 have some data on it somewhere -- I talked to a couple of guys
14 in the audience, and they said they were actually reporting it,
15 and so we may have some data there that we could bring to the
16 council and take a look at that.
17

18 **CHAIRMAN FRAZER:** Okay. We will find a spot and put it on the
19 agenda for the next meeting in August. Then, the almaco jack,
20 we'll handle that in the Reef Fish Committee report tomorrow,
21 and so we'll be good there. I think what will happen then is
22 tomorrow we've got two committee reports. We have the
23 Sustainable Fisheries Committee and Reef Fish, and we'll take
24 care of that, and we have some AP announcements to make, and
25 that will be the end of the day, and so I will see everybody at
26 8:30 in the morning. Enjoy your evening.
27

28 (Whereupon, the meeting recessed on June 5, 2019.)
29
30 - - -
31

32 June 6, 2019
33

34 THURSDAY MORNING SESSION
35
36 - - -
37

38 The Full Council of the Gulf of Mexico Fishery Management
39 Council reconvened at the Sandestin Golf and Beach Resort,
40 Miramar Beach, Florida, Thursday morning, June 6, 2019, and was
41 called to order by Chairman Tom Frazer.
42

43 **CHAIRMAN FRAZER:** We are about ready to get started. Before we
44 get into the committee reports, I've got two things that I want
45 to talk about a little bit. I'm actually going to let Roy talk
46 about the agency's kind of opening brief or the appeal of the
47 court decision on Gulf aquaculture. Roy.
48

AQUACULTURE LITIGATION UPDATE

DR. CRABTREE: Yesterday, the Department of Justice filed a brief in the appeal of the Louisiana court decision finding that the Gulf Aquaculture FMP is not authorized under the MSA. Briefing will continue over the next several months, and a decision would likely come sometime in 2020.

In the meantime, the lower court's decision remains in effect, and so the rule remains set aside, but we're appealing the decision, and so stay tuned, and we'll see what happens, and we will provide you with updates as this progresses. I believe Mara provided Carrie with a copy of the brief, and that's it, really, Tom.

CHAIRMAN FRAZER: Thanks, Roy, and Carrie has already distributed a copy of that to everybody on the council, and so just take a peek at it when you get a chance. The next thing we're going to do is we're going to have Dr. Simmons announce the names of the Coral and Data Collection AP members.

ANNOUNCEMENT OF AP MEMBER NOMINATIONS

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chairman. For the Coral AP, John Paul Brooker, Scott Hickman, Morgan Kilgour, Shelly Krueger, Rob Ruzicka, and Portia Sapp were nominated as members.

For Data Collection, it's Gary Bryant, Ronald Chicola, Mike Colby, Jason Delacruz, Sepp Haukebo, Scott Hickman, Dylan Hubbard, Ralph Humphrey, Charlotte Marin, Eric Schmidt, and Nicole Smith.

CHAIRMAN FRAZER: Thank you, Dr. Simmons. We're going to go ahead and jump right into the committee reports, and we have two to cover today. We'll start off with the Sustainable Fisheries Committee report and Mr. Diaz.

COMMITTEE REPORTS (CONTINUED)
SUSTAINABLE FISHERIES COMMITTEE REPORT

MR. DIAZ: Thank you, Mr. Chair. The Sustainable Fisheries Committee report, the agenda and the minutes of the April 2019 meeting were approved.

Modernizing Recreational Fisheries Management Act of 2018, Ms. Stephanie Hunt from NOAA Fisheries Headquarters gave a presentation on the Modernizing Recreational Fisheries

1 Management Act. She provided an overview and discussed
2 provisions of the law. Ms. Hunt indicated that several reports
3 will be produced in collaboration with the Government
4 Accountability Office, the National Academy of Sciences,
5 regional fishery management councils, and other stakeholders.
6 For example, the GAO will prepare a report to Congress on
7 allocation in mixed-use fisheries used by the Gulf of Mexico and
8 South Atlantic Councils.

9
10 The report, which is due December 31, 2019, will include
11 recommendations on allocation criteria and on procedures,
12 sources of information, and budget requirements for allocation
13 reviews. Another report, to be submitted by the NAS by December
14 2020, will evaluate limited access privileges programs in mixed-
15 use fisheries. Committee members noted that this act offers the
16 flexibility to consider alternative management approaches within
17 the constraints set by the Magnuson-Stevens Act. The committee
18 suggested that state management could be expanded to include
19 more species.

20
21 Discussion on Allocation Issues, Dr. Frazer indicated that this
22 agenda item was included to provide an opportunity to consider
23 allocation-related issues and start defining what a well-
24 allocated fishery would entail.

25
26 The committee noted that some of the values reflected in the
27 council's allocations may include providing better access to
28 anglers who do not own vessels, sharing underutilized resources,
29 staying within allotted quotas, and adapting to demographic
30 shifts and socioeconomic changes. Committee members also
31 suggested that recreational anglers are diverse and have
32 different needs. Committee members noted that council members
33 should provide as much input as possible to the GAO staff
34 present at the meeting.

35
36 Generic Amendment, Carryover of Unharvested Quota, Dr. Kai
37 Lorenzen characterized the Scientific and Statistical
38 Committee's discussions of the updated carryover simulations,
39 which demonstrated the effects of multiple instances of
40 carryovers and overages for red snapper, gray triggerfish, and
41 greater amberjack.

42
43 The simulations showed that, so long as overages were paid back
44 one-to-one, that they, along with carryovers, could be applied
45 to a stock over time without negatively affecting that stock's
46 rebuilding plan. However, if carryover is applied to a stock
47 which experiences overages which are not subject to paybacks,
48 then negative effects on a stock's rebuilding plan could occur.

1
2 As such, the SSC recommended applying a payback provision for
3 all species in a rebuilding plan which are eligible for
4 carryover in the year following the related under or
5 overharvest. Paybacks would be applied to the smallest managed
6 component of a fishery which exceeded its portion of the stock
7 annual catch limit. The committee noted that they wanted to
8 avoid paybacks for otherwise healthy stocks if not necessary.
9

10 **The committee recommends, and I so move, to direct staff to add**
11 **a payback provision to the document to address carryover for**
12 **stocks in rebuilding plans.** The motion carried seven to zero.
13

14 **CHAIRMAN FRAZER:** We have a committee motion on the board. Is
15 there any further discussion of the motion? **Seeing none, is**
16 **there any opposition to the motion? Seeing none, the motion**
17 **carries.**
18

19 **MR. DIAZ:** Staff recounted to the committee that Action 2 had
20 options for how to address management uncertainty associated
21 with closing a fishing season before the associated catch limit
22 is exceeded. Action 2 limits the amount of carryover that can
23 be applied to the following year's acceptable biological catch
24 by limiting the amount by which the difference between the ABC
25 and overfishing limit can be reduced.
26

27 Committee members noticed a large difference between the ACL and
28 OFL for gray triggerfish and asked whether a different
29 assessment would be more appropriate for that species. The
30 Southeast Fisheries Science Center indicated that alternative
31 models have been explored for gray triggerfish, but cautioned
32 that data-limited approaches are often accompanied by larger
33 degrees of uncertainty. Committee members further remarked that
34 the benefits of the carryover provision appear limited compared
35 to the ACLs of the eligible species and that the provision
36 itself is quite complex.
37

38 Two-day Possession Limit on Federal For-Hire Trips, an issue
39 concerning possession of two daily bag limits on federal for-
40 hire trips exceeding twenty-four hours in duration was presented
41 to the council. Anglers aboard a two-day headboat charter with
42 two licensed captains can retain a two-day bag limit for reef
43 fish and coastal migratory species as long as they possess a
44 paid receipt for a charter trip exceeding twenty-four hours and
45 the vessel does not return to the dock within twenty-four hours
46 of leaving.
47

48 The regulations [CFR 622.11(a)(1)] state that possession limits

1 apply to a person on a trip after the first twenty-four hours of
2 that trip. However, multiday trip headboat operators have
3 reported instances where the two-day limit of a species is
4 harvested within the first twenty-four hours of the charter.
5 When this occurs, headboat captains will retain the two-day
6 limit and move their vessel to another location.

7

8 Headboat captains argue that discard mortality is lower and
9 general efficiency is higher when one species is targeted at a
10 single spot. Captain Dylan Hubbard, a federally-permitted
11 headboat operator, stated that he is able to avoid species for
12 which his passengers have already harvested their two daily bag
13 limits per angler.

14

15 The committee asked law enforcement representatives about
16 potential enforceability issues, and none were identified. NOAA
17 General Counsel noted that the provision in question applies to
18 more than one fishery management plan and may require further
19 coordination with the South Atlantic Council.

20

21 A committee member added a different perspective, noting
22 comments received which described a fairness issue, with some
23 stakeholders being allowed to make multiday trips and possess
24 more than one daily bag limit per angler, while other
25 stakeholders were not able to have the same opportunity. I will
26 pause there.

27

28 **CHAIRMAN FRAZER:** John Sanchez.

29

30 **MR. SANCHEZ:** Thank you, Mr. Chair. I had sent a motion to
31 staff, if Charlotte or Bernie could put that up, and then, if I
32 can get a second, I will provide some rationale. **The motion is**
33 to direct staff to begin work on the appropriate document to
34 allow the possession of two daily bag limits of Gulf of Mexico
35 reef fish species on federally-permitted charter and headboats
36 at any time on trips exceeding twenty-four hours in duration.
37 Anglers will be permitted to retain two daily bag limits at any
38 point during such a trip, as long as two licensed captains are
39 onboard, proof of trip duration can be produced at-sea prior to
40 returning to port, and the charter or headboat does not return
41 to port less than twenty-four hours post-departure.
42 Furthermore, charter and headboats will be required to hail-out
43 at the time of departure and to hail back in three hours prior
44 to returning to port.

45

46 **CHAIRMAN FRAZER:** Thank you, John. Do we have a second for this
47 motion? We have a second from Ms. Bosarge. Dr. Crabtree.

1 **DR. CRABTREE:** My concern is with the hail-out. There is no one
2 to hail-out to right now, and that is a requirement of the
3 electronic reporting program, and so I would not pull that into
4 this at this time.
5

6 **MR. SANCHEZ:** If we could delete that last sentence then, if the
7 seconder is in agreement.
8

9 **CHAIRMAN FRAZER:** Yes, and so we'll go ahead and delete that
10 second sentence as a suggested change, and the seconder agrees
11 with that. Is there further discussion? Ms. Levy.
12

13 **MS. LEVY:** There is a lot of information in here, and I guess,
14 before you vote on it, I guess to be clear what's already in the
15 regs versus what this would change, right, and so, currently,
16 you have the general part that says, unless specified otherwise,
17 the possession limits don't apply until after the first twenty-
18 four hours of the trip.
19

20 Then we have the Gulf provision that doesn't specify otherwise
21 at this point, and it has all the information about a trip that
22 spans more than twenty-four hours may possess more than two
23 daily bag limits, provided such trip is on a vessel that is
24 operating as a charter vessel or headboat, the vessel has two
25 licensed operators onboard, and each passenger is issued and has
26 in possession a receipt that verifies the length of the trip.
27

28 This motion already has the two licensed captains and proof of
29 duration, and so I don't read this as changing anything that's
30 already in here. I guess what I would want to clarify is that
31 all this would be changing is the fact that you could have that
32 possession limit at any time during the trip, as long as you
33 were out for more than twenty-four hours.
34

35 **CHAIRMAN FRAZER:** Okay, and so we've got a bunch of people lined
36 up here, and so we're going to first go to John Sanchez and
37 Susan Boggs and then Martha.
38

39 **MR. SANCHEZ:** Thank you, Mr. Chair. Yes, that is the intent, so
40 that, at any time -- The rationale for that is -- As we all
41 know, Dylan Hubbard and his operation, they are big-time
42 stewards of avoiding discards, of using release devices that
43 enhance the survivability of fish.
44

45 It's just clear-cut practice that, if we force them to have to
46 fish red snapper twice to comply with the twenty-four-hour
47 thing, we're just going to force them to fish the fish twice
48 that could be prosecuted once and avoid the discards, which are

1 likely to happen, and, also, further promote inefficiency in his
2 fishing practice, where not only do they have to burn the fuel,
3 et cetera, and fire up the fish again on the second trip, which
4 is all avoidable, in my opinion, I think I'm an advocate of
5 avoiding discards whenever possible, which I think you're not
6 going find a better steward of that, in sincerity, than Dylan,
7 and I'm all for promoting efficiency.
8

9 It's hard enough to make a living at-sea for watermen, and I
10 don't see what we benefit when all of this can be handled with
11 dockside enforcement, just proving that they're within the two-
12 day limit, and just give them the "at any time" part.
13

14 **CHAIRMAN FRAZER:** Ms. Boggs.
15

16 **MS. BOGGS:** Thank you, Mr. Chairman. John, if you don't mind, I
17 would like to offer a substitute motion. At first, I was not
18 going to, but -- I don't have a problem with this language, but
19 I just think it's a little too specific. I did email staff a
20 substitute motion, if you would allow me to offer one up.
21

22 **MR. SANCHEZ:** I guess it's hard to accept it without seeing it.
23

24 **MS. BOGGS:** I understand.
25

26 **MR. SANCHEZ:** Put it up there.
27

28 **CHAIRMAN FRAZER:** Ms. Levy.
29

30 **MS. LEVY:** If it's a substitute, you can just offer the
31 substitute. If you're trying to ask John to change the way his
32 motion reads, then he would have to agree.
33

34 **MS. BOGGS:** I'm just trying to be polite.
35

36 **CHAIRMAN FRAZER:** I appreciate that. Go ahead, if you would
37 like to offer your substitute motion, Ms. Boggs.
38

39 **MS. BOGGS:** Yes, sir. My substitute motion is to direct staff
40 to develop language that would allow persons on a federal for-
41 hire trip more than twenty-four hours in length to retain a two-
42 day bag limit of reef fish species and CMP species at any time.
43

44 **CHAIRMAN FRAZER:** Okay, and so we have a substitute motion on
45 the board. Do we have a second for that motion? It's seconded
46 by Dr. Shipp. Do we have some discussion on the substitute
47 motion? Martha.
48

1 **MS. GUYAS:** I think, wherever we go with this, we need to
2 clarify a couple of things that have been -- I will call them
3 points of confusion around how this is structured now. One of
4 the situations that we have encountered is let's say, for red
5 snapper, one of these boats goes out on May 31, and their
6 twenty-four-hour trip is returning on June 1.

7
8 Current practice for some of those boats, right or wrong, is
9 they are taking two daily bag limits of red snapper, even
10 though, technically, they only have one day of the season and
11 that opportunity to take those fish, and so we're going to need
12 to clarify that here.

13
14 I think, one way or the other, it would be helpful to at least,
15 in my plain language, let these guys know where they stand and
16 when they can have those limits, whether it's day-one or day-
17 two, and we do have a daily bag limit, and so I think, by doing
18 this, we would be making an exception to that for a small group
19 of people, and I think we would have to really bring out the
20 rationale for why this population of vessels should be exempt
21 from that.

22
23 The last thing that I was going to say is just to bring up the
24 same thing that I brought up in committee. If you're on a
25 twenty-four-hour trip, or even a twenty-five-hour trip or a
26 twenty-six-hour trip, you are not fishing two days, and I will
27 just stop there.

28
29 **CHAIRMAN FRAZER:** Dr. Stunz.

30
31 **DR. STUNZ:** Thank you, Mr. Chairman, and Martha did make some of
32 my points, and I could support really either one of these
33 motions, but I think there needs to be some clarity there. One,
34 there may be some options, as we develop this in the document or
35 wherever we go, to fix this without -- Maybe there's some
36 options to fix this in the way that things are worded, and I
37 don't know, but the other thing, the problem, the little bit
38 that I have, and I'm fine with the motion, but, as we begin
39 discussing this -- We had some discussion about the twenty-four-
40 hour deal and if that shouldn't be a little more, in terms of
41 just twenty-four hours, and that kind of fixes what Martha was
42 talking about, about not actually being out for the full two
43 days.

44
45 I would like to see that as we begin talking through this
46 document, if this passes, but my main concern is we're putting
47 this together because of some comments of people, and we
48 understand the reasoning there, but this does open the door for

1 some that -- I don't know if "illegal" is the right word, or
2 skirting the system a little bit and just barely going out for
3 just enough time to retain that double bag limit, and so it
4 skirts the system a little bit, and that does concern me, and
5 so, while I support the spirit of what we're doing here, I
6 think, as we have the discussions on this, we need to make sure
7 that we're not opening some loophole to get around the intent of
8 what we're trying to do here.
9

10 **CHAIRMAN FRAZER:** I've got Mr. Dyskow.
11

12 **MR. DYSKOW:** Thank you. Ms. Boggs, I would support your motion,
13 but I just have a question of why we went to twenty-four hours
14 instead of thirty or thirty-six or something like that, because,
15 if you just went to a longer duration, you would address that
16 issue of people only being out for twenty-five or twenty-six
17 hours.
18

19 **CHAIRMAN FRAZER:** To that point, Ms. Boggs?
20

21 **MS. BOGGS:** Yes, sir. The reason I did it this way is to give
22 staff the ability to maybe give us some direction of how this
23 needs to go. I tend to agree with what Martha said, and I know
24 I've had some discussion with some of you all about a twenty-
25 five-hour trip and does that really constitute a two-day limit
26 of fish, and, I mean, I would be happy to modify this to thirty-
27 two hours, just so that gives -- You have got to fish a little
28 bit longer. I think the clarification really is in when can you
29 be in possession of those fish.
30

31 **CHAIRMAN FRAZER:** Mr. Diaz.
32

33 **MR. DIAZ:** Based on what Ms. Boggs just said, when they bring us
34 back a document, the action could be structured so that the
35 alternatives might say, on trips over twenty-four hours for a,
36 on trips over thirty hours for b, on thirty-six hours for c, and
37 then we could pick an alternative that's most appropriate.
38

39 Then, while I've got the mic, it seems like, at the very end of
40 that sentence, if it said something -- It says to direct staff
41 to develop language that would allow persons on federal for-hire
42 trips more than twenty-four hours in length to retain a two-day
43 bag limit for reef fish species and CMP species at any time,
44 provided that all other relevant rules and regulations are
45 followed, or something like that, and it seems like -- Maybe
46 that doesn't have to be said, but it seems like that is -- Mara
47 is shaking her head no.
48

1 **CHAIRMAN FRAZER:** Ms. Levy.

