

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 250TH MEETING

4
5 FULL COUNCIL SESSION

6
7 Battle House Renaissance Mobile Mobile, Alabama

8
9 OCTOBER 22-23, 2014

10
11 October 22, 2014

12
13 **VOTING MEMBERS**

- 14 Kevin Anson (designee for Chris Blankenship).....Alabama
- 15 Martha Bademan (designee for Nick Wiley).....Florida
- 16 Leann Bosarge.....Mississippi
- 17 Doug Boyd.....Texas
- 18 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- 19 Pamela Dana.....Florida
- 20 Dale Diaz (designee for Jamie Miller).....Mississippi
- 21 Myron Fischer (designee for Randy Pausina).....Louisiana
- 22 Johnny Greene.....Alabama
- 23 Campo Matens.....Louisiana
- 24 Harlon Pearce.....Louisiana
- 25 Corky Perret.....Mississippi
- 26 Robin Riechers.....Texas
- 27 John Sanchez.....Florida
- 28 Greg Stunz.....Texas
- 29 David Walker.....Alabama
- 30 Roy Williams.....Florida

31
32 **NON-VOTING MEMBERS**

- 33 LCDR Jason Brand.....USCG
- 34 Dave Donaldson.....GSMFC

35
36 **STAFF**

- 37 Stephen Atran.....Population Dynamics Statistician
- 38 Assane Diagne.....Economist
- 39 John Froeschke.....Fishery Biologist
- 40 Doug Gregory.....Executive Director
- 41 Beth Hager.....Financial Assistant/IT Coordinator
- 42 Ava Lasseter.....Anthropologist
- 43 Mara Levy.....NOAA General Counsel
- 44 Emily Muehlstein.....Fisheries Outreach Specialist
- 45 Charlene Ponce.....Public Information Officer
- 46 Ryan Rindone.....Fishery Biologist/SEDAR Liaison
- 47 Charlotte Schiaffo.....Research & Human Resource Librarian
- 48 Carrie Simmons.....Deputy Executive Director

1
2 **OTHER PARTICIPANTS**
3 John Anderson.....
4 Ken Anderson.....Panama City Beach, FL
5 Pam Anderson.....Panama City Beach, FL
6 Keith Andrews.....Orange Beach, AL
7 Billy Archer.....Seminole Wind, Panama City, FL
8 Tom Ard.....Orange Beach, AL
9 Steve Ashby.....MS
10 Dylan Atkins.....Galveston, TX
11 Jeff Barger.....Ocean Conservancy, Austin, TX
12 Randy Boggs.....Orange Beach, AL
13 Susan Boggs.....Orange Beach, AL
14 Steve Branstetter.....NMFS
15 JP Brooker.....Ocean Conservancy, St. Petersburg, FL
16 Gary Bryant.....Fort Morgan, AL
17 John Bullock.....
18 Gordon Burdette.....Orange Beach, AL
19 Rick Burns.....MS
20 Shane Cantrell.....Galveston Charter Fleet, TX
21 Cody Carter.....Galveston, TX
22 Katie Chapiesky.....
23 Mike Colby.....Clearwater, FL
24 Dean Cox.....Destin, FL
25 Jason Delacruz.....Reef Fish Shareholders Alliance/Gulf Wild
26 Glenn Delaney.....
27 Justin Destin.....
28 Michael Drexler.....Ocean Conservancy
29 Andy Driscoll.....Orange Beach, AL
30 Tracy Dunn.....NOAA OLE
31 John Dyer.....Fort Walton Beach, FL
32 Brandon Eclar.....Extreme Offshore Charters
33 George Eller.....Destin, FL
34 Mike Eller.....Destin, FL
35 Ben Fairey.....Orange Beach, AL
36 Troy Frady.....Orange Beach, AL
37 Benny Gallaway.....LGL Ecological, TX
38 Joe Garris.....Gulf Shores, AL
39 T.J. George.....Destin, FL
40 Will Geraghty.....Naples, FL
41 Sue Gerhart.....NMFS
42 George Giesbrecht.....Destin, FL
43 Gary Goodwin.....Pensacola, FL
44 Brad Gorst.....Palm Harbor, FL
45 Jim Green.....Destin, FL
46 Buddy Guindon.....Galveston, TX
47 Nick Gutierrez.....Galveston, TX
48 Curt Gwin.....Destin, FL

