GULF OF MEXICO FISHERY MANAGEMENT COUNCIL
SUSTAINABLE FISHERIES COMMITTEE

Omni Hotel                                 Corpus Christi, Texas

August 20, 2018

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Paul Mickle (designee for Joe Spraggins)..........Mississippi
Kevin Anson (designee for Scott Bannon)...............Alabama
Dale Diaz........................................Mississippi
Dave Donaldson....................................GSMFC
Tom Frazer........................................Florida
Andy Strelcheck (designee for Roy Crabtree)........NMFS
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The Sustainable Fisheries Committee of the Gulf of Mexico Fishery Management Council convened at the Omni Hotel, Corpus Christi, Texas, Monday morning, August 20, 2018, and was called to order by Chairman Paul Mickle.

ADOPTION OF AGENDA

APPROVAL OF MINUTES

ACTION GUIDE AND NEXT STEPS

CHAIRMAN PAUL MICKLE: I would like to convene the Sustainable Fisheries Committee, which is made up of the members of myself, Dr. Stunz, Mr. Anson, Ms. Gerhart today, Mr. Diaz, Mr. Donaldson, Dr. Frazer, and Mr. Swindell, I think, is calling in correct, or is webinar present, and is that true or not? All right. I would like to direct everyone to Tab E, Number 1, Adoption of the Agenda.

MR. DALE DIAZ: So moved.

CHAIRMAN MICKLE: Do we have a second? It’s seconded. All right. Next, let’s move through Approval of the Minutes, Tab E, Number 2.

MR. DIAZ: I move that we approve the minutes.

CHAIRMAN MICKLE: It’s been moved and seconded. Any opposition? All right. The agenda, moving through the rest, we’ll go through the Action Guide and Next Steps, and then we have a draft abbreviated framework action of the historical captain endorsements, and then we will review the Senate Bill 3138. With that, I will move on to Item Number III, Action Guide and Next Steps, Tab E, Number 3, and Mr. Atran.

MR. STEVEN ATRAN: Actually, you just did it.

CHAIRMAN MICKLE: Okay. Well, I’m just keeping it moving. I didn’t want to steal your thunder though by what I just did. All right, and so, continuing on, Number IV is Draft Abbreviated Framework: Conversion of Historical Captain Endorsements to Federal For-Hire Permits, Tab E, Number 4, and Dr. Froeschke.

DRAFT ABBREVIATED FRAMEWORK ACTION: CONVERSION OF HISTORICAL CAPTAIN ENDORSEMENTS TO FEDERAL FOR-HIRE PERMITS

DR. JOHN FROESCHKE: Good morning, again. I will just start off with a brief background on this document and how it came to be, since we have some new members and things change fast. We began working on this in response to some public comment that we
we had a number of people that spoke that these historical captains have been fishing under these permits and these additional requirements under the historical captain endorsement for a long time. The purpose and need of the original permit moratorium has been met, and they would like to see these guys converted to regular permits.

At the April meeting, we prepared a short presentation describing the number of permits and the likely -- How many people would be affected and those sorts of things. You didn’t look at this in June, because there was just not enough time to get this on the schedule, and now we are back with a draft document.

Briefly, this is a draft abbreviated framework. The background and information is complete, but we haven’t done any of the effects analysis, and so I’ll be asking you about the timing of the document and if you have recommendations or if you’re happy with the current status of this. If you are, we could complete the document and bring it back in October, and so I’ll be asking you about that.

Just for your information, it is an abbreviated framework, and so the format is a little bit different, in terms of they are not actions and alternatives in the way that you are typically used to seeing documents. They’re just a single paragraph reflecting what the council may elect to do if they were to take action on this.

What I would like to do is just give you a little information about this, the background. As you are likely aware, there was a moratorium put in place in 2003, and this was in response to a concern that the for-hire fleet was overcapitalized, and the idea was that, through attrition, we could reduce the size of the for-hire fleet, through time, and this was reauthorized in a subsequent amendment, and this affects both the reef fish and CMP permits. Most captains have both of them.

As part of the original document, there was a historical captain endorsement, and that’s what the focus of this is today, and so the terminology is a little bit confusing here, because there is a permit, and this is called an endorsement, but it’s really not in addition to the permit. It’s just a separate thing, and so the terminology is a little bit conflated, and so I apologize for that, but that’s the way it is.
If you scroll down to Table 1.2.1, this is just a short table that sort of summarizes some of the differences between a for-hire permit and a historical captain endorsement. One thing that’s different is the for-hire permit is attached to the vessel, and the historical captain endorsement is attached to the captain. That does have some ramifications.

The for-hire permit is fully transferable, meaning, if I had one, I could sell it to anyone else, whereas the historical captain permit is really not, and so, if you look down there, there essentially is no resale value for a historical captain endorsement, where there is for a permit and for a for-hire vessel.

Another limitation of the historical captain permit, or endorsement, and I’m confusing myself, is that the captain must be aboard the vessel in order to make a for-hire trip, whereas the for-hire permit, because the permit is attached to the vessel, they can have another licensed captain make the trip if they need to or want to.

One thing that’s consistent is the passenger capacity, and so, when both the permits and the endorsements were initially put in place in the early 2000s, the permit capacity was associated with the Coast Guard vessel capacity at the time. Because the for-hire permits are transferable, the permit may be associated with -- It may have a different capacity than the vessel, and so, for example, if you originally owned a twenty-five-person vessel, but now you own a six-pack, you may have a larger permit than what you are fishing, but those can be sold.

The same thing was done with the historical captain permit, although you don’t transfer it around, but, in some cases, the passenger capacity of the endorsement or the permit may be different than what they’re actually either fishing on, in the case of the historical captain endorsement, or what the vessel is assigned to, but it’s the lower number, and so, if your endorsement is for six passengers and you’re on a large boat, you can still only take six passengers.

What the council had previously discussed was, if we were to do this for the historical captains, whatever capacity they have on their current endorsement, we would just maintain that going forward. If you go down to -- I am going to jump around for just a moment here.

Figure 1.2.3, and I will try to make sure that I explain what this is, and you have seen this before, but what this is, it’s a
chart, and this refers just to the historical captain endorsements, and there are thirty-seven of these endorsements across roughly nineteen vessels, and so, with the exception of one vessel, as of March when we looked at this, the vessels have both reef fish and CMP permits, and so there is nineteen vessels with reef fish endorsements, and then eighteen of the nineteen also have a CMP endorsement, and so totaling to thirty-seven.

The blue bars in this case, the tall blue bars, are the capacity of the endorsement, and then the green bar is the capacity of the vessel that the captain has the endorsement on, and so, in the cases where you just see a green bar, that means the same. For most of these, they have a six-pack capacity and they’re on a six-pack vessel. However, these large blue bars mean that they’re on a six-pack vessel, but they might have a larger permit. Based on the council’s previous discussion of this, our intent was that we would just maintain -- Whatever that capacity was, we would just maintain that going forward.

