GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

SHRIMP MANAGEMENT COMMITTEE

Hilton Galveston Island Resort                  Galveston, Texas

October 7, 2015

VOTING MEMBERS
Leann Bosarge.........................................Mississippi
Roy Crabtree..................NMFS, SERO, St. Petersburg, Florida
Dave Donaldson..............................................GSMFC
Myron Fischer (designee for Randy Pausina)..............Louisiana
Robin Riechers..............................................Texas

NON-VOTING MEMBERS
Kevin Anson...............................................Alabama
Martha Bademan (designee for Nick Wiley)..................Florida
Doug Boyd...................................................Texas
Jason Brand.................................................USCG
Pamela Dana.................................................Florida
Dale Diaz...................................................Mississippi
John Greene.................................................Alabama
Kelly Lucas (designee for Jamie Miller)....................Mississippi
Campos Matens............................................Louisiana
John Sanchez................................................Florida
Greg Stunz...................................................Texas
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STAFF
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Ava Lasseter.................................Anthropologist
Mara Levy.....................................................NOAA General Counsel
Charlene Ponce...............................Public Information Officer
Ryan Rindone................................Fishery Biologist/SEDAR Liaison
Claire Roberts..............................Essential Fish Habitat Specialist
Bernadine Roy........................................Office Manager
Charlotte Schiaffo...............Research & Human Resource Librarian
Carrie Simmons............................Deputy Director

OTHER PARTICIPANTS
Pam Anderson.................................................Panama City, FL
Paul Bitner...................................................TX
The Shrimp Management Committee of the Gulf of Mexico Fishery Management Council convened at the Hilton Galveston Island Resort, Galveston, Texas, Wednesday morning, October 7, 2015, and was called to order at 9:25 a.m. by Chairman Leann Bosarge.

ADOPTION OF AGENDA

APPROVAL OF MINUTES

ACTION GUIDE AND NEXT STEPS

CHAIRMAN LEANN BOSARGE: Let’s call the Shrimp Management Committee to order. Our agenda is located on Tab D, Number 1, and if you take a look at it, we do need to add one item in Other Business and that would be the Presentation on Shrimp Effort by Dr. Nance for council members. I believe that that was emailed to everyone from the Meetings email address, here just maybe twenty or thirty minutes ago, and so you should see it there.

Are there any other additions or revisions to the agenda? Seeing none, do I have a motion to approve the agenda from anyone on the Shrimp Committee?

MR. DAVE DONALDSON: So moved.

CHAIRMAN BOSARGE: Thank you. Do I have a second? Thank you. It’s seconded by Myron. Yes, Myron.
MR. MYRON FISCHER: Seconded with the caveat of when we were going to get the presentation? After we discuss the options papers? It may be germane to some of the discussions.

CHAIRMAN BOSARGE: I agree with you and I had planned to see if you all were okay with going ahead with that presentation first and so that’s what we will plan to do. The minutes, has everyone had a chance to look over the minutes? Are there any revisions to the minutes? Mara.

MS. MARA LEVY: Thank you. On page 3, line 2, the speaker is designated as “Lance Robinson”, but I think was Leann who was speaking and so just from the context, it looks like that was the case and so maybe someone can check that and make that correction, if necessary.

CHAIRMAN BOSARGE: Thank you. Any other revisions to the minutes? Seeing none, do we have a motion to approve the minutes?

MR. DONALDSON: So moved.

CHAIRMAN BOSARGE: Motion by Dave and do I have a second to the motion? It’s seconded by Steve. Any opposition to the motion? Hearing none, the motion passes. Next, and I apologize, but it’s going to be Dr. Rick Hart that gives the presentation and so, Dr. Hart, are you ready for our Presentation on Shrimp Effort? We may have to chase him down.

PRESENTATION ON SHRIMP EFFORT

DR. RICK HART: Thank you, Chairman and council members. I just want to quickly go over the 2014 shrimp effort estimates and this is the first year that we have used the new cellular electronic logbooks to calculate the fishing effort for the Gulf and this are the program that transitioned from the LGL electronic logbooks and you folks are all familiar with that.

I am going to present, first of all, fishing effort in the 10 to 21 stat zone and ten to thirty-fathom zone. Right now, it is at 67.11 percent of the baseline. Total landings for offshore is at 69,939,290 pounds, with 73,683 days fished.

Now, in what we call the red snapper zone, the Stat Zone 10 to 21, ten to thirty fathoms, landings were at 29,428,876 pounds, with effort at 27,233 days fished. Now, the baseline, which we have to be at or below 67 percent of, is 82,811 days fished and so for 2014, we were close, but we were under the requirements
of 67 percent. We came in at 67.11 percent.

This is the figure that you are all used to seeing. You should have this as a handout and it just shows the landings effort, the baseline, and where we’re at and if you look at the little figure, this is the goal and we need to be at or below that and we came in at or below that this year.

This is just the distribution of effort. These are two points collected from the cellular electronic logbooks. You can see we have really good coverage in the Gulf and we’ve got even some vessels that we pick up in the South Atlantic.

When we look at total landings and effort, and this is inshore and offshore, effort is -- Landings are right around historical levels and not a big change. Effort increased a little bit last year compared to previous years and that may be interesting for discussion when you guys talk about the permit moratorium.

We did see an increase in fishing effort last year compared to previous years and so that will be of interest. Catch rates were down, around 989 pounds per day fished. It was down quite a bit from the last few years, but, overall, catch rates are still really high compared to the historical time series.

When we look at distribution of effort by trimester, this is January through April and May through August and we’re starting to see quite a bit more effort down here in the Texas area and then when we look at September through December, the plots show effort coverage and so the new electronic logbooks are working really well.

We’re real comfortable and confident with the results we’re getting from them and showing a real good coverage in the fleet and so just, in summary, effort in the red snapper zone is below the baseline. It’s at 67.11 percent and so that’s good news.

The new logbooks are successfully measuring fishing effort. Total effort increased in 2014, while landings decreased in 2014. While still high, catch rates were lower in 2014 compared to previous years and so just I would like to acknowledge some key partners in the effort estimation and in this transition from the electronic logbooks to the cellular electronic logbook transition and it’s been a lot of work, but it’s been very successful and challenging and the Gulf of Mexico shrimp fishing industry and the commercial shrimp fishermen, we couldn’t do it without you folks and getting these logbooks on the boats for us and we’ve had really good cooperation.
Also, with LGL and Dr. Gallaway and Dr. John Cole. The council has been instrumental in this and the Southern Shrimp Alliance and the South Atlantic Fisheries Foundation. With that, I will take any questions that you may have.

CHAIRMAN BOSARGE: Thank you. Bonnie.

DR. BONNIE PONWITH: I would just like to echo my thanks for the people who are listed in these acknowledgements and first and foremost the shrimp industry themselves. This transition was hard work and change is hard and it should be hard, because there is a lot at stake in these numbers.

I think nobody knows better than the council what’s at stake with getting good, reliable information, but between the hard work that the council put into the amendment and moving to the new device and the industry’s collaboration in getting those instruments deployed, I think this a real success story.

We spent a lot of time yesterday talking about electronic reporting and this is electronic monitoring and I view this as a remarkable success story in using electronic monitoring as a tool for understanding what’s going on in our fishery to enable sound management decisions to be made and so I just want to recognize everybody for the hard work that they’ve put into making this a success.

CHAIRMAN BOSARGE: Dr. Crabtree.

DR. ROY CRABTREE: Hi, Rick. It’s good to see you and Jim here. We were at 67.11 percent and so we were a tenth of a percent within the threshold for effort, right?

DR. HART: Correct.

DR. CRABTREE: You may recall that that threshold was set up as part of the red snapper rebuilding plan and had we been a tenth of a percent or so higher on effort, we would have implemented a closure of the ten to thirty-fathom zone in the western Gulf for some period of time.

Now, one of the things the council has been discussing of late is numbers of permits that there ought to be in the shrimp fishery and there’s a divergence of views, I guess, on that, but just from this, it’s pretty clear that we have plenty of permits and vessels out there now that we could easily break these effort thresholds if economic conditions were such that people
chose to fish. I mean there’s enough vessels now to have effort
that would result in closures and things and go through that
threshold. Is that fair to say?