1 Ken Haddad.....American Sportfishing, FL
2 Candy Hansard.....Valparaiso, FL
3 Chad Hanson.....Pew Environmental Group
4 Ben Hartig.....SAFMC
5 Scott Hickman.....Galveston, TX
6 John Hollingstead.....Orange Beach, AL
7 Chris Horton.....Congressional Sportsmen's Foundation
8 Glenn Hughes.....American Sportfishing Association
9 Steven Hunsucker.....Clearwater, FL
10 Mike Jennings.....Freeport, TX
11 Derek Johnson.....Orange Beach, AL
12 Frank Kane.....Fort Walton Beach, FL
13 Marcus Kennedy.....
14 Brian Kelley.....Destin, FL
15 Bobby Kelly.....Orange Beach, AL
16 Tony Kennon.....Orange Beach, AL
17 Edwin Lamberth.....Mobile, AL
18 Kelly Lucas.....MDMR
19 Eric Mahoney.....Clearwater Beach, FL
20 Herb Malone.....Orange Beach, AL
21 Tom Marvel.....Naples, FL
22 Kristin McConnell.....EDF
23 Ricky McDuffie.....Orange Beach, AL
24 Billy Murph.....Orange Beach, AL
25 Joe Nash.....Orange Beach, FL
26 Bart Niquet.....Panama City, FL
27 Chris Niquet.....Panama City, FL
28 Mike Nugent.....Aransas Pass, TX
29 Dennis O'Hern.....FRN, FL
30 Alicia Paul.....Panama City Beach, FL
31 Randy Pausina.....LA
32 Bob Perkins.....USCG
33 Stan Phillips.....Destin, FL
34 Jim Price.....AL
35 Bonnie Ponwith.....SEFSC
36 Sean Powers.....GMFMC SSC
37 Bryan Reavis.....Wild Orange Charters, AL
38 Jim Roberson...International Game Fish Association, Shalimar, FL
39 Lance Robinson.....TX
40 Scott Robson.....Destin, FL
41 Mike Rowell.....Orange Beach, AL
42 Chris Schofield.....
43 Joe Sewell.....MDMR
44 Bob Shipp.....AL
45 Steve Shippee.....Destin, FL
46 Grady Sowards.....Orange Beach, AL
47 Bill Staff.....Orange Beach, AL
48 Tom Steber.....Orange Beach, AL

1 Phil Steele.....NMFS
2 Thad Stewart.....Zeke's Landing Marina
3 Andy Strelcheck.....NMFS
4 Mike Thierry.....Dauphin Island, AL
5 Skipper Thierry.....Dauphin Island, AL
6 Jenny Thompson.....Oceana
7 Melissa Thompson.....FL
8 Steve Tomeny.....Port Fourchon, LA
9 Janet Tuck.....Montgomery, AL
10 Joel Tuck.....Montgomery, AL
11 Mark Tryon.....Gulf Breeze, FL
12 Joe Tyner.....Fort Walton Beach, FL
13 Russell Underwood.....Panama City, FL
14 Ted Venker.....CCA
15 Donny Ward.....Orange Beach, AL
16 Reuben Ware.....
17 Jimmy Waller.....Orange Beach, AL
18 Eli Walls.....Orange Beach, AL
19 Bobby Walker.....Orange Beach, AL
20 Wayne Werner.....Alachua, FL
21 James Westbrook.....Destin, FL
22 Jack White.....Summer Hunter Charter
23 Mike Whitfield.....
24 Jack Wilhite.....Orange Beach, AL
25 Jillian Williams.....Galveston, TX
26 Johnny Williams.....Alvin, TX
27 Shannon Williams.....Galveston, TX
28 Trey Windes.....
29 Dale Woodruff.....Orange Beach, AL
30 Libby Yranski.....American Sportfishing Association
31 Bob Zales.....Panama City, FL

32
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34
35 The Full Council of the Gulf of Mexico Fishery Management
36 Council convened at the Battle House Renaissance Mobile, Mobile,
37 Alabama, Wednesday morning, October 22, 2014, and was called to
38 order at 10:00 a.m. by Chairman Kevin Anson.