2
3 **MS. LEVY:** Just to that point, that's always true, right?
4 Whenever we have a reg, you still have to follow everything else
5 that's applicable, and so I don't think that putting it in there
6 really adds anything.
7

8 **CHAIRMAN FRAZER:** All right. Thank you. Ms. Boggs.
9

10 **MS. BOGGS:** The other thing, Dale, that I was trying to do is we
11 heard some testimony yesterday that there is some boats that --
12 Their business model, for twenty-five years, has been twenty-
13 five or twenty-six-hour trips, and so, if there's a way, as you
14 stated, to address it in this, where you had options, but to be
15 a little more clear, so that these boats understand, because I
16 don't think they have ever understood, really, how this
17 regulation was to be interpreted, maybe.
18

19 **CHAIRMAN FRAZER:** Mr. Sanchez.
20

21 **MR. SANCHEZ:** I understand, perhaps, why the inclusion of the
22 CMP species. I specifically left them out, because, as you
23 know, on the record, I have said I'm not a fan of these joint
24 plans with the South Atlantic, and I do know that there are
25 headboat operators in Key West, and I do know the boundary runs
26 painfully close, but I was trying to avoid having to make this
27 an inclusive South Atlantic issue, and so I specifically tried
28 to leave out the CMP species and just focus on reef fish in my
29 motion.
30

31 **CHAIRMAN FRAZER:** Dr. Crabtree.
32

33 **DR. CRABTREE:** Because this is a framework, I think you can do
34 this without going to the South Atlantic Council. You can do it
35 independently, but I would ask Anna that, when we do get to the
36 South Atlantic meeting, that we bring it up, because I think
37 they have the same provision in the snapper grouper plan, and in
38 their mackerel plan, and I don't like having a situation where
39 the captain in Key West -- On one side of the line, he has to
40 wait twenty-four hours, and on the other he doesn't, and I don't
41 want to have to explain to somebody why that is, and so it does
42 make sense, to me, to clean this up on both sides and be
43 consistent within the region, but I don't think you have to wait
44 on them. They could do it independently of you, but I do think
45 it would be a problem, John, if we had one way in reef fish and
46 different in CMP, and so I would like to see us be consistent.
47

48 **CHAIRMAN FRAZER:** Ms. Gerhart.

1
2 **MS. GERHART:** I just wanted to point out that, in the current
3 regulations for CMP, cobia is not included in this provision,
4 and it's just for king and Spanish mackerel.
5

6 **CHAIRMAN FRAZER:** Mr. Swindell.
7

8 **MR. SWINDELL:** The way I look at this motion is that we're
9 asking staff to put it all together. Staff has an in-depth
10 knowledge of all the things that has got to be included or not
11 included and so forth, and why don't we wait and have all of
12 this discussion after they come up with the final action that
13 John wants to present that will make it worthwhile?
14

15 I think we're going to sit here and fight about this thing all
16 day and not come up with anything, and we're not trying to bring
17 the details in it, but we're just saying, hey, we want to see
18 something, whether it's twenty-four hours or thirty hours, but
19 we want to see the ability to have a two-day limit, and so I'm
20 just looking at it and saying, all right, let's see what staff
21 can come up with. Thank you.
22

23 **CHAIRMAN FRAZER:** Thank you, Mr. Swindell. Ms. Levy.
24

25 **MS. LEVY:** I think it's fine to give direction to staff if you
26 want to do a certain thing, which is what this is saying. If
27 you want it broader than this, meaning, right now, I read this
28 motion as develop language that would allow persons on a trip
29 for more than twenty-four hours in length, which is what the
30 regs say now, to keep the two-day bag limit at any time during
31 that trip. If that's what the motion says, that's what I would
32 expect staff to do.
33

34 If you want to explore options that involve different lengths of
35 trips for this to be applicable, I think you need to change the
36 motion to be specific to also ask staff to add options to
37 evaluate different trip lengths, because I wouldn't read this
38 motion as giving staff the discretion to do that.
39

40 **CHAIRMAN FRAZER:** Okay, and so to that point, Ed?
41

42 **MR. SWINDELL:** Mara, I look at it as saying more than twenty-
43 four hours gives the staff a lot of ability to go, whether it's
44 thirty or thirty-two or forty-eight hours. I just want to see
45 what staff comes back with to help get this done.
46

47 **CHAIRMAN FRAZER:** Okay. I think we've had some good discussion,
48 and I'm just going to give a couple of thoughts here. I think

1 there is concern about how the motion is structured and whether
2 it's directing staff to provide some alternatives with regard to
3 the duration of the event, whether it's twenty-four hours or
4 thirty or thirty-six, et cetera, and I think we can perhaps
5 clean up the language to direct them to do that appropriately.
6

7 I think Martha's points about the open and closed dates are very
8 important, right, because part of the impetus for all of this is
9 good stewardship, and you don't want to leave a particular
10 sector being perceived as trying to skirt the regulations by
11 fishing perhaps one day before the opening of a season or one
12 day after the close of a season, and so somehow that needs to be
13 incorporated into the language that we come up with.
14

15 I am not quite sure, at this point, how to differentiate between
16 the possession limit and the daily bag limit. I think that's --
17 I am struggling a little bit with that, and I'm actually going
18 to ask Mara if she thinks that she can help clarify how we might
19 be able to do that.
20

21 **MS. LEVY:** I guess what exactly are you trying to distinguish?
22 Meaning there is a daily bag limit that applies broadly, and
23 there is then a possession limit that says, for this particular
24 type of trip, over this particular time span, you can have two
25 daily bag limits, and so that's what we call the possession
26 limit. It's more specific to this particular type of trip and
27 length of time.
28

29 **CHAIRMAN FRAZER:** Right, and so I guess, specifically to -- Roy,
30 to that point?
31

32 **DR. CRABTREE:** I just think the regs need to be clear that the
33 fishery has to be open for the entirety of the forty-eight-hour
34 period or whatever it is, and so you can't go out one day before
35 opening day and get two bag limits.
36

37 **CHAIRMAN FRAZER:** Yes, I agree, and, if I wasn't clear, that's
38 what I was trying to say. Again, what I am trying to understand
39 is -- I appreciate that there is a daily bag limit, and I also
40 understand the difference between a daily bag limit and a
41 possession limit. What I am trying to figure out is can this
42 ultimately be crafted in a way that says, hey, if, after let's
43 say nineteen hours into your trip, if you have a possession
44 limit, a two-day possession limit, you still cannot exceed a
45 daily bag limit, because -- I mean, are they incompatible?
46

47 Let's say the daily bag limit for an individual is two snapper,
48 and, after nineteen hours, because you have a possession limit

1 on this trip that would allow you to have four snapper per
2 person, and you have four snappers after nineteen hours, would
3 that be a violation? I am trying to figure out what the
4 interpretation of that is.

5
6 **MS. LEVY:** Right now, yes, because the regs say the possession
7 limit doesn't apply until after the first twenty-four hours of
8 the trip. If you change it to this and say you can possess the
9 possession limit at any time during the trip, then no, and so,
10 as long as it meets the requirements of a trip more than twenty-
11 four hours, you have the two captains onboard, and you have the
12 receipt showing that that's the length of the trip, then your
13 scenario of two bag limits at nineteen hours would be fine under
14 this proposal.

15
16 **CHAIRMAN FRAZER:** Okay, and so I'm looking around the table,
17 and, if that's the intent of the council, then we can proceed,
18 if staff understands that's the direction that we want to go.
19 Mr. Diaz.

20
21 **MR. DIAZ:** I made a comment a minute ago about one action might
22 have different hours, and, based on the discussion at the table,
23 another action point might be where this would apply to reef
24 fish species, maybe as an Alternative a, and CMP species as an
25 Alternative b, because there was some discussion about whether
26 or not -- There may be a c that is both, or we could pick both
27 as preferreds or something, but that might be another action
28 point for the document. Thank you.

29
30 **CHAIRMAN FRAZER:** Ms. Bosarge.

31
32 **MS. BOSARGE:** Just to kind of piggyback on what Dale was saying,
33 maybe -- I had to try to flesh this document out right here at
34 this table, but another option is didn't Sue tell us that cobia
35 is not included, that CMP species are with the exception of
36 cobia, and so that could be another sub-option right there as
37 well, but I'm okay with the motion like it is. I'm kind of like
38 Ed. I think "more than twenty-four hours" leaves it open for
39 staff.

40
41 I think we've had a lot of good discussion, and I think we want
42 to see options on the species, reef fish and CMP and then within
43 the CMP, and it sounds like we want to see some options on the
44 total duration of the trip, twenty-four hours and above, and we
45 could let them bring us some of that.

46
47 I think that that sounds -- As far as the landing part, the two-
48 day bag limit after the season closes, I don't know. I'm

1 commercial, and so I think about in that sense, and you heard
2 the testimony yesterday from the commercial guys talking about
3 the derby season, where we had a 200-pound limit per day, and
4 they were grouper guys, and they said, well, we make a fourteen-
5 day trip, and snapper was only open the first ten days of every
6 month, and so we just wouldn't target the snapper, or we
7 wouldn't keep them, because, by the time we got back to the
8 dock, the season would be closed and we couldn't land them, and
9 we would be in violation.

10
11 It seems like it's the same thing here. Don't you all prohibit
12 landing with the for-hire guys once the season is closed? They
13 may go out and have two bag limits, but, if they tried to land
14 it, they would be in violation, if the season is closed, and so
15 they will run their business accordingly. They're not going to
16 risk a violation. If they go out a day before the season
17 closes, they will just do a one-day bag limit, because, if they
18 got back to the dock, they would get a ticket when the season is
19 closed, and they couldn't land any of them.

20
21 Anyway, I think we have fleshed it out for staff, and I think
22 we've left it open enough that they can bring us some options,
23 and I feel like we've given them some good feedback, but I would
24 encourage them to ask us questions if we have anything that is
25 still fuzzy.

26
27 **CHAIRMAN FRAZER:** Dr. Mickle.

28
29 **DR. MICKLE:** Thank you, Chairman. Just real quick, two
30 concerns. My first is I think we're getting way ahead of
31 ourselves. We have provided enough guidance, I think, to the
32 staff to produce something, but my other concern is to that
33 point. We're going to talk about all of this once the document
34 shows up, and so I think we're getting way ahead of ourselves.

35
36 I have a lot of issues just to check on Mississippi to see -- We
37 have a mandatory reporting system, with Tails 'n Scales, and so
38 know what happens in federal waters is going to pertain to this
39 document, but I'm not sure that they can actually possess this
40 when they're coming back in state waters, from the Tails 'n
41 Scales perspective, because we may have to do a regulation
42 change in reflection of this, and so just to put that point on
43 the record.

44
45 My other is the language in the substitute motion is so
46 different from the original motion. The original motion, I
47 think, and I can't see, because it's scrolled down, but I think
48 that's to work on an amendment?

1
2 **MR. DIAZ:** Appropriate document.
3
4 **DR. MICKLE:** Appropriate document, and the next one is develop
5 language. I don't know -- Are we doing a white paper, a scoping
6 document, a framework? I think it would maybe help the staff to
7 know a little bit of direction of what level of a document or
8 how formal of a document they are instructed to make, and so
9 just a point to bring up, and I'm not going to ask for an
10 amendment to this motion, but I want to just bring that point
11 up, and hopefully maybe we can help the staff from spinning
12 their wheels. Thank you.

13
14 **CHAIRMAN FRAZER:** Okay. We have a couple more questions, but I
15 think we're going to bring this to a landing here shortly, and
16 so we've got Dr. Crabtree, John Sanchez, and then Susan Boggs,
17 and then I think I will --

18
19 **DR. CRABTREE:** The only thing I will -- I think Leann brought up
20 cobia, and cobia is not included in this provision now, and I
21 think, given all the comments we've heard about what bad shape
22 cobia is in, I wouldn't really have any interest in bringing
23 cobia into this at all, and so I would just leave that alone.

24
25 **CHAIRMAN FRAZER:** John.

26
27 **MR. SANCHEZ:** With regard to I guess the document, I guess a
28 framework would be my preference.

29
30 **CHAIRMAN FRAZER:** Ms. Boggs.

31
32 **MS. BOGGS:** That's what I was going for, was a framework.

33
34 **CHAIRMAN FRAZER:** Okay. Again, I think the appropriate document
35 appears to be a framework action that we're going to be working
36 on. Dr. Simmons, do you think that we have enough direction
37 here about things that might need to be included in that
38 framework action to bring back to the council in a framework
39 action?

40
41 **EXECUTIVE DIRECTOR SIMMONS:** Yes, I think we do. Thank you.

42
43 **CHAIRMAN FRAZER:** Okay, and so we'll deal with the substitute
44 motion. Before I go there, I want to ask Ms. Levy another quick
45 question. This is a general motion to kind of essentially
46 direct staff to begin work on this document. I think it's
47 implicit what we're trying to accomplish here, and I think that
48 there's enough direction. Even though it's a fairly vague

1 motion, would this be okay?
2

3 **MS. LEVY:** I think we know what you want, and so I hear options
4 for reef fish and CMP, not like both lumped together, and
5 potential options for lengthening the amount of time that is
6 currently in the regs, and so, right now, it's twenty-four, and
7 I guess it would be maybe helpful to know the bounds. Are you
8 thinking thirty-six or forty-eight? I mean, staff can do
9 whatever you want, but if we just throw out to give us time
10 lengths -- I mean, if anybody has any preference for what times
11 you want to look at, that might be helpful.
12

13 **CHAIRMAN FRAZER:** Ms. Boggs.
14

15 **MS. BOGGS:** I mean, I will be happy to amend the motion to say
16 more than twenty-four, thirty-two, forty-eight hours. I mean, I
17 don't know, because I understand what Dr. Stunz and Mr. Dyskow
18 were saying earlier that maybe we need to look at longer times,
19 but, if you need me or would like for me to specify it in the
20 motion, I will be glad to throw out some other times. Twenty-
21 four, thirty-eight --
22

23 **CHAIRMAN FRAZER:** How about I interject here real quickly?
24

25 **MS. BOGGS:** I am just trying to --
26

27 **CHAIRMAN FRAZER:** I will give you three. How about that? More
28 than twenty-four, but certainly one of the numbers that we heard
29 in public testimony was thirty hours, and a more logical one
30 might be thirty-six hours to include, because that's certainly a
31 day-and-a-half, and that gets to the intent of two full days,
32 and so perhaps twenty-four, thirty, and thirty-six would be
33 appropriate. Mr. Swindell.
34

35 **MR. SWINDELL:** I would like to ask Carrie -- Your staff is going
36 to be in charge of getting this done. Do you see any particular
37 problems with difficulty in getting it done? Do you have any
38 idea of any more information that you want us to give to you and
39 your staff at this time?
40

41 **CHAIRMAN FRAZER:** Dr. Simmons.
42

43 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. No, I
44 think we've had adequate discussion. As you all know, as soon
45 as we start getting into some of this and putting the
46 information together, things take longer, sometimes, and the
47 council gets more information, but we'll do our best to bring
48 like Chapters 1 and 2, I think, for a framework, or at least

1 have some of this information for you to look at, as best we
2 can, in August.

3
4 **CHAIRMAN FRAZER:** Okay. I think we've had enough discussion on
5 the substitute motion. Is there any opposition? Excuse me.
6 Ms. Bosarge.

7
8 **MS. BOSARGE:** I'm sorry. I'm so ready to vote on this, but I
9 don't know if Susan wanted that in the motion or not. I guess,
10 Susan, my recommendation would be no and don't -- I wouldn't put
11 specific hours in the motion. I think Mara just wanted it on
12 the record to give some discussion to kind of give staff some
13 idea of options that we might be wanting, but it's up to you,
14 and I just didn't know if you wanted it in the motion.

15
16 **CHAIRMAN FRAZER:** Ms. Boggs.

17
18 **MS. BOGGS:** I understood that it needed to be in the motion.
19 Does it not need to be in the motion?

20
21 **MS. LEVY:** I am going to give up. I think it's fine to put it
22 in there. If that's what you want staff to analyze and bring
23 you, put it in there. If you look at it when it comes back and
24 you want to add another time length, you can do that. I think
25 it's fine to be in the motion.