Below that, there is a paragraph, and this is really the meat of what we’re proposing to do. Again, there’s not an actions and alternatives kind of thing, because it’s an abbreviated framework, but, essentially, what we would do is we would convert the historical captain endorsement into just a standard for-hire permit, and so all these captains would just be awarded the same either reef fish or CMP permit, with all the rights and responsibilities, meaning they would be able to sell it or transfer the permit, unlike their current historical captain endorsement.

CHAIRMAN MICKLE: Sorry to interrupt, but we delved into this, if I am recalling, at the end of January of this year in New Orleans, and we really got pretty deep into this and had a lot of discussion. We have some new members on the council, and I would just like to talk a little bit of where we’re headed with this.

It’s an abbreviated framework, and so it doesn’t have the actions or anything, but, as Dr. Froeschke informed us, this is kind of where it is at this point, but, again, just trying to revive my mind to what I have read, it’s a total of thirty-seven, and there is currently, right now, at least in 2017, 1,376 total federal reef fish permits, and is that correct, and so that comes up to 2.7 percent, which is thirty-seven of that number, and so we’re dealing with a very small -- Just to put it in relatively of what we’re dealing with here, and so, with this historical permit number, it’s a small group, but they have contributed in the fishery a long time, but, again, this was
brought up, I guess about a year or a year-and-a-half ago, and then we really dove into it the beginning of this year.

Just to revive that, because it’s been a little while, but there was discussion on -- Well, we can delve into this as soon as Dr. Froeschke is done, but the Table 1.2.1, which he went over, is kind of the discussion points of whether those captains are required to be aboard the vessel on a for-hire trip and whether that needs to happen and what that will change, and then the transferability and the resale value, but the big discussion point, if I’m not mistaken in New Orleans, was, again, those number of -- Going from a six-pack, and these folks have been fishing, and they have a very large passenger capacity associated with their historical permit, which would create a big change with what they’re currently fishing at.

DR. FROESCHKE: Just while I’ve got it here, Figure 1.2.1, this only goes back to 2008, but, essentially, what this is, it’s the number of vessels over time, and it shows the -- These are of the for-hire permits and not the historical captains, and it reflects this terminal year of this 1,376 permits, based on the last time we looked at this.

What you can see is, through attrition, it has declined, as expected, over time by about fifteen-and-a-half percent in this 2008 through 2017 time period. If you look at the figure right below this, when you first look at it, it looks very similar. This applies to just the historical captain endorsements. However, when you crunch the numbers, what you will see is that the rate of decline is about three-times the rate of decline of the vessels with the full for-hire permit, and so it’s consistent with the concept that it is imposing some sort of burden on these guys.

CHAIRMAN MICKLE: Mr. Diaz.

MR. DIAZ: I would like to talk a little bit about this Figure 1.2.3 for just a second. Generally, I am in support of doing this and letting these guys with this endorsement get a regular permit, but my thinking up until now is that I did not want to increase the fishing capacity by a whole lot.

Say one of these guys that has got a permit, an endorsement, for up to 150 folks, but he’s only fishing on a six-pack right now, he could sell that endorsement, and somebody could make a headboat and fish 150 off of that headboat.

That one six-pack boat now, if they sell it and that was to
happen, that turns into twenty-five -- That’s the equivalent of twenty-five six-pack boats fishing, and so we’re upping -- I am not that thrilled about that. I like the idea of doing that, but I would rather it be where we -- Maybe we could have an option in the paper, when you develop it, to let them have the capacity it goes with or with the capacity they are currently fishing on, and then at least we would have an option of capping the fishing effort where we’re at. If we don’t, I mean, potentially, we could add a lot more fishing effort, and that was not my intention. Thank you.

CHAIRMAN MICKLE: Dr. Froeschke.

DR. FROESCHKE: We had talked about that, and we certainly can add that to the document, and we even had it in at least the presentation as an idea of something to talk about, but we certainly can add that back in.

At this point, essentially, that’s a summary of the information that we have. Other than what Mr. Diaz has just talked about, are you satisfied with the structure and the scope of the document?

CHAIRMAN MICKLE: Any discussion on that request of being satisfied with the current -- I mean, really, we need to discuss how high on the radar does this get. Do we have the ability to go from an abbreviated framework to a framework because of this potential -- Does that give us more liberty in the analysis to see -- You know, bring in socioeconomic stuff or -- I don’t really understand the options of going from abbreviated to a straightforward framework. Thank you. Ms. Gerhart.

MS. SUSAN GERHART: I don’t think we need to change. You can put other options in here. We had designed this document based on the conversation at the last meeting, which was to keep the permit capacity what it was, or the passenger capacity what it was, on the endorsement, and so that’s why we didn’t have options in there, because we thought that decision had been made, but, if you would like to see options for the different passenger capacities, then we can add there, and it can still be an abbreviated framework. It doesn’t have to change the document type.

CHAIRMAN MICKLE: All right. Does anybody have any opposition to that? Dave Donaldson.

MR. DAVE DONALDSON: Thank you, Mr. Chair. I don’t know if I would necessarily have any opposition to it, but, if Ms. Gerhart
said that we had decided at the last meeting that we would essentially do what Dale is talking about, I would say we continue down that path without having to add more options and make it more complicated, but I don’t recall if we -- I don’t remember if we did or not, if we came to consensus about that.

CHAIRMAN MICKLE: Robin.

MR. ROBIN RIECHERS: I am not on your committee, but what I think they came to a consensus on was that it would go to the passenger capacity of the original, when it was originally permitted. I think what Dale or Paul is suggesting is that it goes to the current vessel capacity, and so that would just be a subtle change in the council’s previous decision.

CHAIRMAN MICKLE: Ms. Levy.

MS. MARA LEVY: You can certainly add an option to do that. I mean, just from a practical perspective, these historical captains could potentially now transfer it to another vessel that they’re going to be on that would have a higher passenger capacity, right, and so, wherever they transfer it, it has to be to the vessel that they are operating, but the ones that have a passenger capacity of 150 could presumably, tomorrow, put it on a boat that has a passenger capacity of 150, but they wouldn’t be able to transfer it to anybody else, and so keeping the original passenger capacity and making them fully transferable gives value to these permits that they don’t currently have, but it doesn’t necessarily change the fishing effort that could potentially happen, because, right now, that same fishing effort could potentially happen, but it would just be limited to having that captain onboard.

CHAIRMAN MICKLE: Mr. Anson.