DR. HART: Yes, I would say that’s fair to say. That’s a
concern I have. You know I think there’s a lot of latent effort
out there and depending on fuel and shrimp prices, this shows
that effort can increase and I have kind of been saying that for
a while, that just because it hasn’t, it doesn’t mean it can’t.

DR. CRABTREE: I guess my understanding, in talking with a lot
of shrimpers, is that last year we had really good prices and
good catch rates and low fuel prices and so it was kind of
everything lined up. Now, I am told that the prices have come
down considerably this year and are you hearing that as well or
do you have any information on that?

DR. HART: I really don’t have any more information than you
would have, Dr. Crabtree.

DR. CRABTREE: Thanks, Rick.

DR. HART: I was just going to make a comment. You know one
thing about the new cellular electronic logbooks we have is
while effort data isn’t real time, I mean we have to wait and
the boat has to come in near shore to do the data dump, we can -
- We do have our effort tow times by January of the beginning of
the year and so we still have to wait until September in order
to run these analyses because we’re waiting on landings data
from the states.

If we could -- That’s something I’ve been asking for, is getting
more timely landings data. If we could get the landings data
sooner, these type of estimates could come out much, much more
in a timely fashion, instead of having to wait until October.
We could run the assessments right away and do these effort
estimates and so we have the potential ability to calculate
these effort estimates much sooner than we’re doing right now
and so that’s something to think about, if there’s a way to get
the states to send out their landings data earlier.

CHAIRMAN BOSARGE: Dale.

MR. DALE DIAZ: I am not on your committee, but I am just trying
to think and how is this year shaping up? Can you give us any
insight on what effort is looking like so far this year and are
you able to track that, specifically for --
DR. HART: Like I said, without having the full picture, without having all the accurate landings data, you know I would hate to hazard a guess on where we’re at right now.

CHAIRMAN BOSARGE: Kevin and then Robin.

MR. KEVIN ANSON: Dr. Hart, you just brought up one of the points I was going to bring up about the states and the timeliness of the data and accuracy of the data and the system that the states have set up within their own regulations and the dealers that have to abide by those regulations, at least, and we’re talking about state landings and state-caught shrimp, in this case.

I mean that’s one of the challenges that we face, is that we’ve got certain limitations as far as the schedule for providing data. Then, within that, we have a system that provides some flexibility to the various dealers in providing that information and the requires some checking and making sure that the data is accurate and certainly accurate data is something that should be in consideration when you’re talking about timeliness of the data. Thank you.

DR. HART: Right and fair enough. You know it’s October is the way I would look at it. We’re ten months into the year and I don’t obviously know the states’ limitations and I can’t speak to that, but we’re ready for it though as soon as we get it.

MR. ROBIN RIECHERS: Rick, I’m always glad to have you here and I saw Jim in the background there a little bit ago. I’m going to go back to Dale’s question a little bit. When we’re discussing this regarding red snapper and effort, you just indicated, I thought, that basically you’re receiving that weekly and so you have that information really fairly up to date at the end of the year and did I hear that correctly?

DR. HART: We have what you would call the tow times from the logbooks, but we don’t have the landings and we don’t have the ability to estimate catch rates. We have raw tow times.

MR. RIECHERS: You have raw tow times, which obviously you need to refine more as you get the landings picture, but really the tow times is what leads you to the effort calculation and the reduction in effort that we have to meet.

DR. HART: Yes, but we need the landings in order to make those estimates, because we need to estimate the catch rates to extrapolate out. You can’t do it just with the two times.
MR. RIECHERS: With the two times. Okay. That answers my question then.

CHAIRMAN BOSARGE: Dave.

MR. DAVE DONALDSON: Hi, Rick. It’s good to see you again and I just wanted to kind of reiterate what Kevin was saying, that we are working with the states and trying to get that data as quickly as we can.

I want to emphasize that we have made improvements in the timeliness and there are a variety of different reasons why we can’t provide it as quickly as you would like, but the states are trying and understand that if we could provide it quicker that we could get this information, but there are constraints that, for a variety of different reasons, why we haven’t been able to get it to you sooner, but we are working on that issue.

CHAIRMAN BOSARGE: Bonnie.

DR. PONWITH: Thank you, Madam Chair. Dr. Hart, hypothetically, if federally-permitted vessels were -- Shrimp landings from federally-permitted vessels were included in the requirement for weekly reporting, would that benefit the pace where these estimates could be made?

DR. HART: I would have to think about that. In that area, I believe that is all federal waters for that and so those landings would have to come from permitted vessels and so yes, it would help. We could do some thinking on how to do that.

DR. PONWITH: Because right now, my understanding is shrimp is excluded from the requirement for the weekly dealer reports. If shrimp were included for the federally-permitted vessels, if shrimp were included in those weekly dealer reports, for the areas that are in federal waters, those data would be available in at least the same timeframe that the effort data were available and it would alleviate some of that pressure.

CHAIRMAN BOSARGE: Dave.

MR. DONALDSON: Bonnie, I understand that. We have to be careful that -- Yes, we can get it quicker, but then, as Kevin pointed out, it doesn’t go through the rigorous quality control/quality assurance checks that the states do and there is potential to have more errors in that. As Rick pointed out, I think we need to study this a little bit before we move forward.
DR. HART: Yes and I don’t want to belabor that argument, but I guess it’s a level of frustration for me, being the stock assessment scientist, and this is an annual crop, in that we can’t get all the landings until ten months after the year. By the time that you try to do any real management actions, it’s almost too late and so I don’t -- This year, it seemed like the landings took longer than usual.

Normally, we seem to have gotten them in June or July, which is still six or seven months, but this was even later and so I don’t want to -- I will just let it go at that. I have a real level of frustration in wrapping my head around why it takes that long and I understand the QA/QC issue, but it’s ten months plus, or even six months, and I just -- I have issues with that, myself.

CHAIRMAN BOSARGE: Bonnie.

DR. PONWITH: Thank you, Madam Chair. Would it be possible to get someone from the Science Center or someone from the Regional Office and your staff, Dave, to talk about what are the roadblocks to actually being able to incorporate shrimp into the weekly dealer reports, just to talk over what the roadblocks and are they insurmountable and then we can drop it. If they’re not insurmountable, what would it take to overcome those and what would be the challenges?

I know last time we talked about this, one of the challenges, when we made the weekly electronic reporting by dealers mandatory, one of the challenges was that including shrimp created enough of a workload burden to the Regional Office that there was not a strong incentive to do that including.

We have really stood up the weekly dealer reporting and it’s working really well and it’s giving us, I think, much more timely and much more reliable advice in terms of tracking those commercial ACLs and now might be a good time to have some discussions about the potential for inclusion of federally-permitted shrimp.

MR. DONALDSON: We could certainly do that, Bonnie.

CHAIRMAN BOSARGE: All right. Excellent discussion and thank you for the presentation. We appreciate your time, sir.

DR. HART: Thank you, everyone.
CHAIRMAN BOSARGE: Roy.

MR. ROY WILLIAMS: A quick question. Are all federally-licensed shrimp boats required to carry that electronic logbook? Do we have 100 percent coverage on this?

CHAIRMAN BOSARGE: No, we don’t. I will let Bonnie speak to this, but they are chosen randomly and I believe it’s 500 of those logbooks that are on the boats. Bonnie or Dr. Hart.

DR. HART: There’s about 1,400 permitted vessels at the time that we picked them. We did a random selection of about a third of them and the target was about 500. I believe we have -- I think it’s 463 on vessels right now and the difference between that and the 500 is some of them have been sent forward to enforcement for not acknowledging any of the letters that they’ve been selected and there’s some vessels that are transferring permits and so it may go off a boat and then it has to go back on a different one or so on and so forth, but right now, we’re running at about four-hundred-and-sixty-plus.

That being said, the goal is to have everyone have one and just for more complete coverage and that everyone bears the burden. Everyone that has a permit though has the potential to be selected for one and so if a boat falls off the map or whatever, we do another selection and add one in and that’s been ongoing.

CHAIRMAN BOSARGE: Robin, you had a comment?

MR. RIECHERS: Rick, I think, in some respects, while everyone would always like full coverage, this is a perfect example of where sampling can be used and it provides a very good sample and a robust enough sample to make management decisions. We certainly have been relying very heavily on this in the past and now we’re relying on it even more and you all have done a great job of getting the sample and randomly distributing that appropriately so that you have good coverage.