39
40 **CALL TO ORDER AND INTRODUCTIONS**

41
42 **CHAIRMAN KEVIN ANSON:** We are going to go ahead and begin full
43 council. Welcome to the 250th meeting of the Gulf Council. My
44 name is Kevin Anson, Chairman of the Council. If you have a
45 cell phone, pager, or similar device, we ask that you keep them
46 on silent or vibrating mode during the meeting.

47
48 The Gulf Council is one of eight regional councils established

1 in 1976 by the Fishery Conservation and Management Act, known
2 today as the Magnuson-Stevens Act. The council's purpose is to
3 serve as a deliberative body to advise the Secretary of Commerce
4 on fishery management measures in the federal waters of the Gulf
5 of Mexico. These measures help ensure that fishery resources in
6 the Gulf are sustained, while providing the best overall benefit
7 to the nation.

8
9 The council has seventeen voting members, eleven of whom are
10 appointed by the Secretary of Commerce and include individuals
11 from a range of geographical areas in the Gulf of Mexico and
12 with experience in various aspects of fisheries.

13
14 The membership also includes five state fishery managers and the
15 Regional Administrator from NOAA Fisheries Service, as well as
16 several non-voting members. Public input is a vital part of the
17 council's deliberative process and comments, both oral and
18 written, are accepted and considered by the council throughout
19 the process.

20
21 The Sustainable Fisheries Act requires that all statements are
22 to include a brief description of the background and interest of
23 the persons in the subject of the statement. All written
24 information shall include a statement of the source and date of
25 such information.

26
27 Oral or written communications provided to the council, its
28 members or its staff, that relate to matters within the
29 council's purview are public in nature. All written comments
30 will be posted on the council's website for viewing by council
31 members and the public and will be maintained by the council as
32 a part of the permanent record.

33
34 Knowingly and willfully submitting false information to the
35 council is a violation of federal law. A digital recording is
36 used for the public record and therefore, for the purpose of
37 voice identification, each member is requested to identify
38 himself or herself, starting on my left.

39
40 **MR. DAVE DONALDSON:** Dave Donaldson, Gulf States Marine
41 Fisheries Commission.

42
43 **LCDR JASON BRAND:** Lieutenant Commander Jason Brand, United
44 States Coast Guard.

45
46 **MR. JOHNNY GREENE:** Johnny Greene, Alabama.

47
48 **MR. DAVID WALKER:** David Walker, Alabama.

1
2 **MR. HARLON PEARCE:** Harlon Pearce, Louisiana.
3
4 **MR. MYRON FISCHER:** Myron Fischer, Louisiana.
5
6 **MR. CAMPO MATENS:** Camp Matens, Louisiana.
7
8 **DR. PAMELA DANA:** Pam Dana, Florida.
9
10 **MS. MARTHA BADEMAN:** Martha Bademan, Florida.
11
12 **MR. JOHN SANCHEZ:** John Sanchez, Florida.
13
14 **MS. MARA LEVY:** Mara Levy, NOAA Office of General Counsel.
15
16 **DR. ROY CRABTREE:** Roy Crabtree, NOAA Fisheries.
17
18 **MR. PHIL STEELE:** Phil Steele, NOAA Fisheries.
19
20 **DR. BONNIE PONWITH:** Bonnie Ponwith, NOAA Fisheries.
21
22 **MR. ROBIN RIECHERS:** Robin Riechers, Texas.
23
24 **DR. GREG STUNZ:** Greg Stunz, Texas.
25
26 **MR. DOUG BOYD:** Doug Boyd, Texas.
27
28 **MS. LEANN BOSARGE:** Leann Bosarge, Mississippi.
29
30 **MR. DALE DIAZ:** Dale Diaz, Mississippi.
31
32 **MR. CORKY PERRET:** Corky Perret, Mississippi.
33
34 **EXECUTIVE DIRECTOR DOUGLAS GREGORY:** Douglas Gregory, council
35 staff.
36
37 **MR. ROY WILLIAMS:** Roy Williams, Florida.
38
39 **CHAIRMAN ANSON:** Thank you. Before we get into the rest of the
40 agenda, there are a couple of things that we would like to
41 address. The first thing is that there is a retirement for Mr.
42 Phil Steele that will be occurring very shortly and this will be
43 his last meeting and so as a memento for Mr. Steele and his
44 efforts for serving the Gulf Council and serving the nation and
45 protecting the marine fisheries resources, the council has
46 gotten a clock for Mr. Steele and I will read it: Phil Steele,
47 Assistant Regional Administrator, Sustainable Fisheries
48 Division, SERO/NMFS/NOAA, in appreciation of your many years of

1 dedicated service to the Gulf of Mexico Fishery Management
2 Council.