MR. KEVIN ANSON: I agree with that, but I think it’s my understanding that, if we go through this action and allow them to be transferable, that’s a value in and of itself, and then you have a secondary value, or an increase in the value, if you will, if you were to keep or maintain the capacity for which the permit is rather than reducing it, and so, as far as a compromise thing, I think, as Dale said, we ought to put that option in there to look at it for the secondary way, or at least capping it at the current vessel capacity.

CHAIRMAN MICKLE: Yes, and so we have the current, and there is historical capacities, and there is some compromise there, but I have never -- Although I haven’t had any interaction with any of
these folks outside of my state, and so I get nervous when I
don’t get a lot of feedback on our decisions, but kicking this
along, kicking the can, as we’ve heard on the record lots in the
past, is something to do, but the council makes things
complicated. We could wrap this up, and it’s something crazy,
and I definitely don’t want that to happen, but there’s got to
be that middle road where compromise is, and so I think that’s a
good option. Dr. Frazer.

DR. TOM FRAZER: Just for John, and so the thirty-seven
currently, I guess valid historical captain’s license, the
capacity for all thirty-seven of those, the ones that they are
fishing, are on a six-pack at this point?

DR. FROESCHKE: Not necessarily, and so, in the figure -- The
green bars there, keep in mind that each bar represents a permit
or a vessel capacity, and so, since some of those permits are
two permits on one vessel, they are duplicative in some ways,
but most of them are currently on six-pack boats, but not all of
them. There are a few of them that are on larger, but there
aren’t any on the big headboats.

CHAIRMAN MICKLE: There is a total of six that are fishing
beyond a six-pack capabilities, on the captain itself and not
the vessel, remember. Mr. Anson.

MR. ANSON: I have a question for John. Dr. Froeschke, not to
make it too complicated, but the capacity on the reef fish
permit is the same as the capacity on the coastal migratory
pelagic permit for each of these captains?

DR. FROESCHKE: Yes. You can see on there that the really tall
bar -- That’s the same vessel, but it just has two permits.

CHAIRMAN MICKLE: Mr. Strelcheck.

MR. ANDY STRELCHECK: I am not opposed to looking at multiple
options. I guess keep in mind that, under the standard for-hire
permits, they can do the same thing here as well, where they
have the vessel capacity that’s much lower than their permit
capacity, and so, if that gets transferred, they, naturally,
could increase the capacity on the fishery.

One suggestion I would offer for staff is the graphics show
number of vessels, and it would probably be worthwhile looking
at passenger capacity in total and how that has changed over
time as well, as well as the actual permit capacity, just to get
a read, because we have a couple of competing forces here. One
is the concern about increasing passenger capacity with transfers, but then we also have a decline in permits, and so we're losing capacity simply because of lost permits.

CHAIRMAN MICKLE: Madam Chair.

MS. LEANN BOSARGE: I think we were hoping that the next time we brought this document to you, and, Carrie, correct me if I’m wrong, that we would notice it for final action, and so I think this is a good, healthy discussion.

What I’ve gotten thus far, and, since we don’t have any motions, let me just make sure we’ve got this. You want us to bring you this document back with an action in it that explores some alternatives for what we’re going to do with current vessel capacity versus historic permit capacity, and I think what is really maybe kind of scaring us is this 150 number, and I’m looking at this graph, and so I see two of those bars that go up to 150, and so I assume that’s this one particular individual that has a reef fish permit with a capacity of 150 and a CMP permit with a capacity of 150.

I was just kind of trying to think of another middle ground. If there was like a cap, if you all are more comfortable with that fifty or -- Let’s see. I guess some of those guys are at maybe seventy, a capacity of seventy or something like that, and that’s the next lowest, and so, I mean, if that could be something that maybe they could bring us back too, that, if you have a capacity above this, it doesn’t matter and we’re capping it at seventy.

CHAIRMAN MICKLE: Thank you, Madam Chair. My question is a question of protocol. At what point does this -- Now we’re talking about actions, and then we’re going to -- Madam Chair has dropped an alternative, right, and so at what point do we lose the abbreviated framework and now we’re in a framework, and, at this point, what’s the difference? Ms. Gerhart.

MS. GERHART: The abbreviated framework has to do with the NEPA process, and so it’s whether the action is categorically excluded or not, meaning that it falls under -- In this case, it falls under an administrative action, which is categorically excluded from the NEPA process, and so that’s where we’re getting at with this abbreviated framework, is that we don’t have all the extensive analysis required by NEPA because of the type of action that it is. If we start doing some things that have more significant impacts, then that’s what changes the type of document it is, kind of in a nutshell.
CHAIRMAN MICKLE: Significant impact. All right. Doug.

MR. DOUG BOYD: Thank you, Mr. Chairman. I’m not on the committee, but I do have a question for NMFS staff. Hypothetically, if a captain’s endorsement is for the capacity that would allow that person to fish a headboat, and we do this and they sell that permit, could the purchaser of the permit then establish a new headboat, a new fishing boat, whether it’s designated as a headboat or not, that would increase the capacity in the fishery?

MR. STRELCHECK: The answer is yes, and that would be consistent with the standard permits in the fishery as well. There is many permits, six-pack vessels, that have much larger permit capacities than they actually have passenger capacities.

CHAIRMAN MICKLE: Dr. Frazer.

DR. FRAZER: Kind of along those lines, what is the difference in the value of a permit that is transferred for a six-pack captain versus one that is a 150-passenger capacity?

CHAIRMAN MICKLE: I don’t think it -- Well, we would have to request that information, I think, but I guarantee they’re not the same.

DR. FRAZER: So do I.

CHAIRMAN MICKLE: Council Member Boggs. Welcome.

MS. SUSAN BOGGS: Well, the norm in the industry is the passenger capacity is anywhere from $1,000 to $2,000 per person.

CHAIRMAN MICKLE: Ms. Gerhart.

MS. GERHART: I just wanted to clarify, when I was speaking earlier about the abbreviated framework, I spoke from the NEPA standpoint. Mara reminded me that there’s also the council document.

We have a framework procedure for each of these FMPs that outlines what can be done under an abbreviated framework versus a regular framework or a plan amendment, and so we have a list of things that can be done under the abbreviated framework, and this type of action falls under that as well, and so it’s also within what the council itself decides it wanted to do that way.
CHAIRMAN MICKLE: Wonderful. Thank you for the clarification. It sounds like, from the group, we’re going to move forward with a request to staff, and then I guess, potentially, have those different other options within this abbreviated framework. Is that correct, from the group? Ms. Levy.

MS. LEVY: I guess, from my perspective, I’m not exactly sure which options you want staff to work on. I mean, we know we have this one, and we know we have the option to make these regular permits, but at the passenger capacity of the current vessel, however and whenever that’s defined, right, because, potentially, between now and next month, someone could change the vessel that they put this on and then change that graph.