DR. HART: I feel that as well and thank you. I do feel the coverage is excellent that we have thus far.

CHAIRMAN BOSARGE: Thank you again, Dr. Hart. The next item on our agenda is going to be Tab D, Number 4. That’s the Public Hearing Draft for Shrimp Amendment 17A and I believe Assane is going to take us through this.

PUBLIC HEARING DRAFT FOR SHRIMP AMENDMENT 17A - ADDRESSING THE EXPIRATION OF THE SHRIMP PERMIT MORATORIUM
DR. ASSANE DIAGNE: Thank you, Madam Chair. The first amendment, Shrimp 17A, addresses the moratorium and so we will just quickly review the action and highlight the preferred alternative that you have selected previously.

The action starts on page 7 in the document and, as you recall, the moratorium is set to expire a year from now in October of 2016 and so that would be our no action alternative if the council didn’t act, essentially. This moratorium would go away and that would be the no action alternative.

We have two more alternatives, including the preferred alternative that you selected, which is to extend the moratorium on the issuance of the federal Gulf commercial shrimp vessel permits and under that alternative, we have two options as far as the timeframe. One would be five years and the second one, your preferred option, Option b, would extend this moratorium by ten years.

Finally, a third alternative, Alternative 3, would create a federal limited access permit for commercial shrimp vessels. These are the three alternatives in the document and, again, your preferred alternative is Alternative 2, Option b, extend this moratorium by ten years. I will stop here and answer questions, if any. Thank you.

CHAIRMAN BOSARGE: Any questions or comments for Assane? Assane, I would just like to mention on our timeline as well. As you said, the moratorium will expire in October of 2016 and so as far as our timeline for this document, I believe we have it slated to go out for public hearings before our next council meeting and we talked about those locations at the last council meeting and we made a few adjustments to the locations, per the request of some of the states.

I will go out for public hearings before our next meeting and we will get that feedback and then we need to take final action on it, at the latest, at the April meeting.

DR. DIAGNE: Yes and, as you indicated, we are making plans to conduct the public hearings in January and our plan is to bring you the public hearing comments as well as a final document, to allow you to take final action during the January council meeting.

CHAIRMAN BOSARGE: Thank you. Go ahead and continue.
DR. DIAGNE: Then for this amendment, essentially that would be it. It’s, as you know, a single one and so we’ll just proceed then with the plan, given that you’ve selected your preferred alternatives, and then we will just conduct the public hearings and bring you those comments and, if you so choose, take final action during the next council meeting. Thank you.

CHAIRMAN BOSARGE: All right and now I think we still have the royal red piece that we did leave in this document and so I think we have one more action. On that one, I don’t think we picked a preferred yet on that action item. I think it’s on page 10 and so that may be one we want to pick a preferred on at this point.

DR. DIAGNE: That is true. I lost sight of that. Then to the second action, which is the royal red endorsement -- Here, you have really two alternatives, no action, which would continue to require the endorsement, and then Alternative 2, which would discontinue the royal red shrimp endorsement. These are the two alternatives and, as you indicated, you haven’t selected a preferred yet.

CHAIRMAN BOSARGE: Any discussion from the committee on this particular action item? Myron.

MR. FISCHER: Is the royal red endorsement necessary? I would ask, are we using it for whatever statistical gains we have by having that endorsement? I am just curious to see what the agency has to say.

DR. CRABTREE: My opinion is no, it’s not necessary and it’s not giving us anything. There are three-hundred-and-something of these endorsements and I think there are about ten or fifteen active vessels and so an awful lot of people are getting them who aren’t really in the fishery and the idea was we could use this to see how many are in the fishery and it’s just not working that way.

CHAIRMAN BOSARGE: If you let me give you a little feedback from what I -- I agree with Dr. Crabtree there are a lot of these out there and they’re really not being used. There is one caveat to that.

In some of the discussions that are taking place right now with the Coral AP and possibly mapping out some more habitat to be closed for different types of fishing effort, and typically any kind of bottom trawling is one of those in a coral area, there was an exception made, via the Coral AP when they met with the
royal red shrimp industry, and they said we can see that you’ve been fishing in this area for decades and you obviously are not damaging the coral. You know that it’s there and you are trawling in such a way that you pull your rigs up and go over the top of the coral and then let back out after you have passed the coral.

They did make an exception that when and if these areas are designated as habitats of particular concern, HAPCs, that they would make an exception that if there was a royal red permit endorsement, an endorsement on the boat, that they could trawl there. That shrimp boat could trawl there.

I know it’s going to be a burden for NMFS to keep up with all of these permits for that, but it may be something we want to explore and see if the costs and benefits -- Which one outweighs each other. Robin.

Mr. Riechers: Steve or Roy, in the absence of the permit, can we identify the active vessels each year, so that if you did need to go to the actual vessels that were harvesting for some reason that you would still be able to get to those vessels?

Chairman Bosarge: Steve.

Dr. Steve Branstetter: The number of vessels changes annually, just about, and, as you can see in that one table, so it does -- I guess, to come back to Leann’s comment about if an endorsement is onboard that you can trawl in that area, I am not sure where the endorsement -- Why else would you be out there trawling?

But yes, it’s -- Most of the data is confidential anyway and I don’t know that we can identify specific vessels on an annual basis that would be operating in the fishery.

Dr. Crabtree: But I mean I think the experts are Rick and Jim, if we might want to get into that sort of thing.

Mr. Riechers: Maybe Rick or Jim could come to the mic and we can repeat the question for them and they may be able to answer it, but I guess my only point was if there was a -- There was a past belief that we might want to be able to identify that universe of people and be able to pull them out and at some point, if we need to have a management action or have any discussion, we could identify them.

Obviously landings attached to vessels in small numbers becomes, as you indicated, a privacy issue, in some respects, but would
the agency still have the ability -- It’s not really a privacy
issue if you’re just trying to contact people and would the
agency have the ability to still make that contact, if needed,
just with the landings, as opposed to a permit that you would
then have to narrow down to who is actually fishing, in some
respects, or go to the whole universe?

I mean I’m trying to get to a point where maybe we can basically
do away with the permit, but I think there’s probably still the
need to determine who are the active vessels at some point, but,
Rick or Jim, the question is whether or not without the permit,
just based on the landings information on the active vessels, is
there a way we can tie that to actual vessels?

DR. JIM NANCE: In the GSS program, I mean you’ve got -- Are you
talking about royal red? Okay. For royal red, yes, we have the
landings from royal red and we have the vessel associated with
that landing and how much they caught.

CHAIRMAN BOSARGE: As far as any boardings that may happen in
that area, I would assume that that’s going to be Coast Guard
that would do any boarding on a royal red shrimp boat, because
those types of boats shrimp in very deep offshore waters, and so
as far as the Coast Guard was concerned, if there was a closed
area that’s closed to bottom trawling, with the exception of
royal red shrimpers, do you necessarily need to see the royal
red endorsement on the permit on the vessel or can you simply
look at the depth of water they’re in and determine these are
obviously royal red shrimpers?

LCDR JASON BRAND: Thank you, Madam Chair. I think we can
accommodate whichever way you can prefer. We can figure out
where they’re located and what they’re shrimping for when we get
onboard and we can also determine -- From their name, we can go
back and look them up.

CHAIRMAN BOSARGE: Mara, did you have a comment?

MS. LEVY: I’m just -- I mean I don’t know how it would play out
in the end about this exception and all that, but, ultimately,
you have three-hundred-and-some-odd vessels that have this
endorsement and you have seven or ten or fifteen that are
actually fishing and catching royal red shrimp and so if you
have this exception, then everyone that wanted to be out there,
even if they weren’t, catching royal red shrimp would buy an
endorsement. Do you see what I’m saying?

Like it doesn’t really -- It doesn’t limit the endorsement to
only those people that harvest royal red shrimp. It’s not exclusionary in that way and so whether you have it or you don’t, I mean it’s an administrative fee for someone to buy it, although it’s not that expensive.

There is a lot of administrative fees for the agency to actually put it out there, but I’m not sure it will get you the goal of really identifying those that are fishing for royal red shrimp if you establish some sort of an exception to a closed area.