3
4 We have one other item for one of our council members. Council
5 staff and council members have gotten a gift for Mrs. Leann
6 Bosarge for an upcoming addition to her family and so we've got
7 a baby gift for Ms. Bosarge, who is due very soon.

8
9 I have been asked for Dr. Ponwith to provide one statement that
10 she did not include in the Shrimp Management Report and so go
11 ahead, Dr. Ponwith.

12
13 **DR. PONWITH:** Thank you, Mr. Chairman. Thanks for indulging me.
14 I realize that I have just a brief addendum to my report on the
15 electronic logbook and I would be remiss if I didn't also
16 include recognition for the work that Glenn Delaney has done in
17 making, not only the transition from the earlier unit to the new
18 one, but also making the earlier unit possible.

19
20 Glenn was instrumental in helping the government secure the
21 funds to be able to solve what had been a perennial problem in
22 doing a better job of accounting for effort in the shrimp fleet
23 and so I would really like to express a word of thanks and then
24 also to the Gulf States Commission and Dave Donaldson for the
25 work that they did to help us again implement those changes and
26 so thank you, Mr. Chairman.

27
28 **ADOPTION OF AGENDA AND APPROVAL OF MINUTES**

29
30 **CHAIRMAN ANSON:** Thank you. Next is Adoption of the Agenda. We
31 are a little bit ahead of schedule currently, about forty-five
32 minutes, and so I'm thinking we might want to move a couple of
33 the presentations that are scheduled for tomorrow, specifically
34 Item Number X, the Summary Report on the Pacific Fishery
35 Management Council Meeting and the Update on the RESTORE Act
36 Science Program, to move that from Number X, as it's currently
37 listed, to continuation or include in the Item Number IV. We
38 will just go through those as time permits, but we might have
39 some time to go ahead and include those and so I would recommend
40 that we move that. Are there any other suggestions?

41
42 **DR. CRABTREE:** I would like to add to it a discussion of our
43 standardized bycatch reporting methodology and the need to take
44 another look at that.

45
46 **CHAIRMAN ANSON:** That would be included under Other Business and
47 taken care of tomorrow, correct? Okay. Any other changes to
48 the agenda or any other items to add to the agenda? Is anyone

1 prepared to make a motion to accept the agenda as has been
2 changed or modified? It's moved and seconded. Is there any
3 opposition to accepting the agenda as it's been modified?
4 Seeing none, the agenda is approved.

5
6 That will take us to Approval of the Minutes from the last
7 meeting. Does anyone have any changes to the minutes? Seeing
8 none, is there a motion to accept the minutes as written?

9
10 **MR. WILLIAMS:** So moved.

11
12 **CHAIRMAN ANSON:** Do we have a second?

13
14 **MR. DIAZ:** Second.

15
16 **CHAIRMAN ANSON:** It's been seconded. Any opposition to
17 accepting the minutes as written? Seeing none, any opposition
18 to the minutes being accepted? All right. The minutes are
19 approved.

20
21 **APPROVAL OF 2015 COMMITTEE APPOINTMENTS**

22
23 That will take us to Item Number III, Approval of 2015 Committee
24 Appointments. That would be Tab Number A, Number 3. I had
25 asked all of the council members, voting and nonvoting members,
26 to supply me a list of their preferred committees they would
27 like to serve on as well as indication as to what preference
28 they had for serving as Chair or Vice Chair.

29
30 I received those and using that information, plus a couple of
31 phone calls for certain Chair positions and Vice Chair positions
32 that I did not have anybody that was interested in serving, I
33 went and selected the positions for Chair and Vice Chair and the
34 membership accordingly and so, again, that's been provided for
35 you. Do we have any comments or discussion on the membership
36 and appointments for Chair and Vice Chair on any of those
37 committees?