26
27 **CHAIRMAN FRAZER:** I would agree, and so, at this point, is there
28 any opposition to this motion? Seeing none, the motion carries.
29 Is there any further discussion on the Sustainable Fisheries?
30 Dr. Crabtree.

31
32 **DR. CRABTREE:** I guess I wanted to come back to the carryover
33 for a minute. I have had some council members express
34 reservations to me about going forward with this, and, before we
35 have staff go in and do further work on the document, I thought
36 some discussion about whether we really want to go through with
37 this amendment or not might be appropriate.

38
39 **CHAIRMAN FRAZER:** I am looking around the table. Does anybody
40 want to enter into the discussion? Kevin Anson.

41
42 **MR. ANSON:** I may have been one of those council members that
43 talked with Dr. Crabtree offline. You know, going through the
44 document the other day, and then -- Although Ryan's example was
45 just an example, but, just going through the example that Ryan
46 had provided in the document and seeing what the outcome would
47 be for that one example and then trying to relate it with what,
48 in my mind, what would be, in the future, other examples, and

1 then the calculation of the available pounds, it just seemed
2 like -- It seemed like there was very limited benefit when you
3 applied the amount of pounds that would be available for
4 management use, and I think Martha said it would be a very
5 limited number of days, and that seems to be a constant metric
6 that we always try to shoot for in the recreational fishery.

7

8 From a practical standpoint, I guess, I am just having a hard
9 time seeing if there is much benefit. It's complicated, and
10 it's cumbersome, to a degree, and so I just provide that
11 comment, and I probably could vote to not continue working on
12 it, and I would just be curious to see if there's anybody else
13 that has similar thoughts.

14

15 **CHAIRMAN FRAZER:** Ms. Guyas.

16

17 **MS. GUYAS:** I mean, you're right. Kind of, once you do the
18 math, it's kind of like, woah, what are we doing here? I think
19 the idea has merit, right, but it's just the, I guess, the
20 circumstances under which this would be applied, and is the
21 juice worth the squeeze? I don't know at this point.

22

23 **CHAIRMAN FRAZER:** Dr. Crabtree.

24

25 **DR. CRABTREE:** The other thing to bear in mind is Dr. Porch
26 brought up the work they're doing towards moving towards interim
27 assessments, and, if we did get to that soon for our most
28 important species, I don't think this would be necessary
29 anymore, because I think the interim assessment would be a much
30 more effective way to address these than just carryover or
31 payback.

32

33 **CHAIRMAN FRAZER:** Ms. Bosarge.

34

35 **MS. BOSARGE:** I am commercial, and so this doesn't really affect
36 me, but I guess I'm just thinking of -- If the beef is the
37 paybacks on the other species that don't have paybacks right
38 now, we could change this document to just red snapper, which is
39 the elephant in the room, because you already have paybacks for
40 that, but I guess I just thought what if you have another oil
41 spill or something that hits at a different time of year? What
42 if you have a season that is racked with hurricanes or
43 something?

44

45 I would want to be able to have this in place and ready,
46 especially with the states managing red snapper, so that, if
47 something happened -- Since you already have a payback anyway,
48 you have the ability in place to carry something forward, if you

1 need it, and I don't know. Maybe I'm just a woman, and I'm
2 always planning for the worst, but that's just how I see it.
3

4 **CHAIRMAN FRAZER:** Thank you, Leann. Ms. Guyas.
5

6 **MS. GUYAS:** I hear what you're saying, Leann, but, the way that
7 this is set up, it doesn't work like that. If we are vastly
8 under a quota, because of that ceiling between OFL and ABC, I
9 think for red snapper, the for-hire example that Ryan did, and,
10 yes, I get it was back-of-the-napkin, but, still, it was like a
11 carryover of like two days is what it added up to, or one day.
12 I mean, it seems like this is a lot of work with very little
13 gains, and I think Ryan had his hand up.
14

15 **CHAIRMAN FRAZER:** Mr. Rindone.
16

17 **MR. RYAN RINDONE:** Thank you, Mr. Chair. Just a point of
18 clarification. The way the document is currently set up, the
19 fishing season would have to close because the ACL was projected
20 to be met in order for that species to be eligible for a
21 carryover in the following year, and so, if there was some
22 circumstance which prevented the respective fleets from pursuing
23 the fish, and the quota was not met, there would be no carryover
24 for that species in the following year.
25

26 **CHAIRMAN FRAZER:** Thank you, Mr. Rindone, for that
27 clarification. Mr. Diaz and then Dr. Crabtree.
28

29 **MR. DIAZ:** Part of this is responding to some of Leann's
30 comments. She said that commercial doesn't affect it, and
31 that's not entirely right. The document does not address IFQ
32 species, but non-IFQ species, if I'm not mistaken, would be
33 covered under this document.
34

35 I do share other people's concern around the table, and I was
36 looking forward to getting this document moving, and I had -- I
37 was more optimistic before this meeting, but now you've got a
38 limited return, and there is potential unlimited paybacks, and I
39 don't feel near as good about the document as I did, and I also
40 have concerns. Thank you.
41

42 **CHAIRMAN FRAZER:** Dr. Crabtree.
43

44 **DR. CRABTREE:** Just to touch on Leann's concerns, in the case of
45 an oil spill or a natural disaster, in those circumstances, we
46 have normally done emergency rules, and those kinds of
47 circumstances certainly warrant an emergency action, and we did
48 that following the oil spill.

1
2 **CHAIRMAN FRAZER:** Okay, and so all the discussion around the
3 table at this point is suggesting that there is some intent to
4 delay or stop work on this document at the time, and is there
5 somebody that is willing to make a motion to that effect? Kevin
6 Anson.

7
8 **MR. ANSON:** Dr. Crabtree started it. No. I guess I'm just
9 trying to search for the most practical and amenable solution,
10 and so is it just to table indefinitely? I hate to do that, but
11 do you have any thoughts, Mr. Chair?

12
13 **CHAIRMAN FRAZER:** Well, I think Roy's comments and Clay's
14 comments earlier having to do with the interim assessments and
15 the fact that they may prove to be more effective in dealing
16 with these issues, I would like to perhaps maybe postpone work
17 on the document until we see how those interim assessments are
18 moving forward, and so any language that would accomplish that
19 would be fine. Mr. Anson.

20
21 **MR. ANSON:** So maybe then a motion that -- A motion to postpone
22 further discussion on the carryover, and it's framework
23 modifications -- Carryover of unharvested quota framework
24 modifications document until National Marine Fisheries Service
25 develops interim stock assessment analysis procedures.

26
27 **CHAIRMAN FRAZER:** We will work with that for the time being.
28 Clay, do you want to maybe suggest some language here to clean
29 that up that might be consistent with your activities?

30
31 **DR. PORCH:** No, the language is fine, and the council has
32 already indicated that they would send a request to us to
33 determine which species would be good candidates for this too,
34 and we can get back to you with that list fairly soon and then
35 with an estimate of how long it will take us to implement
36 interim analyses for all those species.

37
38 **CHAIRMAN FRAZER:** Okay. Thank you, Dr. Porch. Sue Gerhart.

39
40 **MS. GERHART:** Listening to Dr. Porch, is it more appropriate to
41 say until those interim analyses are conducted, rather than
42 developed?

43
44 **CHAIRMAN FRAZER:** Kevin.

45
46 **MR. ANSON:** Yes, and that's what I was just thinking, is at
47 least for us to see the first iterations of the analysis, I
48 guess, would be more preferable, in my mind.

1
2 **CHAIRMAN FRAZER:** Okay, and it looks like that change has
3 already been incorporated. Dr. Crabtree.
4

5 **DR. CRABTREE:** Our intent here is that we think the interim
6 procedures that Clay is coming up with may better address the
7 issue we're trying to resolve and this amendment may not be
8 necessary if that is successful.
9

10 **CHAIRMAN FRAZER:** Okay, and so we've got a motion on the board.
11 Is there a second for that motion? It's seconded by Dr.
12 Crabtree. Is there further discussion on the motion? Dr.
13 Mickle.
14

15 **DR. MICKLE:** Thank you, Mr. Chair. Just a point to bring up,
16 and I'm not even sure that I am in favor of what I am about to
17 bring up, but I just thought that I would bring it up. Our
18 commission in Mississippi will give us deadlines, and so, when
19 they give us a task and we don't reach the deadline, the issue
20 comes back up, and so, if we gave NMFS a little window of when
21 we would expect to see an interim actually conducted, then we
22 would table it, and, obviously, not bring it up, but, if they
23 don't meet that deadline, and council staff immediately brings
24 it up, without us having to make motion and bring this document
25 back up or anything like that, but I'm not going to amend the
26 motion, but I just wanted to bring that up.
27

28 It automates the process, is what I'm trying to get at, and so
29 certainly -- I'm sure it's a really complicated process, and I
30 know very little about interim stock assessment analyses, and it
31 sounds very interesting, but it's not to corner NMFS in, by any
32 means, but it's to initiate an automated procedure, a kick-on,
33 if the deadline isn't met, and so it's not pointing a finger or
34 anything, but it just causing an automation process, and that's
35 all, and I just wanted to bring it up. Thank you.
36

37 **CHAIRMAN FRAZER:** Mr. Swindell.
38

39 **MR. SWINDELL:** I have a problem with this, from the standpoint
40 that we set quotas based on the best scientific information that
41 we had at the time, and I don't understand why we keep back-
42 pedaling, and so perhaps we didn't have -- You're telling me
43 that we don't have the scientific information to continue with
44 the document and to continue looking at quotas, so that, if the
45 quota isn't caught, that now we can't carry it over and try to
46 reach that quota again, because you want to do more stock
47 assessments, and is this ever going to end? I don't understand.
48

1 We used the best information that we had when we set the quotas
2 to start with, and what makes us think that it's going to be any
3 different as time goes by? I understand that there is always
4 going to be differences, there's always going to be issues that
5 come about, but I guess I'm just struggling to understand why we
6 had good information, we felt like, and that's how you set the
7 quotas, and now we don't want to pay any attention to it. Thank
8 you.
9

10 **CHAIRMAN FRAZER:** Dr. Crabtree.

11
12 **DR. CRABTREE:** I think what this is is that we're making
13 progress, and we're making the system work better. The trouble
14 with carryovers and paybacks is they are pretty crude, because
15 you don't know why you had an overrun or why you had an
16 underage, and so you could have gone over because you
17 overfished, but you also could have gone over because there were
18 lots of fish out there. With an underage, you could have gone
19 under just because the weather was bad or something, or you
20 closed too early, but you also could go under because the stock
21 declined.

22
23 These interim assessments will allow you to get at what actually
24 happened that caused that, and so they're a much more
25 informative way of addressing the problem of respecifying the
26 quota for the next year, and so I'm looking at this, Ed, as we
27 think we've gotten to a better way to address the same problem
28 than what we've done in the past, and so I look at this as being
29 a step forward and a step in the right direction.

30
31 **CHAIRMAN FRAZER:** To that point, Mr. Swindell?

32
33 **MR. SWINDELL:** Roy, I understand your point, but, at the same
34 time, I'm looking at it, and we have a quota, and, yes, there
35 are always things that happen during the season that are going
36 to change everything, but it seems to me that we ought to look
37 at why did we have an underage, and is that going to create a
38 whole stock assessment before we try to understand it, or
39 whether it was simply bad weather that kept us from fishing, and
40 could we not make a quicker decision than waiting for a whole
41 interim stock assessment to be done?

42
43 I just have difficulty in trying to truly understand why we
44 can't use the information we had and just go on with it, or
45 maybe we just don't want to change anything, and we'll wait and
46 see what happens later, but then what happens when you overfish?
47 If you go well over the allotted quota at the time, there ought
48 to be a penalty for it. That's the nature of what we try to do

1 in fishery management, I think. Thank you.
2

3 **DR. CRABTREE:** This is trying to get at that, because you would
4 understand why you went over, and then you would reset the quota
5 every year, based on much more real-time information about
6 what's going on. If you go over a quota, it may mean that you
7 need to have a penalty, if you went over because you're
8 overfishing, but, if you go over a quota because there are more
9 fish out there than you thought, then a penalty wouldn't be
10 appropriate.

11
12 In fact, the appropriate response then would be to increase the
13 quota, and so this would allow us to get at it, and my hope is
14 that, through these, we get to a situation where we're
15 respecifying the catch level every year to reflect more of the
16 dynamics of what is going on.

17
18 **CHAIRMAN FRAZER:** Dr. Porch.
19

20 **DR. PORCH:** I also just wanted to add that maybe "interim stock
21 assessment analysis" is a little misleading, because people
22 think of stock assessments as the long, drawn-out process that
23 it is through SEDAR, where this is really just updating surveys,
24 and then the survey goes up or down, and you adjust the catch.
25 Maybe we could just say "interim analysis procedures", if
26 everyone knows what we're talking about.

27
28 **CHAIRMAN FRAZER:** Okay. Kevin, would you like to remove the
29 term "stock assessment" and just leave "interim analysis"?
30

31 **MR. ANSON:** How about just dropping "assessment"?
32

33 **CHAIRMAN FRAZER:** Dr. Porch.
34

35 **DR. PORCH:** I didn't hear what the alternative was.
36

37 **MR. ANSON:** Just to drop "assessment" and leave "stock" in
38 there.
39

40 **DR. PORCH:** That's fine.
41

42 **MR. ANSON:** Okay.
43

44 **CHAIRMAN FRAZER:** Roy, are you good with that change? Okay. I
45 think we've had enough discussion on this particular motion. **Is**
46 **there anybody opposed to the motion? Seeing no opposition, the**
47 **motion carries.** All right. Is there any other discussion under
48 the Sustainable Fisheries Committee? Dr. Stunz.

1
2 **DR. STUNZ:** Just something very briefly. You know, we had a
3 little bit of discussion last time regarding the allocation,
4 and, Carrie, it was a workgroup or whatever we're calling it
5 that we're forming, and I know we -- I didn't really see that
6 fleshed out in the report too much, and I just wanted to get
7 some clarification, and, Carrie, I don't want to put you on the
8 spot here, and I should have mentioned this before, but can you
9 give the council maybe just a little clarity on the next steps
10 on that, or maybe once the plans for that working group -- Maybe
11 you could tell me too exactly what are we calling it.
12

13 **CHAIRMAN FRAZER:** Sure. Dr. Simmons.
14

15 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. We sent a
16 letter to the Regional Office and Science Center, to get staff
17 members for that working group, including who is going to be on
18 that working group from our office, and we received a memo
19 yesterday from the Science Center appointing those staff
20 members, a biologist, or two biologists, and I don't know the
21 numbers, but a biologist, economist, and social scientist on
22 there from each office, and so from our office, from the Science
23 Center, and from the Regional Office.
24

25 Since we just got that group together yesterday, officially, we
26 sent out a doodle poll this morning, and we're trying to get
27 them together to start work on this. You didn't give us an
28 official charge, but the plan currently, I think, is to develop
29 a strawman or an outline of how the reviews might be conducted
30 for each species, and then that would go -- We have it scheduled
31 to go to the SSC in September for review and then the council in
32 October, or that's our intent anyway right now.
33

34 **CHAIRMAN FRAZER:** Thank you, Dr. Simmons. Is there any further
35 discussion on this committee report? Mr. Diaz.
36

37 **MR. DIAZ:** Mr. Chairman, this concludes my report.
38

39 **CHAIRMAN FRAZER:** All right. Thank you, Mr. Diaz. Ms. Guyas
40 and the Reef Fish Committee.
41

42 REEF FISH COMMITTEE REPORT 43

44 **MS. GUYAS:** All right. The agenda was adopted after adding
45 discussion items for recreational greater amberjack, size limits
46 for almaco jack, and the status of red grouper. The minutes
47 from the April 2019 committee meeting were approved.
48

1 Review of Reef Fish Landings, SERO staff reviewed final 2018 and
2 preliminary 2019 commercial landings for Gulf greater amberjack
3 and gray triggerfish. Slight commercial overages for both
4 species will result in paybacks. For 2019, commercial gray
5 triggerfish is still open, but presently under a seasonal
6 closure, while greater amberjack will close on June 9.

7
8 Recreational landings of greater amberjack in the fall season
9 totaled 103 percent of the annual catch target, and the
10 recreational sector will not reopen for its spring season. Gag
11 and red grouper landings for 2018 were under their annual catch
12 limits, while gray triggerfish exceeded the ACL by ninety-one-
13 and-a-half percent. Because gray triggerfish is not overfished,
14 there is no recreational payback for 2019. However, the fishery
15 closed May 11, 2019, to prevent an overage.

16
17 The for-hire component landed 109.2 percent of its red snapper
18 ACT in 2018, which was 87.3 percent of its ACL. The preliminary
19 2018 landings of cobia were 31.8 percent of the ACL, hogfish
20 were 34.7 percent of the ACL, lane snapper were 119.5 percent,
21 mutton snapper were 116.2 percent, and vermilion snapper were
22 102.2 percent.

23
24 Because lane snapper landings exceeded the overfishing limit in
25 2017 and 2018, in-season monitoring and subsequent projections
26 will determine when the fishing season should be closed early in
27 2019 to prevent an ACL overage. Staff have been working with
28 the Southeast Fisheries Science Center to coordinate an update
29 to the SEDAR 49 Itarget model run of lane snapper for review at
30 the September 2019 Gulf SSC meeting.