CHAIRMAN BOSARGE: Okay. We’ve had some good discussion on this. It sounds like there is some pros and cons to both sides. Myron.

MR. FISCHER: Thank you, Madam Chair. It sounds as though, in one case, it’s not a necessary permit. However, with what’s been brought up at this discussion, it could become very necessary for some fishermen down the road, some of these commercial fishermen, and, being there are so many vessels with the permit who don’t fish according to that, I wonder if some type of qualifier could be worked out in the future, where it’s only these royal red fishermen who are holding these permits.

CHAIRMAN BOSARGE: I believe we actually had a qualifier in the document when we started and so we can probably find that in the section -- I don’t know what page it would be on, Assane, where we removed it from the document.

That may be something that we can look at adding back in, if we want to do that, to take some burden off of NMFS and get these permits down somewhere closer to the reasonable realm of what’s really going to be fished, but I would think it would need to be a long time series, because this is something that some of these boats may not do every single year.

DR. DIAGNE: I’m sorry, but did you have a question, Madam Chair?

CHAIRMAN BOSARGE: Yes and we were speaking to putting those poundages as qualifiers back into the document.

DR. DIAGNE: Yes, those have been removed in the version that you are seeing right now, but we can -- If you want us to put them back in, we will do that.

CHAIRMAN BOSARGE: I think that’s what Myron is speaking to. Do you want to clarify, Myron?
MR. FISCHER: Yes and if you look at the chart on the next page, on page 10, you can see the amount of endorsements compared to the amount of activity. It’s a grave difference in number and even if you use a very, very long time series, you will still probably reduce this 300 to a manageable level and still not affect those people who engage in the industry and whatever protection they may have with the -- I am not sure if it was habitat areas of particular, but the one you brought up.

CHAIRMAN BOSARGE: Go ahead.

MR. RIECHERS: Myron, as I am seeing the question before us, if we don’t permit them, then we really have no way of knowing who is going to be there on any given year and people with a Gulf shrimp permit can come in and out as they see fit.

If you are going down your kind of road now with a qualifier, you are basically going to issue the permits to a more select few than those that are there, but they’re still going to have to have a permit that sets themselves off, unless you’re going to issue them some sort of permit for a longer period of time for that exception. At least that’s what I am seeing.

I understand the road you guys are trying to think down, which is how do we get that number down to a more reasonable number than the 320, and then provide for that exception, but I think the qualifier may be still having it a little bit more open or we’re still going to have a permit at that point, because you’re still going to have to not only identify them, but give them something that makes them stand out, at least as I am seeing that logistically play itself out.

CHAIRMAN BOSARGE: Yes and, just for clarification, it’s an endorsement to the federal moratorium permit and so it’s an endorsement to that permit and I guess my only other concern would be that we do have quotas in place, or we do have ACLs in place, for that portion of the fishery and so there may come a point in time where we may need some specific effort data, but it may be that we can generate that through other avenues, but it is something to think about. Robin.

MR. RIECHERS: Maybe what we should do, and this is just a suggestion here, is that since there is this question that you’ve brought up regarding the exception to fish in certain areas, if we include some discussion about that in our presentation as we go out to have this document in public hearing -- You know obviously we have a rare chance of even getting one of these people to our public hearings, but maybe we
would get comments from them as a best way to proceed.

Obviously the easiest thing to do is just keep the endorsement and you know we may be back at the next meeting where we could either just do away with it or keep it. We know we can identify the people fishing, but if we go down a qualifier road, I think it probably gets more complex than this document will be able to -- Then we will be able to work through in the amount of time that this document has, so that we don’t lose the permit moratorium.

CHAIRMAN BOSARGE: Dr. Crabtree.

DR. CRABTREE: There’s no question that if we wanted to do a limited entry think with royal red shrimp -- We don’t have time to do it in this document and so if that’s what you’re actually thinking about, I would just leave this alone and leave the permit in place and come back to that in the subsequent amendment, but we certainly don’t have time to develop all of that in this amendment.

CHAIRMAN BOSARGE: Okay. Any further discussion? David.

MR. DAVID WALKER: I’m not on your committee, but I had discussion with the royal red fishermen out of Alabama and I understand the price of shrimp has something to do with participation in it. It seems like the last year they have not been fishing for royal reds quite as much and it was more to do with the price.

CHAIRMAN BOSARGE: Okay. Assane, I -- Myron.

MR. FISCHER: Madam Chair, I don’t know if we need a preferred to go out to comment and you know it’s either no action or discontinue and we’ve heard different sides and have pros and cons on both sides and it’s -- Do you want a preferred at this time or is this something we will just leave be?

It’s an open permit. It’s an open access permit and if we do the route of the presentations and explain that they need the permit, that 300 may bump up to 600 real quick. People will get fearful that they may not be included and so I’m starting to wonder if it’s a necessary permit, once again.

CHAIRMAN BOSARGE: Whatever the committee wants. We don’t necessarily have to have a preferred. Now, having said that, in January we hope to take some action on this and in April, at the latest, take final action and so I’ll leave it up to the
committee. Steve.

DR. BRANSTETTER: Maybe a little historical perspective, but I know when we put the limited access shrimp permit in place that I talked with a lot of shrimp fishermen who said, well, I think I’m going to get that royal red endorsement in case you ever go limited access on it, but if they had no landings with it, then it wouldn’t make any difference, but part of that 300 is a speculation part.

CHAIRMAN BOSARGE: Yes, sir.

MR. CHRIS CONKLIN: Thanks. This discussion is pretty similar to what we had with our dolphin/wahoo permit issue going on at our last meeting and what we did, because it’s an open access permit, is we just set a control date to put the fishermen on notice that we may take further action on looking at putting a limit on the permits, but you know it does put the fishermen on notice and you can always change the control date and you don’t actually have to take any action at all, but it might be something to consider.

CHAIRMAN BOSARGE: Dr. Crabtree, correct me if I’m wrong, but right now there is a moratorium on the permit, the shrimp permit, but as far as the endorsement, you can still float in and out of the royal red part, correct?

DR. CRABTREE: Yes.

CHAIRMAN BOSARGE: So you could do away with your royal red endorsement one year and, as long as you kept your actual permit up though, the next year you could go back and get your royal red endorsement again.

DR. CRABTREE: Correct.

CHAIRMAN BOSARGE: Okay. Assane, I believe that finishes up this document.

DR. DIAGNE: Yes, Madam Chair. This covers the two actions in 17A.

CHAIRMAN BOSARGE: Any other comments from the committee on Shrimp Permit Moratorium Document 17A before we move on to 17B? All right. If you will turn to Tab D, Number 5 in your briefing book, Assane is going to take us through Shrimp Amendment 17B, Yield, Threshold Number of Permits, and Transit Provisions.
DR. DIAGNE: Thank you. For this amendment, we could start by reviewing a bit the purpose and need for action, which is on page 3 in your document. I will not read the entire purpose and need for action, but essentially it shows that one issue, perhaps, has not been addressed and that would have to do with biological issues, such as the one mentioned, the red snapper issues, in terms of bycatch, as well as the sea turtles.

Perhaps if the committee would like to suggest some language so that the need statement could reflect that we also have to address some of the biological issues and make sure that whatever number of permits we end up with does not create a problem for us down the line.

CHAIRMAN BOSARGE: All right. Any feedback from the committee on the purpose and need statement? Robin.

MR. RIECHERS: Well, I think it kind of goes without saying, because I mean the presentation we just had, because of other amendments that we have, and the Endangered Species Act requirements and biological opinions, that certainly effort control is paramount or effort being where it is now, in some respects, is paramount to continuing to meet other goals in other fishery management plans and in other recovery plans.

I don’t know if you have to say it here, Assane, but it certainly doesn’t hurt to reiterate that here, because they are obviously linked and whether we make a note of it here or not, they are and so --

CHAIRMAN BOSARGE: Yes, Assane.

DR. DIAGNE: Yes, Mr. Riechers. The need for action talks about maintaining increases in catch efficiency, promoting economic efficiency, and so forth and so perhaps then, at the IPT level, we may consider adding a statement to the effect of reducing or controlling our bycatch, if you would, red snapper bycatch and sea turtle take, something along those lines.