Then, if there is another specific option you want staff to look at, I think you need to tell them exactly what it is, but, when you start looking at it and saying, well, okay, we’re going to cap it at seventy-five, in terms of changing the passenger capacity of the permit, I would just suggest that you talk about sort of why and -- It just seems sort of random.

Like we’re not comfortable with one vessel having two permits with 150, but we’re okay with it being seventy-five, and what’s the basis for that? What is the reasoning? It would just be nice to have a little more discussion about that and specific options that you want staff to work on.

CHAIRMAN MICKLE: All right. Ms. Gerhart.

MS. GERHART: Something that just occurred to me is one of the reasons we went the direction we did at the last meeting was because there are actually a couple of vessels, or a couple of these endorsements, that are not on vessels right now, and so then that becomes something that you have to deal with, if you’re going to use the current vessel capacity, and you would have to decide what capacity those permits would get. They would have to be associated with a vessel when we change them into a regular permit.

CHAIRMAN MICKLE: Any discussion? Dr. Stunz.

DR. GREG STUNZ: John, as far as the regional distribution of these permits, do you have any indication, or are they just everywhere, or are they localized in a particular area?

DR. FROESCHKE: I don’t have that off the top of my head. We could find out, but I don’t have it with me.
DR. STUNZ: That would be interesting. The reason I’m asking is we’ve had a little bit of public testimony from I think folks that don’t have one of these permits that we should move forward with this, but I don’t recall -- I haven’t received any feedback from anyone in my region, as far as that actually have these permits, of what they want to do or any suggestions for them, and so I don’t know how we go about that, or I don’t know if maybe your office has received anything about what these folks would like to do or not.

CHAIRMAN MICKLE: Dr. Froeschke.

DR. FROESCHKE: We can -- I think we have some information about where the homeport is of the vessel with the permit, and so we could certainly look at that and bring it back and add it to the next draft.

CHAIRMAN MICKLE: Madam Chair.

MS. BOSARGE: Just to answer Mara or Sue, and I’m not sure which one of you mentioned it, but so I guess the reason that I was kind of thinking about moving that 150 to the side is because it seems like an outlier, essentially, and so, if you were going to bring back an option that removed that somehow and did something in place of it, I guess -- I mean, you need to kind of have some rationale for it, right? Maybe we could look at what the average capacity in the current fleet is on those permits and have some sort of option that you can either have the average capacity or your current vessel capacity, whichever one is lower, and would that be right? In other words, that would get us out of this 150. If the average capacity in the fleet is, I don’t know, what, thirty, fifteen, and I’m not sure what the average capacity is in the fleet right now, passenger capacity.

Then, if we say you have to take the lower of the two, your permit capacity or the average of the fleet currently, then they would have to come down from that 150 to what the average capacity in the fleet is right now, and that’s getting awful complicated, though. It’s like six boats, five or six boats, five or six permits, but I do see the issue.

CHAIRMAN MICKLE: Ms. Gerhart.

MS. GERHART: Just one more thing. Keep in mind that that 150-passenger permit was on a 150-passenger vessel when that permit was assigned, and so it was figured into that when we did the
original limited access, and so it’s actually been transferred, over that time, onto a six-pack now, where it originally was on a vessel of that capacity.

CHAIRMAN MICKLE: Thank you. All right. Is there any more discussion or recommendations? Ms. Levy.

MS. LEVY: I guess it’s still not clear to me exactly what or if you want a third option and what that option would be, and I heard you say average of the fleet, but then it wasn’t clear to me if that’s what you wanted, and, then again, what fleet are we talking about?

Are we talking about the average of these historical captain endorsements, or are we talking about the average of the for-hire permits? I think, if you want a document to come back at the next meeting that’s ready for final action, we really have to nail down the options you want in there.


MS. BOSARGE: I am not tied to that, Mara. This seems overly complicated for five or six permits, but I was just trying to give us a middle-of-the-road option, right? When you come back with this, we can say you can have your current vessel capacity or you can have what was historically on the permit, and I was trying to come up with something that was middle-of-the-road that might address that 150 capacity, which seems to be where our hang-up is.

CHAIRMAN MICKLE: Mr. Diaz.

MR. DIAZ: While we’re talking about timing, and this might be a question for Mara, a lot of times when I think about timing, I want us to get something in place before the fishing year starts. Does that make a difference with this? I mean, if this thing comes final in the middle of a fishing year, can we just swap them permits over in the middle of a year, or does it make a difference? Ms. Levy.

MS. LEVY: I don’t think it makes a difference, and I’m not sure that they’re just going to get swapped over. I think NMFS is going to have to go back -- We’re going to have to talk about how to actually implement it, because these folks may have a permit on a vessel that they don’t, quote, unquote, own, right, and like they’re the captain. Then you have to sort of figure out how you’re going to give people time to actually get a vessel or lease a vessel, so that it’s actually a vessel that
they can have the permit issued to them for that vessel. I don’t think it’s just going to be an it’s implemented and they’re swapped out. That was a long answer, but I don’t think the timing, in terms of fishing year, matters at all.

CHAIRMAN MICKLE: Dr. Froeschke and then Mr. Anson.

DR. FROESCHKE: Just one other idea. Looking at the Figure 1.2.3, if you wanted to reduce it, if the largest value on the current vessel capacity, and it looks like there’s a couple with like twenty, and so, if you were to do something like that, it wouldn’t restrict them, what they’re currently doing, but it would also not allow them to sell it to someone else and increase their capacity.

CHAIRMAN MICKLE: Mr. Anson.

MR. ANSON: Mara, or maybe Andy, for the current reef fish permit holders, and not the historical, they just have to associate it with a vessel, and it doesn’t have to be a vessel that is inspected or permitted or used for charter fishing. It just could be on a thirteen-foot aluminum johnboat if they had to, and so I know what you were trying to say, Mara, that there could be a little bit of time associated there, but it’s not restricted to an actually operating vessel or one that could be used for charter fishing. Thank you.

CHAIRMAN MICKLE: Any other discussion? Any other recommendations? Madam Chair.

MS. BOSARGE: All right, and so do you all want us to come back with an action with alternatives for this? I see a lot of shaking heads. All right. We will bring you back a document that has got some options, at least two to three.

CHAIRMAN MICKLE: Also, there was additional figures requested or analysis.

DR. FROESCHKE: Yes, I got that. What about timing? Is this something that you still want to do final action -- Okay.

CHAIRMAN MICKLE: Mr. Donaldson and then Dr. Simmons.

MR. DONALDSON: Dr. Froeschke, do you have a good handle on what we’re asking, so you know what options we want and what we’re interested in, or do we need to -- Do we need to clarify?

DR. FROESCHKE: Well, let me give it a go, and you can tell me.
I have a request for some additional figures analyzing the decline in permit capacity as well as the number of vessels. In terms of looking at options for different reducing the capacity -- What we currently have in there is you would keep your current capacity. We also have a reduction to what the average capacity is. Is there something -- We have talked about seventy or something else, and is there something else other than the average or the current?