31
32 Staff was asked if there were any changes in trends in lane
33 snapper landings to explain the increased landings in recent
34 years. Staff could not recall anything specific from the SEDAR
35 49 assessment, but will look into it further.

36
37 The committee requested that king mackerel be included in the
38 following landings update if there is not a scheduled meeting of
39 the Mackerel Committee. SERO staff also clarified that
40 commercial landings are received weekly, while recreational
41 landings are received at least forty-five days after the end of
42 each MRIP wave, and landings from Texas are received twice per
43 year.

44
45 Joint Enforcement Agreement Discussion, NOAA Enforcement Officer
46 Pete Harwell answered questions from the committee regarding the
47 scope of federal enforcement activities. Officer Harwell noted
48 that his office enforces compliance of federally-managed species

1 in both federal and state water jurisdictions, as well as land-
2 based enforcement. He provided examples, including compliance
3 with the Lacey Act, TEDs, and dealer reporting requirements.
4

5 Draft Amendment 36B: Modifications to Commercial IFQ Programs
6 and Presentations, Mr. Eric Brazer gave a presentation on the
7 Shareholders Alliance Gulf of Mexico Reef Fish Quota Bank.
8 Staff reviewed the amendment's purpose and need, as developed
9 from previous council motions, and the amendment's actions.
10

11 For the action that considers requiring shareholders to possess
12 a commercial reef fish permit, the committee discussed the
13 alternative to exclude those who hold small amounts of shares,
14 noting that, if they enact the requirement, it should apply to
15 all shareholders, regardless of the amount of shares held.
16 **Without opposition, the committee recommends, and I so move, to**
17 **remove Alternative 5 from Action 1.1.**
18

19 **CHAIRMAN FRAZER:** Okay. Let's get that on the board. We have a
20 committee motion on the board. Is there any further discussion
21 of the motion? **Seeing none, is there any opposition to the**
22 **motion? Seeing none, the motion carries.** Mr. Diaz.
23

24 **MR. DIAZ:** Thank you, Mr. Chair. I emailed a motion to Bernie,
25 if she could put it up on the board. **It says to add an**
26 **alternative in Action 2, and where I have 1,000 pounds, I want**
27 **to change that to 500 pounds. Mr. Chair, my motion would be, in**
28 **Action 2, to add an alternative to equally distribute reclaimed**
29 **shares held by National Marine Fisheries amongst all accounts**
30 **with the equivalent of 500 pounds of shares for each share**
31 **category to shareholders within one month of the effective date**
32 **of the final rule of implementing this action.** If I get a
33 second, I will --
34

35 **CHAIRMAN FRAZER:** It's seconded by Ms. Bosarge. Do you want to
36 explain a little bit more?
37

38 **MR. DIAZ:** We have talked some about trying to help small
39 shareholders in this document, and that really wasn't reflected
40 in the alternatives that we have now, and so I wanted to add
41 this to the document to have where the IPT could be looking at
42 it, where, when we discuss it in the future, we could at least
43 consider this as an option.
44

45 I originally had 1,000 pounds in there, but I talked with Dr.
46 Stephens a little bit, who I think knows more about this program
47 than any person alive, and I asked her what was a good breaking
48 point, and she said that 500 pounds might be a better breaking

1 point, but I would -- If this motion passes, I would like for
2 the IPT to kind of look at that a little bit and see if there's
3 a better number that would be a good breaking point in the
4 future, but at least we have the concept out there. Thank you,
5 Mr. Chair.

6
7 **CHAIRMAN FRAZER:** Dr. Crabtree.
8

9 **DR. CRABTREE:** Dale, when you say "with the equivalent of 500
10 pounds of shares", you mean accounts with 500 pounds or less?
11

12 **MR. DIAZ:** Yes.
13

14 **DR. CRABTREE:** If you have an entity with multiple accounts, how
15 do you handle that? Say I have four accounts, and each account
16 has 499 pounds in it. Then I would be eligible, or do you
17 somehow look at that?
18

19 **MR. DIAZ:** I did not consider that, Dr. Crabtree, when I was
20 putting this together. I don't know if we could tease that out.
21 My intention is to truly help small shareholders, is what I'm
22 trying to do, and so that would be my intention, and, if there's
23 a way that staff could have alternatives where we could deal
24 with that, or have some mechanism to deal with that, I would
25 appreciate it. If not, if people have multiple accounts, they
26 might be eligible.
27

28 **CHAIRMAN FRAZER:** Dr. Crabtree.
29

30 **DR. CRABTREE:** I just want to make sure that we don't create a
31 situation where people spread their stuff out among other
32 accounts in order to become eligible, and so we need to think
33 that through.
34

35 **MR. DIAZ:** Folks potentially could do that, but these are
36 relatively small amounts of pounds, in the grand scheme of
37 things, and I think red snapper -- I don't have it in front of
38 me, but I want to say it's 4,000 or 5,000 pounds left, and
39 there's about that amount for some of the other species, and I
40 think the tilefish have about that amount, and so, in the grand
41 scheme of things, considering how many pounds for the total
42 allocation for the commercial sector, these are really small
43 amounts that would be divided up.
44

45 **CHAIRMAN FRAZER:** Okay. Is there any further discussion on the
46 motion? Dr. Shipp.
47

48 **DR. SHIPP:** I certainly agree with the concept, but the sections

1 that we delayed really are going to address this much more in
2 detail, and I think I will support the concept and the motion,
3 but I think we've got a lot of work to do regarding
4 redistributing shares to new participants and small
5 shareholders.

6
7 **CHAIRMAN FRAZER:** To that point, Dr. Shipp, we didn't discuss
8 Action Items 2 and 3 at this particular meeting, and we'll
9 discuss them more thoroughly at the August meeting. Ms. Levy.
10

11 **MS. LEVY:** So I guess -- I mean, we could develop the
12 alternative, if this passes, but, in that alternative, I would
13 want the date where we look at who has the less than 500 pounds,
14 meaning 500 pounds on the effective date of the rule. Then,
15 when that gets distributed, because, right now, it says within
16 one month, and I think you would just distribute it when you
17 figured it out, but the important date is what date are you
18 looking at when you're determining who has the 500 pounds or
19 less, right, and not when it actually gets distributed. Does
20 that make sense?
21

22 **CHAIRMAN FRAZER:** Mr. Diaz.
23

24 **MR. DIAZ:** If I understand your question, the people that would
25 be eligible for this would be when this rule is implemented, on
26 the effective date of this implementation, and those are the
27 folks that would be eligible for this if it passes, if I
28 understand your question correctly.
29

30 **CHAIRMAN FRAZER:** Ms. Bosarge.
31

32 **MS. BOSARGE:** I am in support of the motion. I think we do need
33 to take into consideration that related accounts idea, and you
34 want to sum all the related accounts, right, and make sure, but
35 I was just going to throw out there to staff, and I guess to
36 Mara, that we had an option that was kind of similar to this
37 that we, I think, removed, and it maybe was in 36A, and I don't
38 remember, but, anyway, it essentially said that we would issue
39 those shares to men and women that had under a certain
40 percentage of ownership and had landings in that category, and
41 so maybe they could go back and look at that option. That was
42 to essentially give some ownership to the men that were on the
43 water fishing and landing the fish, but didn't have -- They had
44 no or very little ownership in that fishery of actual shares,
45 and so maybe that's a point where you could go back and look at
46 what we had there and pull from that.
47

48 **CHAIRMAN FRAZER:** I am going to actually look over to Dr.

1 Lasseter. Do you feel like you have enough direction at this
2 point to craft that alternative?

3

4 **DR. AVA LASSETER:** I think we'll craft it based on what you've
5 provided, and then, some of these other issues, we'll bring
6 those up for the August meeting and have you provide
7 clarification, because, at that time, we will go through more
8 thoroughly these central actions, but we'll go ahead and start
9 drafting something, if this motion passes, to reflect it.

10

11 **CHAIRMAN FRAZER:** Thank you. Is there any other discussion on
12 the motion? **Seeing none, is there any opposition to the motion?**
13 **No opposition, and the motion carries.** Mr. Diaz.

14

15 **MR. DIAZ:** Thank you, Mr. Chair. I just want to kind of plant a
16 seed a little bit. I have thought for some time that this
17 document is very complicated, and we've been working on it for I
18 would guess five years, and we did not get through the entire
19 document at this meeting, but I have felt, for some time now,
20 that maybe we should split this document again, and I plan to do
21 some thinking on that between now and the next meeting and see
22 if there is some natural break points, where we could split this
23 document into stuff that maybe we could deal with and stuff
24 that's going to take a long time to deal with.

25

26 Anyway, I just wanted to mention to the committee that that's
27 some thoughts that I have been having, and I don't know if any
28 other folks think that's a good idea or not, but I do intend on
29 trying to put a fair amount of thought into it between now and
30 the next meeting and see if there's some natural break points.
31 Thank you, Mr. Chair.

32

33 **CHAIRMAN FRAZER:** Thank you, Mr. Diaz. Martha, let's continue
34 on.

35

36 **MS. GUYAS:** In the interest of time, staff proceeded to Action
37 4, which would require accuracy in the estimated weights
38 provided in advanced landing notifications. Cynthia Fenyk of
39 NOAA GC Enforcement Section made a presentation via webinar on
40 applying the penalty schedule for Magnuson-Stevens Act
41 violations. Sergeant Carron, chair of the council's Law
42 Enforcement Technical Committee discussed the concerns of law
43 enforcement that initiated this action.

44

45 The committee discussed the proposed range for which the
46 estimated weights that would provide law enforcement with the
47 tool to address inaccurate estimated weights, without unduly
48 penalizing commercial fishermen.

1
2 Without opposition, the committee recommends, and I so move, in
3 Action 4, to modify the alternatives to require that the
4 estimated weight reported on advance landing notifications be
5 within 20 percent, 25 percent, or 30 percent of actual landed
6 weight per share category when the total weight onboard of that
7 share category is more than: Option a: 100 pounds; Option b: 500
8 pounds; Option c: 750 pounds.
9

10 **CHAIRMAN FRAZER:** We have a committee motion on the board. Is
11 there further discussion? John Sanchez.
12

13 **MR. SANCHEZ:** After thought and listening to discussion, I guess
14 I would like to offer a substitute to move Action 4 to
15 Considered but Rejected and get away from all of this, where
16 we're potentially penalizing people for making a bad estimate.
17

18 **CHAIRMAN FRAZER:** We're going to get that motion on the board,
19 but, while it's getting up there, is there a second for that?
20 It's seconded by Ms. Boggs. Is there further discussion? Mr.
21 Dyskow.
22

23 **MR. DYSKOW:** Mr. Chairman, I was simply going to second the
24 motion, but Ms. Boggs beat me to it.
25

26 **CHAIRMAN FRAZER:** She's a quick one. Is there any further
27 discussion at this point? Dr. Crabtree.
28

29 **DR. CRABTREE:** I am going to support the motion. We have heard
30 different things out of different law enforcement officers on
31 this, but NOAA Law Enforcement at least has said they don't
32 believe this is necessary and don't support it, and a lot of my
33 concern grew over the course of this week, as I talked to a lot
34 of these grouper fishermen, and you realize -- I think, in the
35 past, we've just thought about this in terms of just red snapper
36 and a very short trip, but, when you look at the kinds of trips
37 a lot of the grouper guys are taking, they're out for fourteen
38 days, and they have got not just one share cap that they have to
39 deal with this on, but they've got red snapper and tilefish and
40 deepwater grouper and shallow-water multispecies and red grouper
41 and gag.
42

43 It becomes a much more complicated task, because they're having
44 to report estimates for any number of species, and I expect, in
45 a lot of cases, the captain is in the wheelhouse, and the crew
46 are doing this, and the fish are packed in ice for a pretty long
47 trip, and so it's not like you can just go down and pull them
48 all back out and take a look at them that easily, and so I think

1 it is a more complex task than we perhaps thought at first
2 blush, and so I'm going to support the motion.
3

4 **CHAIRMAN FRAZER:** Mr. Robinson.
5

6 **MR. ROBINSON:** I am not going to be able to support the motion.
7 In conversations with our law enforcement staff, they believe
8 this is a problem, and on multiple occasions they have brought
9 this up, and the fact that we have some fisheries that already
10 operate under trip limits and the conversations we've had with
11 our staff, our law enforcement staff, I have to oppose the
12 motion.
13

14 **CHAIRMAN FRAZER:** Mr. Anson.
15

16 **MR. ANSON:** I am with Lance. I mean, we've had -- This was
17 attempted at the prior meeting, and we've had folks discuss -- I
18 was, again, not in support at that time, and I'm not in support
19 of it now. Again, all the state enforcement agencies, or
20 enforcement sections within each of the marine fisheries
21 agencies, believe it's a problem.
22

23 There is a lot more presence of those state enforcement officers
24 than there is of NOAA OLE at the dock, and we've heard Officer
25 Harwell say he's got a -- He couldn't even calculate or couldn't
26 provide a number as to how much area he's got to cover, and yet
27 there are many more state officers within that same area and
28 territory, and so they're down at the dock more, and they see
29 things, and they kind of have a good feel as to what's going on.
30

31 As far as the comments of making law breakers out of law-abiding
32 folks, I mean, we're in the business of making regulations to
33 make people law breakers, and it's just the nature of our
34 business that we do things, and we set up regulations to manage
35 the fishery.
36

37 I just -- Quite frankly, I find it a little baffling that they
38 can all reach their quotas in the last trip, because all of the
39 landings totals are just below that final number, but, all the
40 other trips, they just can't manage to get those pounds
41 estimated correctly or within a reasonable range of weight, and
42 so, again, I just won't be in support of the motion.
43

44 **CHAIRMAN FRAZER:** Dr. Stunz.
45

46 **DR. STUNZ:** That would be likewise for me as well, to Kevin's
47 point, but it comes down to me to this, and especially I hear
48 the federal enforcement, but when our state law enforcement

1 officers are asking for help to do their job, I think we need to
2 support them, and that's what it really comes down to, for me,
3 and so I'm not going to be supporting the substitute motion.
4

5 **CHAIRMAN FRAZER:** Mr. Dyskow and then Ms. Bosarge.
6

7 **MR. DYSKOW:** Thank you, Mr. Chairman. I am going to support the
8 motion, because I think these actions are unduly burdensome on a
9 class of fishermen who are already being overburdened, and so I
10 am going to speak in favor of the alternative motion.
11

12 **CHAIRMAN FRAZER:** Ms. Bosarge.
13

14 **MS. BOSARGE:** Of course, you all know that I'm going to be in
15 support of the motion, but, when we talked to law enforcement,
16 and they gave some specific examples, there were other ways to
17 catch those bad apples. Those fish have to enter commerce at
18 some point, and so they're going to have to end up going in a
19 restaurant somewhere or going to a market or going -- Albeit it
20 through a back door, but they have to enter commerce, and you
21 can intercept them at that point.
22

23 If it crosses state lines, that's when you bring in your
24 partners, your NOAA OLE or whoever it may be, and I think there
25 is ways to catch those bad apples, and, I mean, I know we hear
26 about that there is not enough law enforcement presence to be at
27 every unloading, and I get that, but I am looking at the number
28 of permits in 2007.
29

30 In Mississippi, we had eight, and so we do a pretty good job of
31 staying on top of those eight, but Alabama had only thirty-six,
32 and that's thirty-six boats, thirty-six fishermen, and not even
33 all of those are active permits, and, if we have one or two bad
34 apples out of thirty-six, it seems strange to me that we have to
35 go this far when it's only thirty-six boats that we're trying to
36 manage within that little bit of coastline, and I think we could
37 surely pursue them, whatever that bad apple or two is, without
38 having to go to this extreme.
39

40 I mean, some of the other states do have a good many. Florida
41 has a good many permits, but Texas, the whole coast of Texas,
42 only has seventy-six, and it's just a handful of people that
43 we're really trying to regulate, and surely we could find a bad
44 apple in those handful and go get them without having to punish
45 everybody.
46

47 **CHAIRMAN FRAZER:** Is there any further discussion? Seeing none,
48 we're going to vote by way of hands on this particular motion.

1 **All those in favor of the motion, signal by raising their hand;**
2 **all those opposed.**

3
4 All right. I feel an obligation, as the Chair, to weigh-in on
5 this. Before I say what I'm going to say, what I'm concerned
6 about here are two things. One, I don't want to create a
7 tension between this council and law enforcement or tension
8 between a federal law enforcement agency and a state law
9 enforcement agency. I think everybody at this table appreciates
10 the difficulty of the jobs that those enforcement officers have.
11

12 I do really appreciate the comments of Mr. Dyskow and Ms.
13 Bosarge, and I do not want to impose an unnecessary regulatory
14 burden on a group of people that I honestly believe, for the
15 most part, work really hard and are honest people. I think a
16 way around this simple yea or nay is perhaps, and I am just
17 talking out loud at this point, before I make my mind up, is to
18 offer perhaps an alternative where if the estimated weight is
19 perhaps 100 percent more, or something of that nature, and the
20 reason that I would say that is because all of the examples that
21 I have seen, whether they are from law enforcement or from
22 public testimony, have to do with egregious violations of the
23 law.
24

25 When we were talking to the General Counsel, when you look at
26 the payment schedules, I guess, or the fines, when you looked at
27 the categories, there was with intent, and those carried the
28 maximum fines. I think, if there is an egregious violation of
29 the law in this case -- I mean, I would agree with most people
30 that if you can't estimate your fish within 100 percent that
31 that's a big problematic and that perhaps would give the law
32 enforcement officers and those imposing the fines a little bit
33 more muscle and a little bit more teeth moving forward.
34

35 I don't want to create a rift between the council, and nor do I
36 want to create a rift between the council and law enforcement,
37 and so I'm going to go ahead and oppose the motion, but I'm
38 going to offer a substitute, with an alternative that has an
39 extremely high weight that would indicate an egregious violation
40 of the law. **The motion fails.**
41

42 We will go back to the original motion. **I would like to offer a**
substitute motion, and it's just a slight modification. At this
point, I would simply substitute, after the 20 or 25 percent or
30 percent, I would add another percentage, and I would call it
100 percent, and I'm okay with the options, I think, at this
point as well, and so if I can get a second. It's seconded by
48 Dr. Mickle. Is there any further discussion? Mr. Dyskow.