CHAIRMAN BOSARGE: Thank you, Assane. Any other comments on the purpose and need? All right, Assane, if you will continue taking us through the document.

DR. DIAGNE: Thank you. Let’s go ahead and review the actions that are included in this amendment, but, before that, I will start by perhaps mentioning giving some information relative to
Dr. Travis shared some information with me and so far this year the shrimp prices have significantly decreased and, in fact, when I am looking at the northern Gulf and the western Gulf, depending on the count size, prices dropped somewhere between 30 and 45 and 47 percent and so a significant drop in shrimp prices this year so far.

Let us start with Action 1, which is on page 7 in the document, and this action would address the aggregate MSY for the shrimp fishery in the Gulf of Mexico. We have two alternatives. The first one would not establish an aggregate MSY and the second one would establish an aggregate MSY using a method developed by the shrimp effort working group.

Essentially, for this action, what the IPT would request is that the council consider allowing us to set up a working group that would essentially look at the methods and come up with an aggregate MSY estimate that we could rely upon later on. Thank you and I will stop here for Action 1.

CHAIRMAN BOSARGE: Just to step back for a moment, right now we break the penaeid shrimp down into brown shrimp and white and we have certain metrics for each one and so this will establish an aggregate, or an overall MSY, that encompasses all three of those together and the IPT has asked if we would give instruction to convene a working group that will begin to evaluate exactly how to go about figuring out what this MSY and OY would be. Is that something the committee is interested in doing? Robin and then Dr. Crabtree.

MR. RIECHERS: It seems to me that, since the IPT is requesting this, I assume National Marine Fisheries Service is requesting this, in some respect, so that we need to put the appropriate scientists together to do that. I certainly am willing to make that motion, but before I do, since Mr. Gregory had his hand up as well, maybe you would like to hear from him, in case he contradicts what I just suggested.

CHAIRMAN BOSARGE: All right. I will get Dr. Crabtree first and then come to Doug.

DR. CRABTREE: No, I was just going to voice my support for this. I think it something we need to do to flesh this out.

CHAIRMAN BOSARGE: Doug.
EXECUTIVE DIRECTOR DOUG GREGORY: I think the IPT is recommending a workgroup because they can’t figure out how to go about doing it and I have a concern that it probably cannot be done.

I mean we went through a lot just getting MSYs for the individual stocks of fish, pink shrimp, white shrimp, and brown shrimp, and to develop aggregate MSY and OY is -- MSY is a challenge and OY I think is probably impossible, unless we come up with some artificial definition of what OY is. We certainly can’t use the guidance in the Magnuson Act, you know MSY as reduced by ecological, social, and economic factors.

The only real model we have for anything would be a maximum economic yield, which is from the economists, but I think having a workgroup meet and we can do that and I think the result of that workgroup is going to be that this is extremely time consuming and difficult or cannot be done.

I understand the reason for this is to tie the number of permits to some biological construct. I mean I understand the logic there, but I really doubt that it can be accomplished and that’s all I was going to say.

CHAIRMAN BOSARGE: Robin, back to you again.

MR. RIECHERS: All right. Then I will move that the council convene a working group to evaluate aggregate MSY and OY methodologies for shrimp.

CHAIRMAN BOSARGE: Myron had said he was going to second that, as he walks by.

MR. RIECHERS: To be more exact, let’s say for all penaeid shrimp species.

CHAIRMAN BOSARGE: Robin, is that your motion?

MR. RIECHERS: “To evaluate aggregate MSY and OY” should go between “group” and “for” there, the way it was constructed. Just as a quick point of discussion there, Doug, in follow up to your question, the reason why I am leaving “reasonable alternatives” and “for determining” is I am not trying to preclude that they can, but they can then go to work here and see what they can come up with.

CHAIRMAN BOSARGE: All right, Robin, is that your motion?
MR. RIECHERS: Yes, that’s the motion.

CHAIRMAN BOSARGE: All right. We have a motion on the board and is there any discussion on the motion? Assane.

DR. DIAGNE: Thank you, Madam Chair. Just for the flexibility, Mr. Riechers, perhaps the motion could just read “for all shrimp species” and just leave it at that. Also, I believe that in the past Dr. Hart and their group, and Dr. Nance, have attempted estimating aggregate MSYs and so there are ways that they can go about doing that and maybe if you wanted to speak to it, but that has been tried, I guess, in the past in some ways.

MR. RIECHERS: I would certainly accept the “for all shrimp species” if that’s how you prefer it. It’s not an issue for me and yes, I remember. Basically we have pulled them apart and now we’re talking about putting them back together and so I think you folks -- Let them go to work and see what they come up with and bring it back to us.

CHAIRMAN BOSARGE: Is the seconder okay with that change? Yes? All right. We have a motion on the board. Any further discussion on the motion? Any opposition to the motion? The motion carries. Assane, do you want to continue leading us through the document? We have about seven minutes.

DR. DIAGNE: Okay and thank you, Madam Chair. In fact, then the discussion for Action 2 would be very short, because Mr. Riechers did already include it in his motion. After the determination of MSY, then the next step would be to determine an optimum yield, an OY, level and so that has two alternatives and presumably then we will use the work of the working group to be able to have a more specific alternative when the time comes.

CHAIRMAN BOSARGE: Just to correct my -- We are going to eleven and so we do have a little more time.

DR. DIAGNE: Okay. So then let’s go ahead and start Action 3 and Action 3 would discuss the minimum threshold number of permits. It starts on page 10 in the document. Something that the IPT has suggested is in the past we discussed target number of permits and perhaps a threshold number reflects more of what it is that the council is trying to do and hence, the title of the action.

It’s Minimum Threshold Number of Permits and we have several alternatives, seven of them as it is right now. The no action alternative would not set a threshold number of shrimp permits,
Gulf shrimp permits. Alternative 2 would set a threshold and would use to compute that number the results of the working group, meaning we would base that threshold on the OY determined by the working group.

Alternative 3 would set the threshold of permits by using the number of active permits during 2009 and that was the number that was used during the study on the statement for incidental sea turtle take and that number was 1,074 permits and so Alternative 3 would use the reference point that was used in the biological opinion and, again, that’s 1,074 permits.

Alternative 4 would set a threshold based on the 2011 number, the highest level of effort during the moratorium, if you would, and that number is 938 permits.

We have various other reference points. For Alternative 5, the number would be 882 permits and Alternative 6, we have several options with it and the number of permits there would vary from 909 for Option c to 1,133 for the first option, Option a.

Finally, Alternative 7, which uses a variety of years, for example the end of 2009 or 2014 and so forth, would have numbers fluctuating from 1,933, and that’s the highest number, to perhaps an unknown number, which would be the number of permits at the end of the initial moratorium and so the number of valid permits, valid and renewable, on October 26, 2016.

Just one note before I stop on this action is some of these alternatives have numbers of permits that are higher than the current number of permits that we have today, meaning that if those were to be considered, somehow we would have to make new permits and then I guess put them in whatever place we would have to put them for the next step. Thank you.

CHAIRMAN BOSARGE: Thank you, Assane. Any discussion on Action 3 from the committee? I would like to say thank you to staff and the IPT. I think that this document is much easier to understand and it flows very well. I think we know a little better what we’re looking at and I kind of like the way they fleshed it out and turned Action 3 into the threshold and then the next action will address what we do with the threshold. I think that makes things a lot easier to understand and so kudos to them for that.

Any feedback or anything you want more discussion on in Action 3 or added to Action 3 or deleted from Action 3 from the committee? Assane.
**DR. DIAGNE:** If I may request from the committee if there are any alternatives here that you think may not be workable or that would essentially result in a number of permits similar to something we already have that you consider perhaps removing, because we already have seven alternatives and many, many options. If there are perhaps some alternatives that you may consider removing from this, that would be helpful in streamlining the document.

**CHAIRMAN BOSARGE:** Dr. Crabtree.

**DR. CRABTREE:** Well, the one that strikes me that I would remove is Alternative 7. I don’t see any -- I mean we’re already bumping very close to these thresholds and I suspect any under reasonable estimation of optimum yield that we’re close to it and so I don’t see anything that would lead us to increasing the number of permits. I would make a motion to remove Alternative 7 to the considered but rejected.