CHAIRMAN MICKLE: Mr. Anson.

MR. ANSON: Just going back to the average, are you going to look at the average within both the historical captain group as well as the reef fish permit group, the two groups, and look at those two numbers and provide that as an option?

DR. FROESCHKE: I guess we could make that sub-options, if that’s what you would like.

CHAIRMAN MICKLE: Dr. Simmons.

EXECUTIVE DIRECTOR CARRIE SIMMONS: Thank you, Mr. Chairman. I think we’re getting away from an abbreviated framework action, though, and so I think we’re going to have to revisit that and bring you something that may not be final action in October, considering all these different things that you want to look at and various -- You know, put some actions together, it sounds like, instead of just making it a one-and-done.

CHAIRMAN MICKLE: Ms. Boggs.

MS. BOGGS: Based on how complicated this is getting, what will the impact of those six reef and CMP endorsements that are scheduled to expire that haven’t been renewed, because that could change your numbers, the longer this drags out.

CHAIRMAN MICKLE: Dr. Froeschke. Ms. Levy. Sorry.

MS. LEVY: It’s just my personal opinion, but, I mean, I would advise, to the extent that they are still renewable, we should include them, meaning I would think we would want to know what the passenger capacity is of the permit and of the current vessel, because they are still renewable. Until they are terminated, someone could come in and renew them, but that would just be my suggestion.

DR. FROESCHKE: Understood, and keep in mind that the last time we updated this was, I think, in March, and so we would update
this again, I’m presuming, and the numbers could be slightly different.

CHAIRMAN MICKLE: Mr. Strelcheck.

MR. STRELCHECK: I wanted to go back to Figure 1.2.3, because I think I have finally figured it out. There is eighteen reef fish and seventeen CMP, and so all of these are combined in one graphic, right, and so, in reality, we’re talking about five boats that have the potential to have different permit capacities relative to their existing passenger capacity.

I state that because I’m wondering if we’re making this way more complicated than we need to, and the fear of this massive increase in passenger capacity might not be warranted, and so I just propose that for consideration as we move forward with this action.

CHAIRMAN MICKLE: Well said. I tried to put it in perspective at the beginning of all of this, with 2.7 percent of the overall permits, even though it boils down to five actual vessels and capacity within those.

There is a decision to make, and I would like to -- Shall we move forward on all of the wonderful tasks that we have asked Dr. Froeschke to do, or should we keep it exactly how it is and move forward on final action at this meeting? Should I do a vote to see -- I’m sorry, but a motion to decide our fork in the road. Mr. Riechers.

MR. RIECHERS: Mara, this is to you, and it has to do with this whole abbreviated framework question. If we went with just the current passenger capacity, because that’s a known, if you limited them to that, can we still be inside of the abbreviated framework, as opposed to four or five or six alternatives that we have discussed?

CHAIRMAN MICKLE: Ms. Levy.

MS. LEVY: Yes, I mean, I think you could have -- I mean, the simpler the better, but I don’t think that the number of options necessarily dictates the type of framework, standard or abbreviated, and it more has to go to the change you’re making, and then we do sort of associate it with the NEPA process, just because, if you’re going to have to have a full NEPA analysis for an environmental assessment or something, it doesn’t make much sense to do -- The abbreviated part sort of becomes meaningless at that point, and so I think you can have the
options and still have an abbreviated framework for your council
document, and we did do that when we were looking at the hooks
that the longliners could have.

We had, I think, three different options about what we were
going to do with the maximum number of hooks, and we did that by
an abbreviated framework, again because of the type of action it
was.

CHAIRMAN MICKLE: Mr. Anson.

MR. ANSON: John, you may have mentioned this earlier, but were
there any comments received by the council relative to this
action?

DR. FROESCHKE: Not that I’m aware of. Emily, do you know if
there have been comments on the historical captain permit?

MS. EMILY MUEHLESTEIN: We have not solicited comments directly.
I think we were not prepared to take final action until October,
as far as soliciting comments.

CHAIRMAN MICKLE: Is there anyone that wants to make a motion?
Dr. Frazer.

DR. FRAZER: One quick question. Again, just to clarify, to
Robin’s point, with regard to the options, really what we’re
stuck on is trying to determine what the capacity will be,
right, and that’s the options part. Okay. I’m good.

CHAIRMAN MICKLE: Mr. Atran.

MR. ATRAN: Something just struck me, and perhaps Mara can
answer this. If you want to look at capacity reduction options
that are only going to affect one or two vessels, under the
confidentiality requirements and the rule of three, will we run
into a problem with confidentiality?

CHAIRMAN MICKLE: Ms. Levy.

MS. LEVY: Well, the permit capacities aren’t confidential. I
mean, that is not -- That’s just is what it is. It’s on the
permit, and it’s not information they have submitted under the
regulations.

CHAIRMAN MICKLE: Any other discussion? Madam Chair.

MS. BOSARGE: I think we’ve gone back and forth enough, and so I
want to see a motion. Let’s get a consensus of this body, and let’s see if we’ve got a majority of which way we want to go here. If you want some alternatives, an action item with alternatives, throw out a motion. If you don’t throw out a motion, I am going to assume that you don’t want an action item with alternatives. Let’s throw out a motion.

CHAIRMAN MICKLE: Dr. Stunz.

DR. STUNZ: I will throw out a motion. I would like to make the motion to add the alternatives that we discussed, but, John, I don’t know what I need to say to charge you with that. I would make a motion to add -- Do I need to list those specific alternatives? They are making this much simpler. For now, let’s go with that one. My intent here is to move forward with the additional discussion that we have here in the form of alternatives, and I think this motion encompasses that.

CHAIRMAN MICKLE: Mr. Diaz.

MR. DIAZ: Give some rationale.

CHAIRMAN MICKLE: It’s seconded.

MR. DIAZ: Well, I mean, it doesn’t seem as complicated to me, but maybe I am looking at this different than other folks are. This is two actions. Action 1 is going to be no action or we do this, where we transfer this. Action 2 is giving us some alternatives to look at of what the capacity would be if we decide to do it in Action 1, and so that’s what I see the document looking like. I don’t think it’s any more complicated than that, and so thank you.

CHAIRMAN MICKLE: We have a motion, and we have a second. Ms. Levy.

MS. LEVY: Well, can we at least say to add alternatives related to passenger capacity discussed by the committee?

DR. STUNZ: That’s fine.

CHAIRMAN MICKLE: A friendly amendment to the current motion.

MS. LEVY: Then I don’t know that you really need two actions. I mean, the whole document is geared towards changing these historical captain permits to the fully transferable for-hire permits, and it seems like, if you’re not going to do that, then you just don’t take action on the document, and your
alternatives go to how you want to deal with the passenger capacity issue.