1
2 **MR. DYSKOW:** Just to clarify this in my mind, a commercial
3 fisherman could be fined for being off on an estimate, and he
4 hasn't broken any fishery laws, presumably, and we're fining him
5 for not being a good estimator, and does that make any sense?
6

7 **CHAIRMAN FRAZER:** I think that the problem, in my mind anyway,
8 as I see this, is that there are instances that we've heard
9 about where people report a relatively small weight, and let's
10 say 500 pounds, but almost without exception, the violation, or
11 the underestimate that we're talking about, is an example of an
12 individual landing 1,500 pounds of fish. That's even more than
13 100 percent.
14

15 The concern is that there is an intent there, obviously, to
16 deliver 500 pounds of fish to the dealer, perhaps, and then, in
17 a backroad way, get rid of the other 1,000 pounds for profit.
18 To me, that's criminal intent, and that's what we're trying to
19 get rid of, and I think there are some examples of that. I
20 think that they are few, and I don't want to increase the
21 burden, as you said, on the honest fishermen out there, and I
22 think this provides a way, an alternative, to deal with that.
23 Mr. Dyskow.
24

25 **MR. DYSKOW:** I am not trying to beat this to death, but how does
26 this motion prevent that example from happening?
27

28 **CHAIRMAN FRAZER:** I think, again, if there is criminal intent --
29 Criminals will always find a way to get around the system, Phil,
30 right? I think what this does is says there are two things,
31 right? We recognize that there is a potential problem, and
32 we're trying to provide law enforcement with some teeth, should
33 they actually catch an individual in the act of doing this, and
34 it may not, in fact, deter them in any way, but it also
35 recognizes the efforts of the law enforcement officials, and
36 that's important to me, because we do depend on what they do,
37 and I want to be respectful of their efforts, whether they are
38 federal or state, but I also am very, very sensitive to the fact
39 that we want to reduce the regulatory burden on the fishermen,
40 and I think that this accomplishes that. Mr. Sanchez.
41

42 **MR. SANCHEZ:** Thank you. I don't want to beat the cat that is
43 flat, but there is a -- There's just a number of scenarios. If
44 you have a guy who is fishing in a faster boat than the fleet,
45 and he hails-in three hours, and he's still doing some fishing,
46 because he can make it back to port before then, and he gets --
47 The fish start biting, and now he's frantically trying to catch
48 some more fish, and now we're asking him to estimate, and he may

1 be subject to a fine, and that's why I just wanted to kind of
2 move this to Considered but Rejected, but here we are, and so I
3 guess we'll see what happens. There is just a lot of scenarios,
4 is the point I'm trying to make, where we are potentially
5 penalizing a guy for being a bad estimator.

6

7 **CHAIRMAN FRAZER:** Mr. Swindell.

8

9 **MR. SWINDELL:** I voted for the previous motion, and for the
10 reason that I think we're going back again to placing a burden
11 on our law enforcement that we shouldn't be placing. I mean,
12 already, as Roy has pointed out to me, yes, the unloading weight
13 at the dealer is what we're counting for the quota that the
14 person has to contend with. If he wants to go sell some, like
15 shrimpers do, or other people, and they sell to other people at
16 a dock or whatever, and that's still going to occur.

17

18 Why place the burden on law enforcement to try to keep a number
19 of weight? They can't count fish, like they can aboard a
20 recreational charter boat or the recreational boats or anything,
21 and that's impossible, and so you're back to having to do it by
22 weight, and you're asking the law enforcement people to try to
23 get a good handle on the weight, and I think it's absurd.

24

25 I don't think that we should be doing it this way, and we've
26 already got the weight and what the people are -- They are going
27 to be more responsible to the dealer that has to report the
28 weight, and, if the dealer is not reporting the weight, we've
29 got another whole law problem there. I mean, that's going to
30 occur, and people will find a way to go around the system, but I
31 think trying to put it all on the back of law enforcement at-sea
32 is not the way to do it. Thank you, and so I am against your
33 motion, because I don't think we ought to have any percentage.
34 Thank you.

35

36 **CHAIRMAN FRAZER:** Thank you, Mr. Swindell. Dr. Crabtree.

37

38 **DR. CRABTREE:** Well, let's remember that the original intent of
39 this whole thing, when it was put in place, was to make sure
40 that people have enough fish in their account, enough allocation
41 in their account, to cover what they are landing, and so, when
42 they do the initial report, if they're reporting that they're
43 going to land more fish than they have allocation in the
44 account, it gets flagged, and then that notice goes to law
45 enforcement, so they can check out and see what's going on, and
46 so that was why this was put in place.

47

48 We did hear testimony about the fellow who had a go-fast boat, I

1 guess, and so he was fishing after he even made the
2 notification, and I think the system allows you to amend your
3 notification once, but we're going to have to make sure we deal
4 with that, if we make this a violation, because they are going
5 to have to -- In those kinds of circumstances, they are going to
6 likely amend, and so I guess I will vote for this motion, even
7 though I would prefer that we drop it, but, if we are insisting
8 on doing something with this, I do think putting something
9 higher than 30 percent on it makes some sense to me, but --

10
11 **CHAIRMAN FRAZER:** Kevin.
12

13 **MR. ANSON:** To follow-up on Dr. Crabtree's point, based on how
14 the vote went for the substitute motion, and there is certainly
15 quite a few members here on the council who would prefer that it
16 just go away, I would just make a suggestion to you that maybe
17 you might offer a second substitute motion that maybe has a 50,
18 75, 100, and drop the lower percentages, and that's something
19 for you to think about, Mr. Chair.

20
21 I appreciate the sentiment and your thoughts on the previous
22 motion and vote, but, I mean, it is an extra burden on the
23 fishermen, but, again, they have a unique privilege, at least
24 those in the IFQ program, and that's kind of where I am
25 centering this and thinking of this, in terms of maintaining the
26 integrity of the program and why the program was set up.

27
28 Each fisherman is given a share, and that share ultimately
29 results in allocation, which are pounds of fish, and that's how
30 that species is managed, is in pounds, and so they are very much
31 in-tune, or should be very much in-tune, as to what's in their
32 account and how many of those fish that they're bringing over
33 the side and how much they should weigh. I mean, that's the
34 whole intent of the system.

35
36 They should have a very good knowledge and a very good
37 understanding of what's going in that box, as it relates to
38 their account. I mean, it's that simple, and, you know, I will
39 consider, at least, 100 percent, but that's a lot. That's twice
40 as much, and it's giving you twice the amount that you estimate,
41 and I think these guys are better than that. I think they can
42 estimate within two-times of what's in a cooler or what's in a
43 fish box, and so I just -- Again, I think there needs to be --
44 We've heard from our state enforcement guys that there needs to
45 be an additional tool that's available to them to help manage
46 this fishery, and so that's all. Thank you.

47
48 **CHAIRMAN FRAZER:** Ms. Bosarge.

1
2 **MS. BOSARGE:** The path forward that I wanted obviously failed
3 just a second ago, and so this is the lesser of the evils at
4 this point, and so I am going to support this motion. At least
5 it does give the fishermen a little bit more leeway, but I kind
6 of agree with Kevin, what I think I heard Kevin say, is that
7 maybe you would consider modifying some of those percentages to
8 50, 75, 100 percent.
9

10 I say that because, you know, we heard testimony yesterday of a
11 gentleman that -- I think his dock said, hey, we've got 500
12 pounds leased for your bycatch of red snapper, and he was a
13 grouper fisherman, and so that meant that he could keep 500
14 pounds of his bycatch, and you asked him that, well, but you
15 couldn't go over right, and what would happen if you go over,
16 and he said, well, I couldn't go over, and I think he told us at
17 the beginning of that testimony that he only landed 347 pounds
18 of snapper.
19

20 That's as close as he could get it, and that's 30 percent off
21 right there, and that's money out of his pocket, and so, believe
22 me, he wanted to get as close as he could to that 500 pounds,
23 and that was as close as he could possibly do it, and I bet he
24 wouldn't even have gotten that -- If he had a fine like this, he
25 wouldn't have even gone that far. I mean, that's him trying the
26 best he could, and it was 30 percent. Now you want us to do
27 that for every single different species, and so, yes, I would be
28 in favor of amending this substitute motion to the 50, 75, and
29 100 percent.
30

31 **CHAIRMAN FRAZER:** Okay, and so I'm happy to accept the friendly
32 amendment, but I would -- I will leave four options in there of
33 25, 50, 75, and 100. Dr. Mickle, are you okay with the
34 modification? Okay. Is there any further discussion? Seeing
35 none, is there any opposition to the motion? Seeing none, the
36 motion carries. Ms. Bosarge.
37

38 **MS. BOSARGE:** I would like to offer a motion, and I hadn't
39 floated this at all, and we haven't even really discussed it,
40 and so it will probably catch everybody by surprise, but, in
41 Action 4, that the requirement for accuracy on estimated weights
42 applies only to underreporting. In Action 4, that the accuracy
43 on estimated weights applies only to underreporting of those
44 weights. If I get a second, I will explain.
45

46 **CHAIRMAN FRAZER:** Is there a second? It's seconded by Ms.
47 Boggs.
48

1 **MS. BOSARGE:** That seems to be the crux of the issue, that
2 people say they have 500 pounds, for example, and then they
3 really have 1,500 pounds on the boat, but their estimated weight
4 says 500. If law enforcement doesn't show up at the dock, then
5 that bad apple actually reports -- His final report says he
6 landed 500, when maybe he really landed 1,500, but we have a lot
7 of fishermen that also overestimate, and we saw that in the data
8 that was provided, and I don't know if we got to that data
9 during reef fish, but it's in our presentation that Dr. Lasseter
10 had for us.

11
12 I certainly don't think that we need to punish a fisherman that
13 is overestimating his weight, and I don't think there's anything
14 wrong with that, and so I would suggest that these -- Especially
15 with the size of these fines, that this only applies to if you
16 are underreporting. That is what the bad apple is going to do.
17

18 **CHAIRMAN FRAZER:** Thank you, Ms. Bosarge. Is there any further
19 discussion? Dr. Mickle.
20

21 **DR. MICKLE:** Just to clarify that the presentation that was
22 given by Officer Carron, who is the LETC's Chairman, from
23 Mississippi, and he was giving that presentation, and his
24 language was all for underestimated weight, and so this would be
25 in parallel with his statements, and, again, he made it very
26 clear that the state law enforcement folks, which he was
27 speaking for, were -- They just didn't have that tool, and so,
28 if they actually even intercepted someone reporting 500 and had
29 5,000, they had no tool to use, and so that's why his language
30 was so strong when he gave that presentation.
31

32 Law enforcement needs these tools, and I just wanted to make
33 that very clear, and so it seems like this is getting more
34 contentious with each vote and each meeting. They want tools,
35 and the fishermen don't want to be overburdened, and I'm just
36 trying to make it clear and understandable that there is no
37 grudges or anything. They just -- We can't make policy without
38 giving the tools for enforcement. It's a waste of time if we
39 don't, and so thank you.
40

41 **CHAIRMAN FRAZER:** Kevin Anson.
42

43 **MR. ANSON:** I will support this motion. I mean, I certainly
44 don't want to give people a fine for underestimating and such,
45 and, as Dr. Mickle just stated, this is really what enforcement
46 is looking for, is a tool to catch those that are trying to
47 skirt the system and not report pounds, and so this should take
48 away, theoretically, 50 percent of those instances, whether

1 you're above or below, and so it takes away those, and so I will
2 be in support of it.

3

4 **CHAIRMAN FRAZER:** Mr. Boyd.

5

6 **MR. BOYD:** I too will support this motion. I believe that the
7 objective was to catch the people who are trying to move fish
8 under the system, and the problem we have there is a dual
9 problem. They are selling fish outside of the system, and they
10 are doubling their ability to catch fish, if they have an IFQ,
11 because they catch the fish, and they get rid of them, and then
12 they can go catch that same quota again, and so this particular
13 motion doesn't overburden, and it gives some relief from the
14 possibility of a fine when it didn't meet our objective, and so
15 I support the motion.

16

17 **CHAIRMAN FRAZER:** Okay. Any further discussion? **Seeing none,**
18 **is there any opposition to the motion? Seeing none, the motion**
19 **carries.** We will take a break, and we will come back and work
20 with the greater amberjack discussion.

21

22 (Whereupon, a brief recess was taken.)

23

24 **CHAIRMAN FRAZER:** Okay. Martha, are you ready?

25

26 **MS. GUYAS:** I am, yes. All right. We are now on commercial
27 amberjack. Final Action on the Framework Action to Modify
28 Greater Amberjack Commercial Trip Limits, staff reviewed the
29 development timeline for the framework action and the council's
30 requests of staff at the previous April meeting.

31

32 The public comments submitted were varied, with some members of
33 the public preferring no action and indicating target trips for
34 greater amberjack would not be economically viable below the
35 current 1,500-pound gutted weight trip limit. Other
36 stakeholders voiced support for a reduced trip limit to extend
37 the commercial season.

38

39 A summary from a meeting of the Reef Fish AP, held in May 2019,
40 was reviewed by the committee. The AP made a motion to
41 recommend a 500-pound gutted weight commercial trip limit,
42 followed by a step-down to 250 pounds gutted weight once 75
43 percent of the commercial annual catch target was met. However,
44 if the commercial season still closed before the end of the
45 fishing year, the Reef Fish AP recommended that the step-down
46 occur once 50 percent of the ACT was met in the following
47 fishing year. The committee was unclear as to whether the step-
48 down at 50 percent of the commercial ACT would be permanent if

1 enacted.

2
3 The committee discussed Figure 2.1.1, noting that approximately
4 50 percent of commercial trips land less than 500 pounds gutted
5 weight, while approximately 30 percent of trips are landing more
6 than 1,000 pounds gutted weight, indicating a number of targeted
7 commercial trips for greater amberjack occur in the Gulf.

8
9 Staff reviewed the action and alternatives, noting that the
10 committee could select any of Alternatives 1 through 4 in
11 conjunction with Alternative 6, the step-down alternative, as
12 its preferred alternative. The committee decided to table the
13 discussion until after the public comment and revisit the
14 document at Full Council. I will pause there.

15
16 **CHAIRMAN FRAZER:** Okay. Ms. Bosarge.

17
18 **MS. BOSARGE:** I'm the one that brought this up during committee,
19 and we had some discussion on it, but I didn't throw any motions
20 out, and we did have some public comment on it. I would like to
21 throw a motion out and have some discussion and see where we
22 land on this.

23
24 My motion would be, in Action 2.1, to make Alternative 2, which
25 is that 1,000-pound trip limit, and Alternative 6 the preferred
26 alternatives. Just so you will know what those are, Alternative
27 2 is establish a commercial trip limit for Gulf greater
28 amberjack of 1,000 pounds gutted weight, and Alternative 6 is
29 the step-down that says reduce the commercial trip limit for
30 Gulf greater amberjack to 250 pounds gutted weight when 75
31 percent of the ACT is projected to be met. If I get a second, I
32 will further --

33
34 **CHAIRMAN FRAZER:** It's seconded by Chris.

35
36 **MS. BOSARGE:** Right now, they do have a fairly early closure in
37 this fishery, and we know we do have discards of this species
38 after that as a bycatch species for some fishermen, but we also
39 heard testimony that we have some directed fishery for a portion
40 of the year as well, and I know that we do have that in
41 Mississippi, and we heard some testimony from Louisiana.

42
43 In Mississippi, those guys don't own any snapper shares, and so
44 this is important to them. They fish a little bit of
45 everything, and, as we keep honing-in on our regulations and
46 we're taking species away that they can target, unless you own
47 shares of it, it makes it tough.

48

1 I would like to do something that's kind of a compromise, and
2 this will reduce bycatch, because it's going to extend the
3 season, but it's a high enough limit that it will allow those
4 guys that depend on this to still make a directed trip when they
5 need to, and so that's my rationale.

6
7 **CHAIRMAN FRAZER:** Ms. Levy.

8
9 **MS. LEVY:** Just to clarify, and the motion is fine, but it's
10 just there is no action number, because there's only one action,
11 and so it's Chapter 2.1. but the action is just Action, just so
12 we're clear.

13
14 **CHAIRMAN FRAZER:** Okay. Is there any further discussion on this
15 motion? Chris.