**CHAIRMAN BOSARGE:** Okay. We have a motion by Dr. Crabtree and do we have a second? I will second it for discussion. Is there any discussion on the motion on the board? Myron.

**MR. FISCHER:** Of course I will speak against it, because I was instrumental in getting it added. This industry, looking at the active vessels versus number of permits, has historically always seemed to have many more permits than what is active in a given year.

I do realize that if all permit holders became active that there would be a lot of effort taking place and I wonder, is there a way we could track if it’s been the same inactive vessel through time that’s just holding on to permits or if it’s fishermen getting in and out of this fishery or getting in or out of other fisheries that always need the shrimp permit as something to go back to.

Before I could support this, I would like to know where that resides, because, as of today, we have -- Well, it’s probably changed since the last meeting, but we have around 1,460 permits. I am well aware that probably only 60 or 70 percent of them are active.

The inactive permits has always been part of this fishery, but I would like to see some analysis, if the permits section could possibly indicate to us that these are -- If it’s the same 300 or 400 or 500 permits that have never been active and just
holding on to permits, that could change some of the opinions on this.

CHAIRMAN BOSARGE: Okay, Assane, and maybe that’s something we can have some more discussion in the body of the document about. They address it a little bit under their discussion for Alternative 7, but I think Myron is wanting a little further discussion.

Mainly what they say in Alternative 7, under the discussion, is that essentially going back to the 1,933 permits that were originally issued -- If you look at that throughout the entire period of the moratorium, if you look at every year, so that you can see some boats coming in and working it one year, but not another, only 1,539 of those permits were ever worked. I mean it’s a little confusing the way it’s written there, but that’s what I am interpreting that to say, but maybe -- So maybe there could be a little further discussion about that.

DR. DIAGNE: Yes and we will contact the permits office and try to look at that closer, but in the process, let’s say some permits have changed hands and all of that and so to track the level of activity of a single individual, let’s say for the past ten years, may be challenging in some instances.

CHAIRMAN BOSARGE: Robin.

MR. RIECHERS: Just as a point of discussion, Roy, at some point I may vote for this motion, but at least at this point in the document, this is really what this whole alternative was about, in some respects, and so I am probably going to vote against the motion now and then I have another way to offer what I believe Assane is trying to get us to do, which is cut down the number of alternatives, but I will speak to that after we vote on this motion.

CHAIRMAN BOSARGE: Myron.

MR. FISCHER: The entire slate of options under Alternative 7 may have been aggressive. It was just trying to look at the entire range from the beginning of the moratorium to the end of the moratorium and that could be trimmed down easily, looking at some of the less recent years. What you do have to -- What I was doing when I made the motion was looking at the years that had the highest CPUE and putting in those amount of permits that match the higher CPUEs.

CHAIRMAN BOSARGE: I am with you on the CPUE, which is at the
heart of this document, you know is that CPUE and making sure that we maintain that. I guess the part that scares me is that CPUE, if you think about it, that’s based on the number of boats that were actively fishing then.

I, as someone in the industry, have to think about worst-case scenario. If that CPUE was based off of 900 or 1,000 or so boats actively fishing, right, and getting those catch levels, then the worst-case scenario, if this was the route we would go, is even at 1,500 permits in the reserve pool, if those -- If we got somewhere close to an actively fished level around that 1,500, that is a 50 percent increase in the number of active boats out there fishing and that means your CPUE just got cut in half.

As someone that is trying to make a living shrimping, obviously that’s not a sustainable level for the shrimp fleet, at 50 percent of the CPUE that we’re at now. I don’t know that that will ensure that we keep this fleet viable and maintain these economic gains that we’ve seen in CPUE over the past decade or so. To that, Myron?

MR. FISCHER: I wouldn’t say that that increase would cut the CPUE in half, because I am looking at the tracking of the effort and CPUE and I cannot say that that’s a very correct statement. They may have some tracking parallels, but CPUE has gone down the last four years and so have the amount of permits.

CHAIRMAN BOSARGE: Dr. Crabtree.

DR. CRABTREE: The reality of it is if effort goes up any higher than it was last year, you’re going to have closures and that’s just out of the red snapper portion of this. There are other thresholds and triggers under the biological opinion that could result in potentially much broader-based closures and so, to me, there is just no rationale anywhere for that many permits. It’s just begging for all sorts of negative impacts on the fishery and all kinds of bycatch issues.

CHAIRMAN BOSARGE: All right. Any further discussion on this motion? All those in favor of the motion signify by raising your hand, please; all those opposed same sign. The motion fails and so this will remain in the document.

MR. RIECHERS: Now, to try to help Assane with just reducing the number of options, Assane, the way I see Alternatives 3 through 6, they basically all are dealing with active permitted vessels and they have different justifications for the years that you’ve
chosen, but they are basically the years 2007, 2008, 2009, 2011, 2012, and 2013 and the range of active vessels ranges from 882 to 1,133.

I think probably what you’re trying or wishing that we would do is cut down on the justification and the amount of write-ups and comparisons that you have to do. I think you can basically just speak to those ranges and put that in one option with sub-options based on those number of active vessels or years or just a range from 882 to 1,133. I think all of those can be merged, because they’re all just active permit vessel options.

DR. DIAGNE: Yes, Mr. Riechers. They are all active permit vessels, but the justifications used to arrive at the number may be different and that is perhaps why the IPT chose to separate them. For example, one speaks specifically to the reference point in the biological opinion and another one talks about the highest CPUE since the moratorium and to be able to provide perhaps different justifications and that is why they are separate alternatives, but we will take a look again and if there is a way to merge them, I am sure the IPT will consider it and include them for the next time. Thank you.

CHAIRMAN BOSARGE: Okay. Any further discussion on Action 3? All right. Assane, will you continue please?

DR. DIAGNE: Thank you. On to Action 4, which starts on page 18 in the document. This considers the response when the threshold number of permits selected in the previous alternative is reached.

We have three alternatives here for your consideration, the no action alternative and Alternative 2 is if the number of permits reaches the threshold set in Action 3, any permits that are not or were not renewed within one year of their expiration date will go into a reserve pool, a Gulf shrimp vessel reserve pool.

Alternative 3 is if the number of permits reaches the threshold, the council would then form a review panel to review the threshold and determine if action is needed and so these are the three alternatives. Alternative 2 automatically puts those permits in the reserve pool and Alternative 3, which gives you the flexibility of setting up a review panel and reviewing and determining whether action is needed at that time. Thank you.

CHAIRMAN BOSARGE: All right. Any further discussion on Action 4 or anything we would like to see expanded upon here in the discussion? Seeing none, Assane, continue, please.
DR. DIAGNE: On to Action 5 and that would be on page 20. This action has several alternatives, four, and it addresses the issuance of the reserved Gulf shrimp permits, those permits that we put in the pool.

We have a no action alternative and Alternative 2 is National Marine Fisheries Service will maintain a waiting list for reserve Gulf permits and notify the individuals in the order in which they submitted their applications, meaning in the order in which they appear on the list when that permit is available and, once notified, the individual would then apply formally and get the permit.

We have several options here and the options address eligibility requirements. Option a would not specify any requirements and Option b would require that one be a U.S. citizen or business and Option c would assign the permit to a vessel that is of a certain length and that is highlighted here, to give you the opportunity to perhaps specify a length, if you so choose.

Finally, Option d is to assign the permit to a vessel with a U.S. Coast Guard Certificate of Documentation and these are the four options and these options are repeated for each one of the alternatives, the eligibility options.

Alternative 3 is the reserve permits would be available once a year and would be issued to all eligible applicants in the order in which their application was submitted or received. Finally, Alternative 4 would issue these permits and based on the winners of a lottery that NMFS will conduct to determine which individuals may have the opportunity to apply for a permit. For all the alternatives, we have the same eligibility requirements.

Thank you.


MS. LEVY: Thank you. I think previously you had asked me about the potential to limit this to U.S. citizens or businesses and I said I would follow up on that. I think my comments are basically going to be towards the reason that you would adopt this.

If we’re talking about U.S. citizens versus permanent resident aliens, people with legal status, I think there is an extremely high burden for excluding those with legal status versus U.S. citizenship and saying only those with U.S. citizenship can have
these types of permits. I am not sure we could meet that burden.