CHAIRMAN MICKLE: Ms. Gerhart.

MS. GERHART: Similar to that, we talk about actions and alternatives usually, but that’s really -- Those are NEPA terminology, and so we don’t have to have actions and alternatives in this document, because it is not a NEPA document, and so that’s why we kept saying options, that we would have these different options of how the council wants to do it, showing that they’re making a choice among different ideas, but that’s just so you’re clear that we don’t have to have an action and a no action and all that kind of stuff. As Mara said, if it’s a no action, you’re not going to do it, then we wouldn’t have the document at all, and so just clarifying that.

CHAIRMAN MICKLE: Mr. Anson.

MR. ANSON: I will be supportive of this. I don’t think it’s going to be too contentious of a vote, but I certainly understand the intent that we tried to go forward with this and tried to do it as expeditiously as possible, but oftentimes we just can’t do that, for lots of reasons, and I just think that just saying that we’re going to move these permits over and keep them at the passenger capacities that they are, I think that would surprise some folks, because they just don’t know much about it, and so this would give an opportunity for folks to read it the next time we come see the document and look at those various options and the potential for impacts and that type of thing, and so, anyway, I will be supportive of it.

CHAIRMAN MICKLE: Any other additional discussion on the motion? Is there any opposition to the motion? Mr. Strelcheck.

MR. STRELCHECK: My concern is we’ve talked about a lot of potential alternatives here, but I’m not sure if staff has clear direction as to exactly what those alternatives are, and so, to me, there is benefit in specifically identifying those alternatives for staff to consider bringing back to you.

CHAIRMAN MICKLE: Ms. Levy.

MS. LEVY: Well, I am going to suggest that we have the option that’s in there, and we have an option that it stay at what the current vessel capacity is, and that staff look at some sort of average middle option and come back to you with that at the next
meeting, and hopefully that works. I mean, unless you really
want to come up with something specific, but I feel like we’ve
been talking about it, and there’s been a lot of not quite sure
about what that specific should be, and so we can just come back
with a suggestion, if that’s better.

CHAIRMAN MICKLE: Yes, that’s how I saw it, to bring back a
little bit more focus on the alternatives that we discussed here
today and to give staff the liberty to do so. Dr. Froeschke.

DR. FROESCHKE: Just to be clear, do you want us to include the
whole for-hire fleet in that averaging bit or sub-options for
the other one? The reason I mention that is, just generally,
when you get a wacky distribution data like that, you would
typically take the median, but, if you did the median or
something like that, it might be six, and so it might not be
very meaningful.

CHAIRMAN MICKLE: Mr. Anson.

MR. ANSON: I think it would my recommendation or suggestion
that we use both the full for-hire permits, the ones that aren’t
historical captain permits, that are reef fish permits.

CHAIRMAN MICKLE: Is there any opposition to that suggestion for
staff? Okay. All right. We do have a motion on the board, for
a while now. Is there any opposition to the motion? The motion
passes. Is there any other discussion on this agenda item here
today? Mr. Boyd.

MR. BOYD: Thank you, again. I’m not on the committee, but I
just want to note that there is some implication on the
allocation within a particular sector based on how much capacity
is increased, if there is any.

CHAIRMAN MICKLE: Thank you. Anything else to talk about on
Item IV? All right. That brings us to our next item on the
Sustainable Fisheries agenda, which is Review of Senate Bill
3138, A Bill to Establish a Regulatory System for Marine
Aquaculture in the United States Exclusive Economic Zone, Tab E,
Number 5, and the additional summary provided by council staff.
Dr. Kilgour. Thank you.

REVIEW OF SENATE BILL S.3138 – A BILL TO ESTABLISH A REGULATORY
SYSTEM FOR MARINE AQUACULTURE IN THE UNITED STATES EXCLUSIVE
ECONOMIC ZONE

DR. MORGAN KILGOUR: I didn’t come up with a formal
presentation, and so I’m just going to walk through some of the -- There is the actual bill, and you’re welcome to read it. It’s titillating.

I also went through and kind of commented on where there might be something that I thought the council would find interesting. In the Section 4, they establish an Office of Marine Aquaculture, and it provides opportunities for engagement with fishery management councils, but it doesn’t require it in this particular section. It establishes a panel of experts similar to the makeup of the Aquaculture AP that is developed in the Aquaculture FMP.

It establishes a National Aquaculture Sub-Committee, and I noted that that may lack the regional expertise that would be available on the panel, but directly advising the national goals and objectives. Section 5 is the administration. It doesn’t specifically address, in Section 5, for the --

CHAIRMAN MICKLE: Hang on, Dr. Kilgour. One second. Madam Chair.

MS. BOSARGE: Dr. Kilgour, just for our newer members, would you maybe kind of give us an overview of how aquaculture is currently regulated? If you could just kind of backup and give us a 30,000-foot view, and then maybe we can jump into the differences? Okay.

DR. KILGOUR: Sure thing. There is a nationwide push for aquaculture, it seems right now. This is a Senate bill that would develop an aquaculture office in NMFS. Right now, the Gulf of Mexico is the only fishery management council that has a fishery management plan for aquaculture. Several council members, I think, attended an MREP aquaculture meeting that was held in New Orleans, and also you guys went to Maine, I think.

Anyway, there seems to be a push towards aquaculture. This aquaculture bill would -- I will get to it, but it would basically remove the FMP, and it would become a national program, and so aquaculture would be managed based on this bill, or this act, and it wouldn’t be -- The Gulf FMP would go away.

I am just going through the different parts of the bill on how they are different from what we have in our existing FMP and maybe areas that the council would think are interesting or are very different or are similar to the FMP, and you will notice that a lot of the language in the bill, if you compare it to the actions and alternatives in our FMP, were almost pulled directly
across, and so I’m happy to answer questions, as best I can, as
I’m going through this, but is that what you’re looking for?
Okay.

So this bill was put in the June briefing book, and that was a
draft bill. There have been some changes, and so I’m going to
go through a bill that was introduced to the Senate. In Section
5, the one major difference that I noted was that it established
the criteria for practicing veterinary medicine did not require
an American Fisheries Society fish health inspector or a fish
health pathologist, like we do in the FMP. It just says that it
has to be a licensed veterinarian. Also, in the FMP, we
outlined specific things, drugs, biologics, medicine, basically,
needs to be approved by the FDA, EPA, or USDA, and that’s not
specifically outlined in this bill.

In Section 6, aquaculture permits, one thing that’s interesting
is the Gulf Council FMP only allows the culture of native Gulf
species in the Gulf of Mexico. In the aquaculture bill, it says
native or otherwise sterile or not capable of producing, and so
it’s kind of vague on whether or not invasives species, if they
were sterile, could be cultured in water bodies, and it would
also not -- The Gulf FMP specifically prohibits the culture of
shrimp and coral, and the rationale was provided in the FMP, and
those prohibitions would also go away under this bill. That
would be up to the Office of Aquaculture.