16
17 **MR. SCHIEBLE:** We heard some good testimony yesterday, I think,
18 from two different user groups, I guess, of this stock, and so
19 there's some that consider it a bycatch fishery. They go out
20 there and they get other IFQ species and they pick up 250 or 500
21 pounds, somewhere in there, but then we also heard from folks in
22 Louisiana that gave us, I thought, very passionate testimony
23 that this is a primary fishery for them.

24
25 They target these fish at a certain time, and I think any
26 reduction below 1,500 is a hardship for them, but we're willing
27 to go to 1,000 pounds with the Alternative 6 in there that 75
28 percent of the ACT gives us about an 18 percent, I think,
29 savings over what we had last year, and, if you look at
30 historical catch, it seems like 18 percent is above any of the
31 overage on the ACT, and so it should cover any potential overage
32 if we choose this option, and so it seems like this would be the
33 best solution to both groups.

34
35 **CHAIRMAN FRAZER:** Any further discussion? Okay. **Seeing none,**
36 **is there any opposition to this motion? Seeing none, the motion**
37 **carries.**

38
39 **MS. GUYAS:** We don't have it in the committee report, but this
40 was slated for final action. If that's what we're going to do,
41 then somebody has to make the motion.

42
43 **CHAIRMAN FRAZER:** At this point, I guess I'm going to again look
44 over at Mara. I mean, this is an action that was slated for
45 final action. With this particular change in the preferred
46 alternatives, are we okay to do that?

47
48 **MS. LEVY:** Yes. I mean, we haven't changed the alternatives.

1 It was in there, and it was analyzed. You can pick a preferred
2 and then take final action.

3
4 **CHAIRMAN FRAZER:** Okay. I just want to make sure that there's
5 no further discussion. If there's not, we'll take a roll call
6 vote.
7

8 **MS. GUYAS:** I think we need a motion to finalize -- I don't know
9 that we looked at the codified text either, although it will
10 change, and so I don't know if it's worth going there, but I
11 think the -- If we're going to have this go into effect for next
12 year, or at least have that chance, we have to take final action
13 today.
14

15 **CHAIRMAN FRAZER:** I understand that, but I guess I'm trying to
16 just work through the appropriate protocol right now, and so
17 we're going to need a motion to take this to final action,
18 right? Okay. If we can get that language. Ms. Levy.
19

20 **MS. LEVY:** While she's doing that, you do have draft codified.
21 Right now, it just has the 500 pounds with no step-down, because
22 you just added that, but we will update the codified and then
23 send it to the Chair to get re-deemed.
24

25 **CHAIRMAN FRAZER:** I understand. Okay. I think that's where we
26 need to be, and so we'll get the final touches on it. All
27 right, and so I will read the motion into the record. **The**
28 **motion is to approve the Framework Action to Modify Greater**
29 **Amberjack Commercial Trip Limits and that it be forwarded to the**
30 **Secretary of Commerce for review and implementation and deem the**
31 **codified text as necessary and appropriate, giving staff**
32 **editorial license to make the necessary changes in the document.**
33 **The Council Chair is given the authority to deem any changes to**
34 **the codified text as necessary and appropriate.** Again, any
35 additional discussion on this motion? We need a second. It's
36 seconded by Ms. Bosarge. Okay. Lieutenant Zanowicz.
37

38 **LT. ZANOWICZ:** Thank you, Mr. Chairman. I just wanted to chime
39 in, from an enforcement side. I don't see any major enforcement
40 concerns with this. However, it's always ideal for enforcement
41 when regulations remain static throughout the year, be it size
42 limits, bag limits, or, in this case trip limits, and so I can
43 foresee some confusion with the commercial trip limit changing
44 throughout the year, particularly with the red snapper amendment
45 that was passed at the last meeting, the Amendment 50, which is
46 a pretty dynamic thing, and so I can foresee some confusion, and
47 I don't think there is any major enforcement concerns, but I at
48 least wanted to mention that, for the council's attention.

1
2 **CHAIRMAN FRAZER:** Thank you for those comments. Any other
3 comments or discussion? Seeing none, we'll go ahead and do a
4 roll call vote on this.
5
6 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Ms. Boggs.
7
8 **MS. BOGGS:** Yes.
9
10 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.
11
12 **DR. STUNZ:** Yes.
13
14 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Swindell.
15
16 **MR. SWINDELL:** Yes.
17
18 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Robinson.
19
20 **MR. ROBINSON:** Yes.
21
22 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Crabtree.
23
24 **DR. CRABTREE:** Yes.
25
26 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Mickle.
27
28 **DR. MICKLE:** Yes.
29
30 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.
31
32 **MR. DYSKOW:** Yes.
33
34 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Schieble.
35
36 **MR. SCHIEBLE:** Yes.
37
38 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Shipp.
39
40 **DR. SHIPP:** Yes.
41
42 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Guyas.
43
44 **MS. GUYAS:** Yes.
45
46 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Sanchez.
47
48 **MR. SANCHEZ:** Yes.

1
2 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.
3
4 **MR. ANSON:** Yes.
5
6 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas is absent. Mr. Boyd.
7
8 **MR. BOYD:** Yes.
9
10 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Bosarge.
11
12 **MS. BOSARGE:** Yes.
13
14 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Diaz.
15
16 **MR. DIAZ:** Yes.
17
18 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.
19
20 **CHAIRMAN FRAZER:** Yes.
21
22 **EXECUTIVE DIRECTOR SIMMONS:** The motion carried sixteen yes and
23 one absent.
24
25 **CHAIRMAN FRAZER:** Okay. I think we can continue on, Martha.
26
27 **MS. GUYAS:** All right. Draft Framework Action to Modify the
28 Recreational For-Hire Red Snapper Annual Catch Target Buffer,
29 staff reviewed the framework action, including the purpose and
30 need and the recent landings, which show that the federal for-
31 hire component for red snapper has not exceeded its component
32 ACL since 2015.
33
34 Staff noted the difference between Alternative 2, which is ACT
35 set 9 percent below the ACL, and Alternative 3, which is ACT set
36 5 percent below the ACL, was based on the results of the ACL/ACT
37 control rule, reflecting more certainty in the landings for the
38 more recent time series in Alternative 3 versus Alternative 2
39 and that, for the duration of the time series used for
40 Alternative 3, the private angling and for-hire component
41 landings were monitored independent of one another. **Without**
42 **opposition, the committee recommends, and I so move, in Action**
43 **1, to make Alternative 2 the preferred alternative.**
44
45 **CHAIRMAN FRAZER:** Alternative 2 reads to apply the Gulf of
46 Mexico Fishery Management Council's ACL/ACT control rule, using
47 federal for-hire landings data from 2014 to 2017, to set the
48 component ACT buffer for the federal for-hire component. This

1 **results in a federal for-hire component ACT set 9 percent below**
2 **the federal for-hire component ACL.** That's a committee motion.
3 is there any further discussion on this motion? **Seeing none, is**
4 **there any opposition to the motion? Seeing no opposition, the**
5 **motion carries.**

6
7 **MS. GUYAS:** Staff will bring a final action version of the
8 framework action to the council for consideration in August
9 2019.

10
11 Public Hearing Draft Amendment 51: Establish Gray Snapper Status
12 Determination Criteria, Reference Points, and Modify Annual
13 Catch Limits, the committee reviewed four actions that would
14 establish or modify the status determination criteria and an
15 action to modify the ACLs.

16
17 Action 1 would establish a maximum sustainable yield proxy for
18 gray snapper. The SSC recommended that the MSY proxy be set at
19 the yield when fishing at F 30 percent SPR, based on their
20 review of the SEDAR 51 stock assessment. However, the committee
21 discussed that the biology of the species and the
22 characteristics of the fishery may allow for a lower MSY proxy,
23 which would allow for a larger harvest for a given stock size.
24 **Without opposition, the committee recommends, and I so move, in**
25 **Action 1, to make Alternative 2 the preferred alternative.**

26
27
28 **CHAIRMAN FRAZER:** Okay, and so Alternative 2 reads: For gray
29 snapper, the MSY proxy is the yield when fishing at 26 percent
30 spawning potential ratio. That is a committee motion. Is there
31 any further discussion on this motion? **Seeing none, is there**
32 **any opposition to the motion? Seeing none, the motion carries.**

33
34 **MS. GUYAS:** The committee also discussed Alternative 5 in Action
35 1, which would streamline the process of modifying the gray
36 snapper MSY proxy in the future based on a recommendation from
37 the SSC. This alternative would allow, but not require, the
38 council to accept an SSC recommendation for a new MSY proxy by
39 noting the change in a plan amendment.

40
41 **Without opposition, the committee recommends, and I so move, in**
42 **Action 1, to make Alternative 5 a preferred alternative.** Alternative 5 reads: For future assessments of gray snapper, the
43 MSY proxy equals the yield produced by FMSY or proxy recommended
44 by the Gulf of Mexico Fishery Management Council's SSC and
45 subject to approval by the council through a plan amendment.

46
47 **CHAIRMAN FRAZER:** Okay, and so is there any further discussion

1 on this motion? Seeing none, is there any opposition to the
2 motion? Seeing none, the motion carries.
3

4 **MS. GUYAS:** Next, the committee considered Action 2, which would
5 modify the maximum fishing mortality threshold. The committee
6 discussed that the MFMT should correspond to the MSY definition
7 in Action 1.
8

9 **Without opposition, the committee recommends, and I so move, in**
10 **Action 2, to make Alternative 2 the preferred alternative.**
11 **Alternative 2 is the gray snapper MFMT is equal to F 26 percent**
12 **SPR.**
13

14 **CHAIRMAN FRAZER:** We have a committee motion on the board. Any
15 further discussion? Seeing none, is there any opposition to the
16 motion? Seeing none, the motion carries.
17

18 **MS. GUYAS:** The committee reviewed Action 3, which defines the
19 minimum stock size threshold. The council previously selected
20 Alternative 4, which defines the minimum stock size threshold
21 for gray snapper equals 0.5 times BMSY. Likewise, the committee
22 reviewed Action 4 and noted they had previously selected
23 Alternative 2, Option 2c as preferred. Finally, the committee
24 considered alternatives in Action 5 that would modify the ACLs
25 for gray snapper based on the gray snapper stock assessment.
26

27 **Without opposition, the committee recommends, and I so move, in**
28 **Action 5, to make Alternative 2, Option 2b the preferred.**
29 **Alternative 2 is use the OFL and ABC yield stream associated**
30 **with the MSY proxy of F 26 percent SPR to set OFL, ABC, and ACL.**
31 **Do not set an ACT. Option 2b is apply the ACL/ACT control rule**
32 **(landings from 2014 through 2017) to establish an 11 percent**
33 **buffer between the ABC and the ACL. The ACL for gray snapper**
34 **for the years 2019 through 2021 will be reduced from the ABC by**
35 **11 percent.**
36

37 **CHAIRMAN FRAZER:** Okay, and so we have a committee motion on the
38 board. Is there any further discussion of the motion? Seeing
39 none, is there any opposition to the motion? Seeing no
40 opposition, the motion carries.
41

42 **MS. GUYAS:** Staff will hold a public hearing via webinar prior
43 to the August 2019 council meeting and prepare the document for
44 final action at the next meeting. Discussion of Commercial Crew
45 Size Requirements, staff reviewed the history of the crew size
46 restriction --
47

48 **CHAIRMAN FRAZER:** Hold on real quick. Ms. Bosarge, I'm sorry.

1
2 **MS. BOSARGE:** I was just going to ask if staff could maybe put
3 one more table in that document when we bring it back next time.
4 When we did the other status determination criteria document,
5 you had one in there for the MSSTs at the different levels, how
6 long it would take to rebuild the stock with no fishing, with
7 zero fishing, at each one of those levels, and I can get with
8 you and tell you exactly what table that was, but I just would
9 like to see it in this document too, so we know what we're up
10 against.

11
12 **CHAIRMAN FRAZER:** Staff, are you okay with that? Dr. Froeschke.

13
14 **DR. FROESCHKE:** I am, but it's not overfished.

15
16 **CHAIRMAN FRAZER:** Ms. Bosarge.

17
18 **MS. BOSARGE:** We had a table. When we did Amendment 44, and we
19 set the 50 percent of BMSY, you had a table in there, and I
20 might have it pulled up in front of me here, that said, all
21 right, at each one of those different levels of BMSY, and so 50
22 percent, 75 percent, blah, blah, blah, if it became overfished,
23 how long would it take to rebuild with zero fishing, how many
24 years.

25
26 **DR. FROESCHKE:** Okay. I got it.

27
28 **CHAIRMAN FRAZER:** Okay. Great. Martha, go ahead.

29
30 **MS. GUYAS:** All right. Staff reviewed the history of the crew
31 size restriction on dual-permitted vessels, which are vessels
32 with both a commercial and a charter/headboat permit for reef
33 fish. In 2012, the council increased the maximum crew size on
34 dual-permitted vessels fishing commercially from three to four.

35
36 The committee discussed the rationale for the restriction. It
37 was noted that the restriction serves as an impediment for dual-
38 permitted vessels to be used for catch share experience trips.
39 Presently, dual-permitted vessels engaging in catch-share
40 experience trips are limited by the commercial crew size
41 requirement. However, vessels with only a federal commercial
42 permit and no federal charter/headboat permit are not limited by
43 crew size. Permits can be transferred from one vessel to
44 another, with administrative time needed to conduct the permit
45 transfer between vessels.

46
47 Other Business, Red Grouper, Dr. Crabtree spoke with commercial
48 longline fishermen targeting red grouper during a session after

1 the meeting who expressed concern over the status of red
2 grouper, but also with the number of dead discards of red
3 snapper.

4
5 The question posed by the fishermen was whether it was possible
6 to apportion some amount of red snapper quota to avoid dead
7 discards from longline fishing by retaining those fish. Moving
8 the longline component of the fishery to a total-retention
9 fishery would remove the issue of dead discards, but would need
10 to be validated via observers, cameras, or some other suitable
11 approach.

12
13 This would necessitate providing some amount of red snapper
14 allocation to a vessel's account, and, once that allocation is
15 exhausted, that vessel would no longer be allowed to fish. Key
16 to a total-retention fishery would be high-quality validation
17 that no fish were being discarded, regardless of size or
18 condition, and that the vessel ceases all fishing activity when
19 its allocation is exhausted.

20
21 Discard mortality for red snapper from bottom longline vessels
22 is thought to be between 50 and 60 percent, due to the depths in
23 which fishing is occurring. The amount of quota for the
24 incidentally-caught fish would be determined through an analysis
25 by the Southeast Fisheries Science Center, which would identify
26 the total dead discards from longline fishing. That amount of
27 fish, in pounds, would be vetted by the council's SSC, and, if
28 approved by the council, added to the ABC and then apportioned
29 directly to the longline vessels.

30
31 The respective plan amendment would include an action for this
32 fleet-specific allocation within the commercial sector's quota
33 for red snapper. The committee decided to wait until after
34 hearing public testimony to discuss this topic further.

35
36 **CHAIRMAN FRAZER:** Okay. We have had public testimony. Does
37 anybody want to discuss this further? Ms. Bosarge and then Dr.
38 Porch. Dr. Porch, you get to go first.

39
40 **DR. PORCH:** Thank you, Chair. I just suggest putting at least
41 50 to 60 percent and not between 50 and 60 percent, because I
42 think I'm the one who said it, and the point was not just red
43 snapper, but just, in general, fish caught at those depths have
44 a high discard mortality rate, and it may actually be higher
45 than that for red snapper, especially when they're fishing in
46 600 feet of water, and so just replace "between" with "at
47 least", just to be consistent with what was actually said.

48

1 **CHAIRMAN FRAZER:** Okay. We can make that modification. No
2 problem. Ms. Bosarge.
3

4 **MS. BOSARGE:** I guess I will look over at Dr. Crabtree, since he
5 was the one that sort of brought this up. Is the grouper
6 longline fleet not interested in this anymore, and I can see
7 why, reading this. If it has to work that way, then yes, they
8 probably wouldn't be interested, because, once that allocation
9 that was issued to them individually is gone, and that's their
10 choke species, the bycatch of snapper, and they would have to
11 stop fishing for grouper, but I guess, in my mind, if you had
12 the -- If you were able to have cameras, or however you were
13 going to do the observation part of this, as long as they lease
14 the snapper quota, and they had coverage for their bycatch in
15 that way, they could still keep fishing, but I am just wanting
16 some discussion.
17

18 **CHAIRMAN FRAZER:** Dr. Crabtree.
19

20 **DR. CRABTREE:** Well, I can't gauge how interested they are.
21 There seems to be some interest by a couple of them, provided
22 they were allowed to lease extra red snapper quota and keep
23 fishing, which it seems to me, in concept, would be fine. I
24 think the key with this was that they were total retention, and
25 it was done in a way that kept us within the ABC and prevented
26 overfishing and those things, and so it does seem to me that
27 that would work, but whether the longline fleet as a whole --
28 How they feel about this, I don't know.
29

30 I don't know that they will decide how they feel about it,
31 necessarily, until we see the results of the assessment that is
32 going on now and what happens with their quota. If the red
33 grouper quota goes down further, then they may feel more urgency
34 in doing something. If it goes up, on the other hand, then they
35 feel less, but we do have a problem in the longline fishery with
36 discarded red snapper, and I think we have talked many times
37 about searching for ways to get more quota into those guys'
38 hands, but we just haven't figured out how to do it.
39

40 I don't know where they overall are, and I think we would have
41 to have more discussion with them, and I think they would need
42 to have a better understanding of how this is going to work. I
43 know Clay, last night, talked to a group of them and was going
44 to have them facilitate some sort of meeting between them and
45 some of the assessment folks, but that's the best I can tell you
46 at this point, Leann.
47

48 **CHAIRMAN FRAZER:** Kevin Anson.