If we’re talking about U.S. citizens and legal residents with permanent status versus true foreigners, there is still going to need to be some sort of reasonable, rational explanation for why it’s appropriate to make that distinction and so it’s really going to go towards the reason and especially when we don’t have any other permits in the Gulf that have this type of requirement.

I am not talking about IFQ or LAPP programs, because there is a specific provision in the Act related to that. I am just talking about regular fishing permits and if you decide to go down this path, you sort of need to think about, especially with respect to corporations, what, quote, unquote, a U.S. citizen corporation is and so it requires further defining and those things.

It starts to get pretty complicated, but, just at the onset, I would ask you to think about the rationale for making such a distinction if you’re going to consider this type of eligibility requirement.

CHAIRMAN BOSARGE: Okay. Any further discussion from the committee? Doug, remind me, but I think the Shrimp AP will be meeting again somewhere around the early part of next year, before this goes final, and so it’s also possible that with that new information, as well as -- The Shrimp AP did review this and this was one of their suggestions, to put this in the document, and maybe we can give them a little more information and get some more feedback from them, because they also wanted some information relative to this Action 5 on the length of vessels.

They wanted to see some of that data before they could decide on a length that they would want to see as a threshold and the IPT and staff has gathered that data and so maybe we can get some more feedback from them as to do they still want to see this in the document. Mara.

MS. LEVY: Right and I would just also -- I mean as you’re considering this, if you think about having a certain length, who is going to decide what the appropriate measurement of that length is? Is it just something that somebody is going to say on their application, this is the length I have decided my vessel is, or is there going to be some sort of requirement that they provide proof?
We have all of these things where we might ask for eligibility requirements, like when we had the income requirement for a number of Gulf permits. People were just checking a box and that’s fine and they do it under the penalty of perjury and all of that, but we weren’t asking them to submit anything that actually verified it and so effective it is also depends on that, but when you start asking for documentation, you have to realize you are increasing the burden to the people who are doing it as well as to the people who are reviewing the application.

I just ask you to consider that when you’re looking at these particular options and the one about having a Coast Guard documentation, that would necessarily exclude any state-registered vessel that doesn’t meet the requirements for a Coast Guard documentation and is that -- Again, what would be the basis for doing that? A lot of this is going to depend on the reasoning behind any decision.

CHAIRMAN BOSARGE: Thank you. Any further discussion? Myron.

MR. FISCHER: If this system were to be enacted, the shrimp fishermen we spoke with, the feeling was it had to be active fishermen and they would like to see some type of landings be a qualifier to maintain this permit and now, I know this is for the initial issuance of it, but in order to hold the permit, they actually have to be active fishermen, whereas if there is 200 permits in a pool some entity can’t grab them all up and not fish them.

CHAIRMAN BOSARGE: Mara.

MS. LEVY: I will note that this is an initial eligibility requirement, but it also says that these can only be transferred to an individual who meets whatever you pick and so it’s not -- They would apply to anybody and so if you were to put in some sort of landings requirement, I guess you would have to decide whether -- I mean maybe initially they wouldn’t have it, but in some future years they would have to have it and that would probably be better as a separate action, if you wanted to add that, because I can see a number of different alternatives on that type of thing.

CHAIRMAN BOSARGE: Assane.

DR. DIAGNE: I think, depending on the method selected for distribution, it could be very difficult, if not impossible, for someone to let’s say buy 200 permits and turn around to be
For example, if the preferred method was a lottery, it would be impossible, I mean unless that someone is extremely lucky, to be able to win the lottery and have 200 permits to turn around and sell.

Perhaps if this action focused on the methods of distribution, rather than the eligibility criteria, we could presumably eliminate all of the Options a to d and perhaps even add, if you would, to the methods of distribution and to make sure that the concerns expressed, for example by Mr. Fischer, are taken into account and do away with the eligibility requirement and really focus on the methods of distribution that we will include in the document.

CHAIRMAN BOSARGE: Jason.

LCDR BRAND: Thank you, Madam Chair. Just one point of clarification on Option d. Assane, you have a five-net-ton minimum and is that what you’re using as kind of a way to differentiate between people that get a COD that under five net tons, which is possible?

The five net tons is a requirement and if you exceed five net tons, you have to have a Certificate of Documentation, but if you’re under five net tons, it doesn’t exclude you from getting a COD.

CHAIRMAN BOSARGE: In the AP, I believe the discussion revolved around the five net tons, because they didn’t have a lot of data on the length and so they said, okay, what is another way to kind of determine, on average, what boats are Gulf boats and what boats somebody is just putting a permit on to hold it, essentially, and so the five net tons, that was their rationale.

Most of the time if you’re going to fish a boat, shrimp a boat, in federal waters, it’s going to be five net tons and then that leads to the point that is listed under Option d, that if you are a five-net-ton vessel and you operate outside that state-water zone, then the Coast Guard requires that you have a Certificate of Documentation. I don’t know if that clarifies a little bit of that.

LCDR BRAND: Just one more point to that is to get certified for your net tonnage, it requires a company such as ABS to document you officially of your net tonnage and so there is some additional cost associated to that.
CHAIRMAN BOSARGE: I don’t guess it would necessarily preclude a state-water vessel, but if that state-water vessel had primarily been in state waters, but it was five net tons, then if they were to purchase a, even now, under the system we have now, to purchase a federal permit and go outside that state-water three-mile boundary, then they would have to be documented at that point. They would have to change the way that they’re documented. Mara.

MS. LEVY: I just want to clarify. Jason, were you saying that -- I know that if you’re five net tons or greater that you have to be documented, but a vessel -- Someone who has a vessel that’s less than five net tons can choose to be documented and if that’s what he is saying, then this alternative isn’t going to get you only those vessels that are over five net tons if what the application is going to say is give us Coast Guard documentation and you get the permit.

Someone is going to have to look at whether they have listed their vessel weight as greater than five net tons. If that’s the intent, then we should probably make it clear that it’s not just about having the documentation and it’s about having the greater than five net tons.

CHAIRMAN BOSARGE: Dale, did you have a question?

MR. DIAZ: Kind of a comment. I am not on your committee and thank you for recognizing me, but I did just look up five net tons on the internet a few minutes ago and basically what I think it says is generally if boats are over thirty-five foot that they generally hit that five-net-ton mark.

If somebody wants to get documented at less than thirty-five foot, then it’s a good idea to get a measure to see if they meet that standard or not. That’s kind of what I pulled off the internet, but I think I made this comment before, but as we go through this discussion, you know I think about areas of the Gulf where the bottom gradually tapers off and it’s fairly shallow even beyond three miles.

You know that might be a situation where smaller boats that are in port close to those areas might have to have this permit and you might have boats that are less than five net tons that -- I think western Louisiana is an example. It tapers off fairly slow there and the water is still relatively shallow and these thirty-foot boats might want to fish out in that area. I just want to throw that out there for consideration and I’m sure
there is other areas of the Gulf besides there, but that’s just
an example and thank you.

CHAIRMAN BOSARGE: All right. Any further discussion on Action
5? All right, Assane, if you will continue.

DR. DIAGNE: Yes, we will continue on to Action 6 and thank you.
For Action 6, it considers transit provisions for a shrimp
vessel without the federal permit and we have a no action
alternative and two alternatives here. Essentially, the
difference between the two alternatives would be different
definitions for stowed gear.

Alternative 2 is a vessel possessing shrimp may transit Gulf
federal waters without a federal permit if fishing gear is
appropriately stowed. Transit means non-stop progression
through the area and fishing gear appropriately stowed means
doors and nets must be out of the water. Essentially, for
Alternative 2, the doors and nets must be out of the water.

For Alternative 3, the fishing gears means that the trawl nets
may remain on deck, but the trawl doors, if present, must be
disconnected from the trawl gear and must be secured. That is
the difference between the two alternatives and so these are the
three alternatives considered under the transit provisions.

CHAIRMAN BOSARGE: Okay. Any discussion on Action 6? Dr.
Crabtree.

DR. CRABTREE: I guess I am still trying to understand why we
need this and I believe, Myron, this was one you came up with
and can you -- It’s not clear to me why -- I know we have areas
where we have closed areas and they fish on the other side of it
and they want to transit to get back home, but that doesn’t seem
like it and so can you explain to us why we would need to do
this?