The permit procedures, pretty much all of them are outlined in
the FMP, but it also includes three things that I think the
council would find interesting, including a disease outbreak
reporting, a significant weather plan, and environmental
monitoring. These are all things that I think that the council
requested for the exempted fishing permit to have, and so it’s
interesting that they made it into this bill.

It doesn’t specifically mention providing regional councils with
the opportunity to provide comment on permits, but there is, in
I think it’s Section 8 -- No, I’m wrong. It’s in Section 10,
that the regional management councils should be consulted.

If you look at the permit, the duration of the permit is also
very different from the FMP. In our FMP, it would be ten years,
with five-year renewal increments. In the bill, it would be
twenty-five years with the ability to renew for additional
twenty-five-year increments, and it specifically -- In Item (k),
the Magnuson-Stevens Act, it removes harvest of cultured species
from the definition of fishing, and so this would make
aquaculture not under the Magnuson-Stevens Act.
In Section 7, the restrictions on offshore aquaculture activities, it would grandfather in any existing aquaculture permits, Gulf aquaculture permits, should those exist at the time of passage of this bill. It allows for aquaculture in the federal waters off of states that may specifically prohibit aquaculture, and it doesn’t establish a clear mechanism, and so it would be a revocation of the permit if there were repeated offenses, but it doesn’t say how these offenses would be documented.

Right now, in the bill, there would be biannual, and so every two years, inspections of a site, and that would be where, logically, the offenses could be listed, but it doesn’t say how often those offenses -- Anyway, it wasn’t clear on where these repeated offenses would come from, if these were random inspections or were these from these biannual inspections.

The recordkeeping and access to information are very similar to what we outline in the FMP, and, the Programmatic Environmental Impact Statement, that’s also similar to what we have to do for an EIS.

Section 10 would be the environmental management and standards, and this is where the councils are specifically listed as consultations for Section 6 and Section 9 activities, but it doesn’t have the open process that the council has. We have scoping and options and a public hearing draft. When you look at this, it would be basically a scoping, a draft environmental impact statement, and a final environmental impact statement, and so there wouldn’t be a lot of back-and-forth talking about the different alternatives and how do you want to massage those, like we have in the council process.

One other thing of note is that any issues that arise from the things outlined in the bill would have to go through an act of Congress to change them, whereas, if we have something that we find that needs to be changed in an FMP, we just do a plan amendment.

Then the research and development grant program, it would advance research, but it’s not clear if the developing therapies, medicinal therapies, for aquaculture would be allowed in offshore facilities or if they would have to be tested in facilities onshore, and so there is the potential for escapement or contamination of wild stocks if they’re doing some type of gene therapy or whatnot.
The last two, enforcement, that kind of goes by itself, and then authorization of appropriations is probably, monetarily, the most significant thing. It outlines funding cycles of $60 million in the first year, and that increases by I think $5 million increments to the year 2022. I guess my question is, and maybe Madam Chair can help me, is if I need to provide a letter or if this is just an overview on the bill.

MS. BOSARGE: Well, the council can decide that, but it wasn’t my intent to provide any kind of letter. It was more or less to have a general discussion about this in case somebody asked the council for their specific feedback, and I would like to have some sort of conversation on the record, in a transparent manner, as to how we feel about certain parts of this and would there be any changes that we would recommend or anything like that, and that’s what I was hoping for.

CHAIRMAN MICKLE: Any discussion toward the bill itself? Ms. Guyas.

MS. MARTHA GUYAS: Thanks. I’m not on your committee, but I have I guess just some questions to put out there about the bill, mostly. Our agency doesn’t have a position one way or the other on this, but one of the items that our agency and Department of Agriculture, which is the agency in Florida that manages, largely, aquaculture activity, one of the things we flagged was in the definition section.

It seems that this bill would apply to aquaculture activities that are occurring in waters of the state and on lands of the state, which is a potential concern for us. We have a lot of regulatory -- We have a regulatory framework, an extensive one, for aquaculture in Florida, and so I think we’re wanting to understand how this bill applies to things that are only occurring on land and wouldn’t be, maybe, feeding or seeding activities in the EEZ, and then those that would. We just want to understand how this impacts the state jurisdiction.

What else? On the twenty-five-year duration of the permit, I guess another question would be it seems like, in twenty-five years, the permit may become outdated, with technology and things changing, and would there be a process for updating a permit, and not necessarily revoking and restarting a permit, but it seems like that would need to be built into this to make it really work for the applicant.

On the fees, would there be interest, I guess, in waiving fees for stock enhancement and restoration? Then the last thing I
will mention, before I stop, is does this bill address ranching, in other words harvesting life stages that are not necessarily going to be brood stock, because that could have some effect on our wild stocks, and I will stop there.

CHAIRMAN MICKLE: Any other discussion? Go ahead, Robin.

MR. RIECHERS: It’s going to be all your non-committee members. Sorry about that, but, since this is the place that we’re having the discussion, I want to weigh-in, or at least ask a couple of questions. Certainly I want to echo Martha’s number-one issue regarding reading of the bill and our question as to whether or not that’s going to impact those land-based facilities we currently have for shrimp and red drum and other things, and so that’s one thing.

The other thing is I guess what I’m trying to -- This is a question to NMFS, and you all may or may not want to go on record or may not have a suggestion about this yet, but, obviously, a lot of things changed from the previous management plan, to where they’re not as defined in the current bill. Do you envision a rulemaking that will come in and define a lot of those things, or do you envision it as more of a policy-level decision by this new office, in your team, if you will?

CHAIRMAN MICKLE: Ms. Levy.

MS. LEVY: Well, so I will just say that the act itself requires the Secretary to go through a rulemaking to implement this act, and so none of this is going to be applicable to -- Well, first of all, it has to pass, and then the rulemaking has to happen through the Secretary or the Office of Aquaculture or whatever to actually implement it, and so, like most legislation, a lot of things get defined and fleshed out in the regulatory process.

MR. RIECHERS: As a follow-up then, so certainly, some of the places where we’ve seen these differences, they will probably look to what the council had done in the past, and while certainly I’m sure there is room for simplification there, but they will probably be looking at that as a way to determine some of those bounds.

Others, maybe not, for instance where they went ahead and made the permit longer, but it’s just kind of a point that I think we will end up being a guide for a lot of those discussions, moving through time, based on the previous work that we had done.