1
2 **MR. ANSON:** Thank you, Mr. Chair. Dr. Crabtree or Dr. Porch,
3 there is some extra work that would have to be done in order for
4 something that you describe to come forward, and the timing of
5 this relative to, in part, some sort of relief to them -- I
6 guess I'm just trying to conceptualize or visualize that in my
7 mind, is to how long would it take to do something as described
8 in the committee report and actually get it on the ground and
9 actually in practice and what would need to be done, and does
10 that need to be done kind of simultaneous to the assessment?
11

12 I mean, would it help to start that now, or just wait the extra
13 couple of months? What is the cost? Where is the money going
14 to come from? I'm sure the agency is going to have to spend
15 some resources and staff time and such to review camera data, if
16 that's in fact what is selected, and how long would it take to
17 implement that? I know it's been done before in pilot studies
18 and such, but there is some big things that still need to occur
19 for this to come to be as it's described.
20

21 **DR. CRABTREE:** There would be some costs. There would be the
22 costs to the fishermen of putting the camera equipment onboard
23 the vessels, and I think that we could pull together cost
24 estimates on that fairly easy, because recall we had an EFP
25 application from Jason Delacruz a year or so ago, and part of
26 that was to put camera equipment on, and I think we could find
27 some estimates from the work we did on that.
28

29 Then there would be a cost to the agency, and someone would have
30 to monitor that stuff, to figure out and ensure if they are
31 total retention, and so we could look at that. It wouldn't
32 involve any substantial changes to the IFQ program, because we
33 would just be adding quota to existing accounts, and so I don't
34 think it has any substantial cost to that.
35

36 If you're interested in it, I think we could, in our LAPP
37 branch, could maybe trip to flesh out some of how this might
38 work in a little more detail and some of the decision points and
39 think about it, and we could have another discussion at the next
40 meeting. I mean, this isn't something that we could do very
41 quickly, because it would require an amendment.
42

43 We would have to figure out how to set aside in some fashion a
44 portion of the quota that would go into this and those kinds of
45 things, and then Clay is going to need to see if we can get more
46 recent observer data, so we get a feel for how many pounds of
47 fish we're talking about, but, if you're interested in pursuing
48 it, we could try to flesh out a little more substance to it and

1 talk about it again at the next meeting, I think.
2

3 **CHAIRMAN FRAZER:** Ms. Bosarge.
4

5 **MS. BOSARGE:** Being as at the next meeting -- The next meeting,
6 we'll get that red grouper stock assessment back? In October we
7 will, and so, yes, I think if we could maybe see something with
8 a little more detail fleshed out on maybe how this would work,
9 and just a small presentation, and not any kind of document, in
10 August, and, that way, that would give those guys a little time
11 to think about this before they see the results of that stock
12 assessment in October. If that's not rosy, which it may not be,
13 they have had time to maybe think about it and give us some
14 direction, if they want to try and look further into that.
15

16 **CHAIRMAN FRAZER:** Mr. Diaz and then Mr. Anson.
17

18 **MR. DIAZ:** For Dr. Crabtree, first off, Dr. Crabtree, I would be
19 interested in hearing more, if you all are willing to do the
20 work to get us some more information. I am just trying to
21 understand this full retention, and so I do understand what you
22 originally proposed on full retention, with the cameras and all,
23 but, after they exhausted that amount, we're talking about if
24 they lease some fish. If they were to lease fish to continue
25 fishing, would it still be full retention at that point? That's
26 what I am trying to figure out.
27

28 **DR. CRABTREE:** I think so. It seems to me the key to having
29 this work is that it's full retention, so that it's mortality
30 neutral, and so, if red grouper becomes overfished and it's in a
31 rebuilding plan, then they would have to be within their quota
32 for red grouper as well, but it does seem to me that it would
33 still be full retention, although, when I say full retention,
34 there would be exceptions to that.
35

36 I don't think we would want them to retain goliath grouper, and
37 clearly they're not going to retain sawfish and turtles and
38 things that have other protection, and they're not going to
39 retain sharks, for example, because that's HMS, but, in terms of
40 the reef fish that we're concerned about, we would want full
41 retention.
42

43 Otherwise, I don't know that you could consider it neutral, in
44 terms of mortality, but I can't think of a reason why, if one of
45 the vessels used up their red snapper allocation, and then they
46 leased some additional, and they had red grouper and grouper
47 quota, I can't think of a reason why they couldn't continue
48 fishing until they caught that.

1
2 **MR. DIAZ:** Thank you, Dr. Crabtree.
3
4 **CHAIRMAN FRAZER:** Mr. Anson.
5
6 **MR. ANSON:** Dr. Porch, I know you probably already thought of
7 this, but, to carry on those conversations, as Dr. Crabtree
8 mentioned that you had, just as soon as possible and try to make
9 sure you're both on the same page, so that, when you start
10 investing the time to come back with some of this information,
11 it's got a good focus and it's kind of within at least the ideas
12 of what the fishermen are thinking about, and that would be
13 great. Thank you.
14
15 **CHAIRMAN FRAZER:** Dr. Porch.
16
17 **DR. PORCH:** Yes, we have already started thinking about it and
18 started actually gathering the discard information, and, as Roy
19 alluded to, the biggest practical concern I have from the
20 science side is the expense to read all the video and make sure
21 that fish aren't getting discarded over the side, and, if we had
22 it, we would also want to use it to characterize the full
23 mortality.
24
25 **CHAIRMAN FRAZER:** Ms. Guyas.
26
27 **MS. GUYAS:** As you guys are thinking about this, I'm kind of
28 trying to think about species beyond red snapper too, and so we
29 know like mutton snapper -- Most of the fishery in the Gulf is
30 coming off of the bottom longline fleet, and there's only --
31 It's a pretty small quota, and maybe like 10,000 pounds of that
32 is recreational, and I'm trying to figure out how that plays
33 into this as well.
34
35 If they ended up meeting that quota because they are not
36 catching a ton of grouper and end up on more mutton snapper, is
37 that also a choke? I am just trying to think this through
38 beyond red snapper, because a lot of these guys are going down
39 to the Keys, and so they're encountering -- Yes, they're
40 encountering red snapper, but they're encountering a suite of
41 other things with small quotas as well.
42
43 **CHAIRMAN FRAZER:** Okay. Any additional comments here? At this
44 point, I just want to make sure that we're all on the same page.
45 Clay and Roy, in your shop, you guys are going to proceed, and
46 you don't need any additional direction or data requests or
47 anything from the council at this point?
48

1 **DR. CRABTREE:** No, and we'll try to have a brief PowerPoint that
2 goes through some of the nuts and bolts of this and some of the
3 complications and decision points, and then I was just talking
4 to Clay about trying to have the observer data up through 2018
5 at that point, so we can get some idea of the magnitude of the
6 fish.

7
8 Then I will ask Jessica to take a look at -- Because we're
9 talking additional red snapper being harvested, and that will
10 generate additional cost recovery fees, the 3 percent, and so
11 there would be some revenue that would come in, and so we'll try
12 to see if that might be enough that we could cover some of the
13 costs of reviewing the videos, and we'll see how that ticks up,
14 and then we'll try to also get some estimates of what the video
15 cameras would cost and maybe try to get someone with some
16 expertise to talk to us about how successful we could be with
17 cameras, in terms of verifying a full-retention fishery.

18
19 **CHAIRMAN FRAZER:** Okay. That's great, and so we'll expect to
20 get an update at the August meeting, and we'll put it on the
21 agenda. Any other discussion? Okay. Seeing none, go ahead,
22 Martha.

23
24 **MS. GUYAS:** Recreational Greater Amberjack, at the recent
25 Florida Fish and Wildlife Conservation Commission meeting, a
26 great deal of consternation was expressed about the lack of a
27 spring season in 2019 for recreational greater amberjack. This
28 issue was also talked about during the council's Reef Fish AP
29 meeting in May. The AP discussed a split quota, divided between
30 the fall and spring seasons. However, this approach does not
31 allow for a payback to the portion of the season which may
32 exceed its seasonal quota.

33
34 Generally, the AP desired a solution which would afford the
35 opportunity to fish for greater amberjack in both the spring and
36 the fall seasons, which could also include changing the
37 recreational fishing season back to the calendar year.

38
39 Committee members noted that, if the fishing season changes back
40 to the calendar year, fishermen in the western Gulf of Mexico
41 would lose access to the species in the fall if the recreational
42 ACT is caught in the spring season. One proposed solution was
43 to open the recreational season on May 1 and close it on May 20
44 until the fall season.

45
46 **CHAIRMAN FRAZER:** Is there any discussion about recreational
47 greater amberjack? Ms. Guyas.

1 **MS. GUYAS:** I will just put a motion out there, just to get the
2 party started, and let's just cut to the chase here. **My motion**
3 **would be to direct staff to develop a framework amendment for**
4 **recreational greater amberjack.** The purpose of the amendment
5 **would be to ensure May and fall harvest seasons.** This framework
6 **should include options including changing the fishing year,**
7 **fractional bag limits, and modifications to the current season**
8 **structure.** If I get a second, I can expound on that.
9

10 **CHAIRMAN FRAZER:** It's seconded by Dr. Shipp.
11

12 **MS. GUYAS:** Okay, and so, obviously, a lot of these things have
13 been explored in past amendments, and we attempted to do this in
14 our past work on the recreational greater amberjack season
15 structure and all that, and we didn't quite get there. The goal
16 was to have this May season and then have something happening in
17 the fall, and we fell short, and the fishery, at least in
18 Florida, has some serious problems because of that.
19

20 Really, my thought here is to, again, put all the options on the
21 table. We have already talked to someone about fractional bag
22 limits and changing the fishing year, and my thought about
23 modifying the current season structure is kind of going to the
24 point that I think Dylan Hubbard brought up about maybe you have
25 to shorten the spring part or the fall part a little bit to make
26 it work, but making sure we have opportunities in both May and
27 the fall.
28

29 **CHAIRMAN FRAZER:** Kevin Anson and then Dale Diaz.
30

31 **MR. ANSON:** I am on the fence a little bit about this, Martha,
32 this motion. We've just had one year, essentially, of this new
33 management style, or scheme, and I can empathize with the guys
34 in the Panhandle and how it affected and impacted their season
35 this year, this spring, but, you know, we tried to set it up
36 such that we could spread out that fish amongst the Gulf and
37 make it a little bit more accessible to other folks that
38 historically have not had access.
39

40 I think I mentioned it the last time we had this discussion, and
41 I will just mention it now, but, you know, talking about the
42 fall seasons, there was lots of desire amongst those same
43 Panhandle captains to have that October part of the year, so
44 they could have part of their October rodeo, at least in this
45 part of the world, and, I mean, it's just tough trying to please
46 everybody, and so I'm still on the fence. Thank you.
47

48 **CHAIRMAN FRAZER:** Mr. Diaz.

1
2 **MR. DIAZ:** Martha, is it your intention that the split seasons
3 would have their own quotas and we would set up paybacks
4 specific to those seasons?
5

6 **MS. GUYAS:** From my understanding when we talked about this
7 before, that's easier said than done, because we have annual
8 catch limits and accountability measures on an annual basis, and
9 so I think that was the idea that the Reef Fish AP brought up,
10 but I think, when we talked about that before, it's not been
11 feasible, and it looks like Dr. Crabtree is going to --
12

13 **CHAIRMAN FRAZER:** Sure. To that point, Dr. Crabtree?
14

15 **DR. CRABTREE:** The trouble with the split season is that the
16 fall season is only three months, and so, by the time you got
17 the catch estimate for the three months, it would be already
18 over, and so, if they caught too much, you wouldn't have a May,
19 and, if they didn't, then you would have a May, but it's not
20 like you can monitor it and shorten the fall season, because
21 they're catching too much, and it would have already all
22 happened, and so I don't think, practically speaking, that's
23 very workable.
24

25 **CHAIRMAN FRAZER:** Okay. Any further discussion on the motion?
26 Dr. Crabtree.
27

28 **DR. CRABTREE:** Now, we could project what we think they're going
29 to catch, but that, of course, is subject to a lot of error, and
30 then we could close it and find out that they caught a lot more
31 or less than we projected, and so --
32

33 **CHAIRMAN FRAZER:** Ms. Bosarge.
34

35 **MS. BOSARGE:** Pardon my ignorance, and I know this would undo
36 everything that we did, but I think the first thing is the
37 calendar year issue, right? If you want to have paybacks that
38 will go to, essentially, certain portions of the Gulf, because
39 that is who is fishing at certain times of the year, you've got
40 to get back on a calendar year, so that that lines up with your
41 seasons.
42

43 If you go back to a calendar year, and you split it 60/40 or
44 70/30, however you want to do it, with a portion of it being in
45 the spring or whenever you want it, and then a portion of it
46 being in the fall, to get both sides of the Gulf, then, if you
47 have overages, it would come off the next year, and you could
48 make it to where those overages would come off whichever portion

1 it came from, right, or no?

2

3 **CHAIRMAN FRAZER:** Ms. Levy.

4

5 **MS. LEVY:** I don't know if a payback is what you're talking
6 about, meaning, if you want to ensure -- What you're trying to
7 say is you want to ensure that each of these different seasons
8 has an opening. The problem is that we have to look at what
9 happened in the first season, whenever that is, and see if
10 there's anything left for the second season.

11

12 Whether the season pays it back the next year, you're still
13 looking at the total as you move forward, and so it can't be
14 like May went over by 100,000 pounds, and they're going to pay
15 it back next year, so we can let fall have their season minus
16 that 100,000 pounds. It's an annual catch limit, and we have to
17 stay within the annual catch limit annually, regardless of
18 whether we're going to pay it back the next year. We can't
19 knowingly go over once we know we've already caught it.

20

21 **CHAIRMAN FRAZER:** Mr. Sanchez.

22

23 **MR. SANCHEZ:** I have tried thinking about this hard this week,
24 and there is no quick solution. Whatever you do to benefit or
25 address an issue on one side of the Gulf, it seemingly impacts
26 the other side of the Gulf, and then you try to look at it from
27 a long game/short game perspective, and what do you do to
28 provide some, I guess, more immediate relief in the short run,
29 until we get to a more long-term solution to this that's
30 probably more long-term oriented, and then it brings you to
31 things that I've heard in public testimony about effort and do
32 we reduce effort, because apparently moving the start dates and
33 these things has consequences east or west Gulf.

34

35 Then you get to, all right, well, we've taken guesses on things
36 before in this experiment, or we've tried, and it apparently
37 hasn't worked real well for some folks, and do you reduce the
38 bag limit, as they said, and go to fractional bag limits,
39 something to try to stretch the season out?

40

41 Then, if we roll those dice, I don't know that one fish per two
42 persons, which seems to be what the collective masses were
43 asking for -- When we apply that, is that going to get us to
44 where we want to be? Is it going to be another failure, and
45 then what are our options there? One fish for twenty people? I
46 don't know. This is absolute madness.

47

48 In order to get, I think, the people most involved, the

1 stakeholders in this, I would like to see us put an amberjack,
2 and maybe throw triggerfish in there ad hoc together, and look
3 at this while we work on this document and get some direction
4 from the industry. Put them together and let them slug it out,
5 all sides of the Gulf, and come up with some solutions, because
6 I, for one, cannot find one that seems to work. I would love to
7 hear from the stakeholders.

8

9 **CHAIRMAN FRAZER:** Ms. Boggs.

10

11 **MS. BOGGS:** My personal opinion is I think we need to give the
12 current season at least another year to work, because I know
13 that August, September, and October can be volatile at best,
14 and, if you've got a year where you have a lot of tropical
15 occurrences in that timeframe, which is the peak of the season,
16 then May is going to look pretty good.

17

18 I talked to some of the captains in the fleet in Orange Beach,
19 and they tend to agree that let's give it some time and see how
20 it works, and I don't know how we're going to balance this,
21 because you've got one user group that wants May and August,
22 September, and October, and that's going to be tough to do, I
23 think. The fractional bag limit versus boat limits, my fleet is
24 split on that, and so I don't know what to say about that.

25

26 **CHAIRMAN FRAZER:** Ms. Guyas.

27

28 **MS. GUYAS:** Kind of to hit on that point a little bit, I think
29 some of the frustration that's coming out of this -- I mean,
30 last fall was a year where we had a major tropical event. We
31 had a Category 5 hurricane hit the group of people that are
32 fishing this fishery, and so they were out during the fall, and
33 then, once they were rigged up again to start fishing in the
34 spring, this closed, and triggerfish closed, and they're stuck
35 at the dock.

36

37 They have come and they've said this is an emergency situation
38 for them, and I'm sure that Dr. Crabtree can tell us why this
39 wouldn't qualify for an emergency rule, but this is a big deal
40 for this group of people.

41

42 **CHAIRMAN FRAZER:** Chris.