CHAIRMAN BOSARGE: Myron.

MR. FISCHER: I won’t speak to similar areas in other states,
but in Louisiana, with a three-mile federally-recognized
boundary, we have boats, fishing vessels, fishing on one side of
the river or coming in through Venice, coming out of Tiger Pass,
and they have to cross federal waters to go from that point to
Grand Isle or to Fourchon. They are not actively fishing and
they are in transit, but they may have their shrimp in the hold,
because they are on their way to sell.
I would not think the transit provision is necessary if we allowed these vessels to get a permit and then they’re permitted vessels and it would solve it without the transit provision.

Also, the three center states, three miles is not very far out when you look at the shoal areas by the passes and the various reefs. When a boat is working out of the Pass and making a turn, many times they are over three miles from the Pass, just in the process of trying to turn and get back up on the beach.

DR. CRABTREE: A follow-up. How far out in federal waters would these vessels normally go?

MR. FISCHER: It depends on where they are coming from. If they are coming from Southwest Pass to Grand Isle, it’s not very far. It’s only thirty miles, but the majority of the trip crosses federal waters.

DR. CRABTREE: Is it like four miles off or five miles offshore? How far out in federal waters are they going?

MR. FISCHER: I would say there they are probably about -- More than five miles. They are five miles into federal waters. Coming out of Tiger Pass isn’t quite as bad.

DR. CRABTREE: So my concern with it is enforcement. I mean who is going to enforce it and make sure they are transiting but they’re not cheating on the rules?

MR. FISCHER: Roy, I feel the same way and I feel that if we just allow these boats to have permits that it would solve the problem.

DR. CRABTREE: They can get permits. They can buy a permit and then they don’t have a problem, but I again come back to one of the issues with transit provisions is always enforcement. In this case, we would rely on Louisiana to enforce the provisions through the JEA, but, given that I am looking at a press release that Louisiana put out that Louisiana now extends their state waters out to nine miles, I question whether Louisiana is going to enforce federal rules between three to nine miles and that leaves me with some real questions about is there any way to enforce this.

MR. FISCHER: As I said, how about we just let the boats get permits and not worry about the transit provision?

DR. CRABTREE: As I said, they can get permits. All they have
to do is buy one and so I don’t know, but it appears to me that
however we set this up that it’s going to be a big enforcement
problem, because I am not sure anyone is going to check these
vessels inside of nine miles off of Louisiana, where it sounds
like -- This is the only area where I have heard anyone raise
the issue and without some assurance from Louisiana that they’re
going to enforce the regulations in federal waters, which begin
at three miles, I have some real reservations about this.

CHAIRMAN BOSARGE: Robin.

MR. RIECHERS: I guess instead of, in some respects, trying to
make this a who-is-going-to-enforce-it issue, I mean, Roy, in my
mind, what if a National Marine Fisheries Service agent was in
that area?

So I mean I think what Myron is trying to address is a real
problem, or a problem in their area, and the solution is to
either create transit provisions and certainly the other
solution is for them to go find a permit from someone else, but
if they are truly just transiting, he’s just looking for a
solution so that they’re not in violation while in transit and
it doesn’t matter whether JEA enforces it or whether National
Marine Fisheries Service or even the Coast Guard might be in
shallower water that, though rare, could create an enforcement
action there. Let’s not make it a three-to-ten mile debate
here. Let’s figure out -- I mean if this is a problem, let’s
figure out how to solve it.

CHAIRMAN BOSARGE: Okay. Well, we’ve had some good discussion
and -- Dale.

MR. DIAZ: Again, I am not on your committee, but bear in mind I
have been a commercial shrimper before and I’ve been in marine
law enforcement before and we don’t have -- We’ve got a -- We
are hung up on having these doors on the deck and I mean I
believe in Mississippi we have some laws where no part of the
net can be in the water. They can’t wash it or nothing, but the
doors can be up in the rigging.

You know we might want to consider adding an alternative like
that. From an enforcement standpoint, I mean you can see a long
ways away with these nets hanging up in the rigging and I think
that would be fairly easy to enforce.

Some of these smaller boats, the deck doors in rough seas is not
very easy to do and I think it would be enforceable and I think
it would be just fine if we had another alternative that would
at least give us that option and maybe we will hear some public testimony and if that option was in there, we could see if they liked that or they didn’t like that or what the industry thought of the enforceability of that. Thank you for letting me speak in your committee, Madam Chair.

CHAIRMAN BOSARGE: Yes and, to Dale’s point, you know obviously, as someone with a federal permit, they’re always going to have to transit through state waters to get back to port, wherever they are going, and so we do have some transit provisions.

Most of the time, the boat is probably going to have a state water permit as well for the state that he is landing in, but there are situations, maybe Texas, for example, where you may not have the permit for state waters, although you have a federal water permit and you may be transiting for some reason other than offloading.

For the federal fleet, a lot of our transit restrictions in those situations are pretty tough. We’ve got to have our doors decked and nets unshackled and so I mean it’s not just, hey, just get it out of the water. It’s pretty steep and they want to know that you are not shrimping in waters that you are not permitted for.

Now, do I think we necessarily need to be that rigorous if this is maybe just a small group? I think we probably need to explore it and one option that I thought, kind of following what Dale said, is that maybe somewhere in between Alternative 2 and Alternative 3 and not necessarily deck your doors, but have your nets up and remove the bag strap.

Have your bag straps removed and you are not ready to shrimp at that point. It doesn’t take you very long. It takes you two-minutes to take it out or put it back in. That may be something we could add to the document, maybe as a happy medium as well, that may give people some more peace of mind. Myron.

MR. FISCHER: Thank you, Madam Chair. Leann, that’s what I was thinking about and that was what I was going to bring up, is many boats travel with the doors up in the booms, but they do have the nets in the boat and it’s obvious they’re not fishing and they’re moving and you could spot a boat with the nets -- If a boat is moving versus fishing, that is easy to spot and to spot a boat with the nets hanging versus the nets in the boat, again, that’s not difficult. I am just trying to simplify it and it may be just for a very few amount of people, but it’s definitely the people I heard from.
CHAIRMAN BOSARGE: Okay. Assane pointed out that Alternative 2 does actually speak to what Dale was mentioning, the alternative that he had mentioned as a possible transit provision. Now, it doesn’t go so far as to say the bag straps removed and that was me trying to get something in between deck your doors and unshackle everything and just get your doors out of the water. Maybe that’s something we could look at adding to Alternative 2. I don’t think it would be a huge burden on the fishermen. Law enforcement, did you want to weigh in on this at all, Coast Guard?

LCDR BRAND: I think I would have to talk to some of my folks more on some input from them on that, but we can discuss that at the next law enforcement meeting and I can get back to Assane with what I find out, but I think that shouldn’t be a problem, because we can determine, once we get close, whether they have been fishing or not, but I just want to double check with some of the enforcement folks.

CHAIRMAN BOSARGE: I am not sure when you meet next, but surely you do have some law enforcement from all the states on that law enforcement and so if we can get any feedback about what it looks like for them, from an enforcement standpoint, in that gray area, the three to nine miles, and what would be their protocol and that may alleviate some concerns there as well.

LCDR BRAND: Yes, ma’am.

CHAIRMAN BOSARGE: Assane, would you like to continue?

DR. DIAGNE: Yes, Madam Chair. That essentially concluded our discussion on the actions and alternatives included in the document. Perhaps a bit of information relative to the timeline that we are considering for this document.

You have allowed us to convene a working group and their work on MSY and OY determinations will help us in having more specific alternatives for some of these actions and we are planning on bringing back to the council for your consideration in April or in June of 2016 a public hearing draft for you to discuss.

CHAIRMAN BOSARGE: Thank you. Any other comments under Other Business? Anything that needs to be addressed by the committee? All right. I will just mention at some point in the future we would like to revisit that TED boarding form, to maybe add a box to it, as we discussed before, for voluntary inspections versus boarding, so that from a compliance standpoint we can make sure
that we separate those two categories. Maybe we will revisit
that at some point in the future. I think that concludes our
business.

(Whereupon, the meeting adjourned at 11:10 a.m., October 7,
2015.)

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