CHAIRMAN MICKLE: Madam Chair.
MS. BOSARGE: Two things that kind of stood out to me, and, as Robin said, maybe it will be more fleshed out over time, but the current -- The way it’s currently written that -- In our FMP, it’s outlined that only drugs, biologics, and other chemicals approved for aquaculture by the FDA, EPA, or USDA should be used in these facilities. I hope that that would be the path that this legislation will follow. I mean, there’s a lot of government agencies in there that safeguard us, and I would hope that we would follow what they have lined out.

Also, and I don’t know, and it’s strange to me, but, in our FMP, we state that a veterinarian must be certified by the American Fisheries Society Fish Health Section is a fish pathologist or fish health inspector, and I think, the way the legislation is currently written, it can be any veterinarian. I don’t know how many normal veterinarians have a lot of experience prescribing drugs for fish, and so I hope that, when they flesh that out, that they will follow that lead as well and make sure that there is some training in whatever may be prescribed to go into our marine environment.

That and then just one last question. Morgan, as the bill states currently, does it say they should consult with the council or they will consult with the council?

DR. KILGOUR: In Section 10, it requires a consultation with the council for anything -- For the Programmatic Environmental Impact Statement and for the offshore aquaculture permit, and so Section 6 and Section 9.

MS. BOSARGE: So that means that, as a permit comes before this new agency, that, any new permits, they must at least come -- Sort of like G.P. did. He will come before us and pass it by us, and then what level of authority does our recommendation have at that point, our feedback?

CHAIRMAN MICKLE: Dr. Kilgour.

DR. KILGOUR: It doesn’t say what level of authority the council has. It just requires that consultation, similar to what the Gulf Aquaculture Permit has now, where a permit is supposed to be brought before the council, and the council may comment on it, but, ultimately, I believe the decision would rest with the Office of Aquaculture.

I’m sure they would take into consideration your comments, but the ultimate authority right now for the Gulf Aquaculture Permit
is -- It rests with NMFS, and so I would assume that it would be
the same and that it would rest with the Office of Aquaculture
for this.

CHAIRMAN MICKLE: Madam Chair.

MS. BOSARGE: So does the current legislation require that they
consult with anybody else, like the oil and gas industry, and
what level of authority does their recommendation have?

CHAIRMAN MICKLE: Dr. Kilgour.

DR. KILGOUR: Well, I am not sure. I can get back to you on
that. I will get back to you, but it does require consultation
with the Secretary of Interior, but was specific to lease block
lessees and whatnot, and so I will find out what the level of
authority is there.

CHAIRMAN MICKLE: There is language in the bill that establishes
a sub-committee, an aquaculture sub-committee, with interest
groups of localized regional expertise, and so I would assume
that those user groups would be included in that.

I really like what the council staff has done here. It would be
advantageous for the Gulf of Mexico, which I hear is the most
industrialized body of water in our country -- It’s a crowded
place, even though we think it’s big, and there’s a lot of
interest groups within the Gulf. Those regional sub-committees,
I think, would give a lot of more peace of mind toward the user
group interaction.

I have been inquiring a lot about this. The senator from
Mississippi introduced this bill, and so I’ve been talking to a
lot of folks within the industry and the user groups.

To Ms. Guyas’s questions, I always wondered why twenty-five
years was -- It’s such a long time, and, again, the technology
is going to move so fast, especially in a fledgling industry,
but the business interests really need that. They really wanted
large amounts of time, because the investments are so incredibly
large.

Going from state-water aquaculture to a federal EEZ aquaculture
system is a gigantic leap and financial justification of the
lien holders and the investments from it, and so I think a lot
of that talk with the industry says that it just takes that long
to get the risk assessments done, and then those -- Let’s see.
I did talk a little bit about the terrestrial potential conflicts with the permitting of terrestrial-based aquaculture production, and those seem to, at least from the federal side -- I was told that this might streamline it. Instead of going from five or six different federal agencies, this would be directed toward this new potential group within the federal government, and so, from at least the federal side, this might actually streamline some of that terrestrial-based permitting. It’s going through at least four different federal agencies, currently, or at least that’s the information I got. Ms. Levy and then Dr. Stunz.

**MS. LEVY:** Just to point out that the section that requires the consultation, which is Section 10, the language is pretty much the same for almost everyone, at least under that section, and so the Secretary has to consult with the appropriate federal agencies, coastal states, and regional fishery management councils, et cetera, et cetera, and so there is the same non-standard as to what that means applies.

I read a consultation as a consultation. You’re seeking input, but nothing that’s provided is going to be binding on the decision to issue the permit. The Secretary or the agency is going to decide that.

Also, I know that you weren’t writing a letter, which is good, but just to -- I know you’re all aware of this, right, and so the council can’t lobby on legislation, and so you can’t just sort of sua sponte send in your opinions and such about what you like and don’t like about a bill. You can respond to requests, in terms of what the impacts might be to your grant funding and all that sort of stuff, and so I just wanted to remind you of that.

**CHAIRMAN MICKLE:** Dr. Stunz.

**DR. STUNZ:** This is something, I guess, just to get on the record for our group to start discussing, and the reason I’m bringing it up is because it’s similar and analogous to the oil and gas situation and the artificial rigs to reefs, and that has to do with the fee section.

In looking through the bill, I think it’s covered, but it’s still one of these things, and also the clause that the Secretary can waive fees, but it’s related also to what Paul mentioned. In a fledgling industry like this, you’re going to have a lot of people maybe going out of business, and so then what happens to that structure that’s out there, and the same
thing happens to the oil and gas platforms that goes through a
whole series of owners and then no one is left to remove it.

Well, it talked about that there is some bonding clauses in
there and that that shall be done and that sort of thing, but
it’s not real clear. I mean, we certainly don’t want a
structure out there that’s going to interfere with other fishing
operations and run into corals or get loose in storms of
companies that have gone bankrupt, and so I think it would be --
This is a good time, in the initial discussions, to make sure
there is a firm bonding procedure or whatever procedure might
happen to be in place that there is funds to remove that
structure should the initial company go out of business.

CHAIRMAN MICKLE: Madam Chair.

MS. BOSARGE: I would be remiss if I didn’t put it on the record
that I have some hesitations about aquaculture with shrimp and
coral. We prohibited those in our FMP for some -- We had a lot
of justification in there, and so I will put that on the record.

CHAIRMAN MICKLE: Dr. Frazer.

DR. FRAZER: I just have a question for Leann. Is that
reservation for land-based operations as well for shrimp?

CHAIRMAN MICKLE: Madam Chair.

MS. BOSARGE: Well, our FMP only spoke to offshore, and so I
won’t get into my land-based reservations, but for offshore.

CHAIRMAN MICKLE: All right. Is there any other discussion on
this agenda item here today? All right. Let’s see. That
brings us to Item Number VI, Other Business. Is there any other
business within the committee of Sustainable Fisheries? Seeing
none, I will recess the committee.

(Whereupon, the meeting adjourned on August 20, 2018.)