43

44 **MR. SCHIEBLE:** I would like to just say that we agree with Kevin
45 and Susan on this. I think we're doing so many things so
46 rapidly here, and how are we going to be able to track changes
47 if keep changing things within one-year periods, and we're
48 looking at a recovering fish stock, and how are you going to

1 know what's working, and how are you going to know what's not
2 working?
3

4 Secondly, I would like to point out, when you look at the total
5 landings from August, September, and October, Florida and
6 Alabama still caught two-thirds of the total, and Louisiana was
7 close to one-third, and then the rest is between Texas and
8 Mississippi, and so we're talking about a user group that needs
9 these fish in the spring, but yet they still managed to, through
10 a Category 5 hurricane, land that portion of the fish, and so I
11 think we need to wait a little bit.
12

13 **CHAIRMAN FRAZER:** John Sanchez and then Dr. Crabtree.
14

15 **MR. SANCHEZ:** Again, there is no easy solution, and I am mindful
16 that we have these unique differences east and west, and then
17 there's differences in the way that people pursue the fishery.
18 There is some big amberjack to the west, and you've got to go
19 further for them.
20

21 As you go to fractional bag limits, maybe it's not feasible
22 anymore to go that far for these things, and I am mindful of
23 these things, and then you go to the east, and they surely need
24 that season in the spring, and I don't know what gets us there,
25 and that's why I'm thinking that I would love to hear some input
26 from the people and get real creative with this, because, while
27 we're chipping away at finding the solution, as we go to maybe
28 something more of a long-term-oriented solution, like some
29 regional management down the road or something, then, while
30 we're disrupting all of this, we're disrupting the historical
31 landings and maybe shifting them around, and so I'm at a loss,
32 and I don't know what to do.
33

34 **CHAIRMAN FRAZER:** Dr. Crabtree.
35

36 **DR. CRABTREE:** I am thinking about timing, because we come back
37 in, and our next meeting is August, and so the fishery will
38 already be open, and so we're not going to get a bag limit
39 change before the fall season is over.
40

41 I guess, if you were interested in switching the fishing year
42 back to a calendar year, but then have the May season be short,
43 like two weeks or something, to ensure that you're still going
44 to have a robust fall season, you might could get that done and
45 get it in place before the fishery opened up in May, but I don't
46 see how --
47

48 I mean, we're not going to get bag limits, especially because we

1 aren't even decided as to what we would do anyway, and it would
2 be difficult to do anything, but the only balance I could see is
3 -- I know we're trying to achieve some balance between the east
4 and west and the fall and the spring, but the shift we made
5 tended to shift all of it to the fall, and so there might be a
6 way to have a smaller spring season and give them at least a
7 couple of weeks there and still have a pretty good fall season,
8 and it's just a matter of striking a balance, and it seems like
9 the balance may have gone further than we thought, but it's hard
10 for me to see how we would get something done that got them to a
11 May season without shifting the fishing year back.
12

13 Of course, it could work out that this year they don't catch as
14 many fish in the fall, and we could have a May season, and there
15 is just a lot of uncertainty in predicting that kind of thing.
16

17 **CHAIRMAN FRAZER:** Ms. Bosarge.
18

19 **MS. BOSARGE:** Roy, will our, I guess, ability to kind in-season
20 track these landings a little better, will that improve a little
21 next year, with the rollout of your logbooks? I am just
22 thinking about -- I mean, you all are trying to close this
23 season and make sure that season has some fish left, and will
24 that start to get better next year or not?
25

26 **DR. CRABTREE:** Well, we hopefully will have the charter guys
27 reporting next year, but I don't anticipate that we'll be able
28 to use those landings for a while, because the program is going
29 to have to have the validation and some of that.
30

31 Now, it might be though that, even before we use the program for
32 catch estimation, that we are able to use it to get some idea of
33 are catches higher than we projected or lower, and we might be
34 able to use it in a way to fine-tune projections, and so that
35 may be valuable. Of course though, that's still only one
36 component of the catch, and you've got the remainder, and so it
37 will help, I think, but I don't know if it will -- How much it
38 will help next year will depend on how smoothly the
39 implementation goes.
40

41 **CHAIRMAN FRAZER:** Kevin Anson.
42

43 **MR. ANSON:** I am going to support the motion, and I'm going to
44 support the motion in the spirit of talking about some things
45 and opening this document back up, essentially, but I think, as
46 we've gone into year-one, there has to be some recognition
47 amongst the guys that are coming to the table that there might
48 need to be some serious thoughts about the fall season and

1 making sure that there's opportunities for the rest of the folks
2 in the Gulf, and so I will be in support of the motion.
3

4 **CHAIRMAN FRAZER:** Okay, and so I'm just thinking about this a
5 little bit. I mean, at one point, there was some work done on a
6 very similar amendment, and so I was just talking to Dr.
7 Simmons. I am not sure that we could have a complete amendment
8 in place for the August meeting.
9

10 We could probably get to work on that, and we were trying to get
11 a Reef Fish AP meeting as well in October, but we're having a
12 hard time getting a quorum there, but perhaps, with both of
13 those things in concert, we can make a start on the framework
14 amendment and try to convene the Reef Fish AP and also make that
15 a topic of discussion, but it does get to Roy's point. If we go
16 that route, it's not going to happen quickly, and I'm not sure
17 we're going to be in a position to do anything in the short-
18 term, and so, Ms. Boggs.
19

20 **MS. BOGGS:** I just have a question, because, when the fishing
21 season changed and you went to the kind of split season, and I
22 heard a lot of testimony yesterday that they were promised, and
23 Martha's motion here says "ensure", and I don't know how you can
24 ensure anything. I mean, I don't want to give the fishermen
25 false hope, because, if you reset it to January 1 and in May you
26 overfish, then you cannot ensure that you're going to have a
27 fall harvest season, and I'm not going to support this motion.
28

29 **CHAIRMAN FRAZER:** Ms. Guyas.
30

31 **MS. GUYAS:** **Maybe a way to word that would be that the goal of**
32 **the amendment is to have a May and fall harvest seasons, if**
33 **that's --** It's a little softer, but I think everybody gets what
34 I am trying to say here.
35

36 **CHAIRMAN FRAZER:** Bob Shipp, are you okay with that change?
37

38 **DR. SHIPP:** Yes.
39

40 **CHAIRMAN FRAZER:** Okay. Dr. Crabtree.
41

42 **DR. CRABTREE:** I will support the amendment. I mean, Susan is
43 right. There is no way to guarantee any of this, but you can do
44 things that increase the likelihood that you will have those,
45 but, to be sure you're going to have those seasons, you would
46 have to set it up in a way that had really big buffers, and so
47 that means that, most years, you may leave fish uncaught at the
48 end of the year.

1
2 **CHAIRMAN FRAZER:** To that point, I think those types of
3 discussions could be had in the AP committee meeting. Mr.
4 Swindell.
5

6 **MR. SWINDELL:** In Louisiana, Patrick and the Department of
7 Wildlife and Fisheries have used three-day weekends as a good
8 way to lengthen the harvest season. Would there be any
9 consideration for using three-day weekends in the month of May
10 for this particular motion?
11

12 **CHAIRMAN FRAZER:** I think those are the types of discussions
13 that would be fleshed out in the amendment itself and the
14 discussions with the AP, Ed. Okay. Is there any further
15 discussion on this motion? I am going to have a show of hands
16 on this one. **All those in favor of the motion, signal by
17 raising their hand; all those opposed. The motion carries nine
18 to six.** Go ahead, Martha. Excuse me. Dr. Stunz.
19

20 **DR. STUNZ:** I just want to throw something out there, and I
21 wanted to dispense of that motion first, and, every time this
22 sort of has come up, I have said that amberjack is like the
23 poster child for regional management kind of thing here, and so,
24 while I know we're dealing with sort of some immediate issues
25 and some more concerns of the fishery, I really think we need to
26 start talking about, whether it's an EFP or whatever we need to
27 do, and I know the regional management of red snapper is still
28 not really even underway, outside of its own EFP, but I think we
29 really need to start going down that road, and, maybe out of
30 this AP discussion it will come up, but that would solve a lot
31 of these problems, where, of course, it's going to be an
32 allocation issue, just like red snapper, but I think we've sort
33 of had some of those battles already, hopefully, and can work
34 through an easier process.
35

36 It gets around a lot of these issues with all these nuanced
37 state differences and seasons that you have, and I don't know.
38 It just seems like a reasonable way to go, and I know that's
39 another big amendment to swallow kind of thing, but I think, at
40 some point, we've got to be realistic that, through a broad,
41 one-size-fits-all, we're probably never going to get there with
42 amberjack, because of all these issues that, obviously, just
43 keep coming up. Again, I'm not ready to do anything at this
44 point, at this meeting, but I think it's certainly something
45 that that AP needs to have some serious discussion on.
46

47 **CHAIRMAN FRAZER:** Ms. Guyas.
48

1 **MS. GUYAS:** On that topic, because it has kind of come up in
2 some discussions that I've had, and I think it's an interesting
3 idea. I don't think we're there yet. I mean, in Florida and
4 Louisiana, there is data collection for amberjack beyond MRIP,
5 but nowhere else, at least to my knowledge, and so, if we're
6 going to go down that road, like we did with red snapper, we've
7 got -- We have some ways to go, I think, with data, and it's
8 just interesting, right? Like there's charter components to
9 this, and there is private, and it may be a little different
10 than red snapper, if we end up going down that way, but I hear
11 what you're saying, and yes.

12
13 **CHAIRMAN FRAZER:** Okay. We will go ahead and continue on with
14 the almaco jack.

15
16 **MS. GUYAS:** All right. The South Atlantic Fishery Management
17 Council recently established a commercial minimum size limit for
18 almaco jack of a twenty-inch fork length, and the Florida Fish
19 and Wildlife Conservation Commission is establishing a
20 consistent size limit for state waters.

21
22 Gulf fishermen have asked the FWC for a similar minimum size
23 limit to be established in the Gulf. Committee members noted
24 that the species is becoming more popular regionally by
25 commercial and recreational anglers and as a candidate for
26 mariculture.

27
28 **CHAIRMAN FRAZER:** Okay. This was brought up as an Other
29 Business item. Does anybody want to discuss it further at this
30 meeting? Leann.

31
32 **MS. BOSARGE:** Do we have to have a motion to have something
33 brought back to us to discuss this further, or no?

34
35 **CHAIRMAN FRAZER:** Dr. Simmons.

36
37 **EXECUTIVE DIRECTOR SIMMONS:** Yes, it would be nice to have a
38 motion, so we have some clarity as to what you would like us to
39 look at. I think the South Atlantic only did this for the
40 commercial sector, and I could be -- Just maybe a little bit
41 more. If you want to see something, just tell us a little bit
42 more what you would like to see.

43
44 **CHAIRMAN FRAZER:** Ms. Bosarge.

45
46 **MS. BOSARGE:** I think that we should look at a minimum size
47 limit, and I'm not sure what the South Atlantic's rationale was
48 for just doing it on commercial. Maybe they predominantly have

1 only commercial landings of this species, and I don't know what
2 Florida is going to do, if they're going to do commercial and
3 recreational, but we had some testimony about it, and they said
4 it's pretty easy to string up some small fish, and so I think
5 that would be a wise move, from a conservation standpoint.

6
7 I know we tend to get into a lot of stuff when we look at
8 anything in a document, and so I did ask those guys -- I said,
9 now, is that all you're wanting to look at, is a minimum size
10 limit, and are you not wanting any kind of trip limits or
11 anything like that, and they were like, no, we don't want trip
12 limits. We just want to make sure that people don't bring in
13 small fish, and so I will put that out there.

14
15 **CHAIRMAN FRAZER:** Ms. Beckwith, do you want to weigh-in on this?

16
17 **MS. BECKWITH:** This was a request that came out of our visioning
18 process, and it was a request by the commercial industry to us
19 directly, and so we just agreed with it and moved on, but it was
20 not a request from the recreational.

21
22 **CHAIRMAN FRAZER:** I guess I'm just thinking about that, and
23 there is some language, obviously, some perhaps template type of
24 language, that would be available from the South Atlantic
25 Council to start things. Martha.

26
27 **MS. GUYAS:** First, just to clarify what my commission did. They
28 approved setting the same minimum size limit for commercial
29 harvest on the Atlantic coast, and then the discussion was,
30 based on the testimony that they got, of, hey, can you talk to
31 the Gulf Council about doing this on the Gulf side, just because
32 people were supportive of that, and it wasn't really clear what
33 people were asking for, if it was recreational or commercial,
34 and we heard both in testimony yesterday.

35
36 I mean, I'm kind of wondering if it might be good to start just
37 with like a white paper kind of thing about -- Learn a little
38 bit more about this stock. We don't talk about it very much,
39 and maybe learn a little bit about what the South Atlantic did
40 and their rationale and life history and basic stuff, and then
41 see where we want to go after that.

42
43 **CHAIRMAN FRAZER:** Ms. Bosarge.

44
45 **MS. BOSARGE:** I guess, if I'm going to make a motion, I think I
46 would make a motion to -- If it's possible, let's put this on
47 the SSC's agenda, because I think it is kind of crazy for us to
48 just grab a size limit out of the air, and I would like some

1 scientific feedback on when do they mature, at what size, and
2 what do think are some options, maybe, and so let the SSC take a
3 look at this, and then it will be in our SSC report, and we'll
4 have some more information on the biology.
5

6 **Surely, if we're using aquaculture for this stock, we know what**
7 **size it matures at, and so the motion would be to put this on**
8 **the SSC agenda for them to discuss minimum size limits and give**
9 **us some feedback.** I've got a second. Okay.
10

11 **CHAIRMAN FRAZER:** We've got a second for the motion from Dr.
12 Mickle, but I see John Sanchez has his hand up.
13

14 **MR. SANCHEZ:** That was an attempt to second it.
15

16 **CHAIRMAN FRAZER:** Okay. Then we go back to Dr. Mickle.
17

18 **DR. MICKLE:** I appreciate it, and I think it's a good idea, and
19 we always try to use the best available science. Being almaco
20 jack, I know very, very little, almost zero, about this species,
21 but I would assume, based on the interest in mariculture, that
22 there is a lot of scientific literature out there on
23 reproductive capabilities and age class and all that, and so I
24 think it won't even be that large of a task to drum up the
25 literature out there, I'm guessing, just because of the interest
26 from the aquaculture side and their knowledge from the
27 ecological standpoint as well. Thank you.
28

29 **CHAIRMAN FRAZER:** Okay. Is there any further discussion on this
30 motion? **Seeing none, is there any opposition to the motion?**
31 **Seeing none, the motion carries.** Mr. Diaz.
32

33 **MR. DIAZ:** It's just a comment for Dr. Simmons. I don't know if
34 this would be a good candidate to do that or not, but, in the
35 past, you all have done some of those hot-sheets, and I find
36 those are really helpful for me when I'm going through the
37 briefing book to see it, and, if you all could, and you wouldn't
38 mind putting together a hot-sheet on this almaco jack, I think
39 it would be beneficial for me. Thank you.
40

41 **EXECUTIVE DIRECTOR SIMMONS:** We can do that.
42

43 **CHAIRMAN FRAZER:** Kevin.
44

45 **MR. ANSON:** Just briefly, that's what I was -- I wasn't quick
46 enough to make a comment to that in the motion, was to add some
47 sort of additional information that the SSC would review, but
48 then also would be carried to the council that we could have to

1 kind of look at landings and some general biology and that type
2 of thing, and that would be helpful. Thank you.
3

4 **CHAIRMAN FRAZER:** I am looking at Dr. Simmons, and we can
5 accommodate that? Go ahead, Carrie.
6

7 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. I think
8 we're -- I would have to look at the agenda again, but I think
9 we're pretty close to having the July agenda finalized for the
10 SSC meeting, and so we can see if we can squeeze this in, but it
11 may not happen until September, but we can get something
12 together.
13

14 **CHAIRMAN FRAZER:** Okay. Ms. Guyas, is that the end of the reef
15 fish report?
16

17 **MS. GUYAS:** Mr. Chair, this concludes my report.
18

19 **CHAIRMAN FRAZER:** Thank you so much. Okay. We're at the end of
20 our agenda. Is there any other business? Dr. Mickle.
21

22 **DR. MICKLE:** I just want to take this opportunity to thank Doug
23 Boyd for his service. I never got a chance to. Two years ago,
24 to this week, actually, I was -- We were at our meeting in
25 Naples, and it was my first meeting with my training wheels
26 completely off, on my own, and I sat next to Doug, and we didn't
27 vote the same way on a single item, and he was encouraging, and
28 he respected my opinions, and he thanked me for the honesty that
29 I provided, when he brought up to me why I voted certain ways,
30 and he respected my opinion, and so I just wanted to thank you,
31 and I appreciated that, and it's always nice to have senior
32 leadership when you're scared and just starting something out of
33 this caliber, with this level of respect. Thank you, Doug. I
34 appreciate it.
35

36 **CHAIRMAN FRAZER:** I would just thank Doug, and I think everybody
37 is appreciative of your service, and it will be a loss not
38 seeing you at the table, but the best of luck moving forward.
39 All right. If I don't see any other business, the meeting is
40 adjourned.
41

42 (Whereupon, the meeting adjourned on June 6, 2019.)
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