38
39 **MR. PERRET:** I move we adopt the committee assignments as
40 presented.

41
42 **CHAIRMAN ANSON:** Committee assignments, there is a motion to
43 have the committee assignments accepted as they are currently
44 written and it's been seconded and is there any discussion on
45 the motion? **Any opposition to the motion? Seeing none, the**
46 **motion is approved.** Thank you very much.

47
48 That will take us to the next item, Item Number IV, which are

1 Presentations. Dr. Crabtree, are you going to lead this
2 discussion or have somebody from staff?

3
4 **DR. CRABTREE:** Jess Beck, who is our Aquaculture Coordinator in
5 the Regional Office, is going to give that one.

6
7 **PRESENTATIONS**
8 **PROPOSED RULE UPDATE FOR THE AQUACULTURE FMP**
9

10 **DR. JESSICA BECK-STIMPERT:** Good morning, everyone. I am Jess
11 Beck-Stimpert and I am the Regional Aquaculture Coordinator for
12 the NMFS Southeast Region. Today, I am just going to give a
13 presentation on the proposed rule for the fishery management
14 plan for the Gulf of Mexico regulating offshore marine
15 aquaculture.

16
17 This FMP was approved back in January of 2009 and so it's been
18 quite some time since some of you may have last seen this. I
19 know there are a lot of new council members as well and so
20 please just let me know if you have any questions throughout the
21 presentation.

22
23 Just to provide some background, in September of 2009, the FMP
24 went into effect and on that same date, NOAA announced that the
25 agency would develop a marine aquaculture policy to provide
26 context for the Aquaculture FMP. That essentially put the
27 rulemaking on hold for a time.

28
29 In June of 2011, NOAA released a final National Marine
30 Aquaculture Policy and announced intentions to move forward with
31 the rulemaking. In February of 2013, we came back to the
32 council and the council reconfirmed their approval of the
33 proposed rule and also deemed new language, which authorized
34 several things, including aquaculture gear types.

35
36 It defined several terms and details pertaining to the
37 requirements in the FMP and I will go into those in detail in a
38 couple of slides. Just so everybody is aware, as I'm sure most
39 of you are, the proposed rule published in the Federal Register
40 back in August and the public comment period ends on Monday,
41 October 27.

42
43 Here is just a quick run-through of the ten actions that were
44 approved in the FMP. I am going to go through each of those
45 slide-by-slide and it deals with anything from establishing the
46 permitting process to permit durations, criteria for siting, and
47 various recordkeeping reporting requirements.

1 The first action dealt with permit requirements, eligibility,
2 and transferability. An aquaculture permit is required to
3 deploy and operate these systems. U.S. citizens and permanent
4 resident aliens would be the only people eligible for these
5 operations and these permits.

6
7 A couple of things just to point out here on this particular
8 action is that landing of cultured species would first have to
9 occur at a U.S. port. Before, they could be landed at any non-
10 U.S. ports and any vessel, aircraft, or vehicle authorized for
11 use in aquaculture operations will have to have a copy of the
12 facility's permit onboard.

13
14 The second action dealt with application and operational
15 requirements and restrictions and just a few things to point out
16 here as well is that the council did require documentation of an
17 assurance bond for each of these operations, and that was in
18 case a facility was abandoned or these systems or animals were
19 left in federal waters. That provided the agency with the means
20 to be able to work with a company to go out and remove those
21 systems.

22
23 Also, I should point out here that brood stock used for
24 fingerlings that will be stocked in these offshore systems must
25 be harvested from federal waters of the Gulf of Mexico and they
26 must be from the same population or subpopulation where the
27 facility is located and also, they must -- The operators must
28 certify that there are no genetically modified or transgenic
29 species that are used in these systems.

30
31 The council was concerned about any species that might have a
32 gene sequence from another species inserted into it and released
33 into waters of the Gulf of Mexico. There were some genetic
34 concerns there. Also, the use of drugs, biologics, and
35 pesticides must comply with regulations of other federal
36 agencies.

37
38 The next two actions deal with duration of the permit and the
39 species allowed for culture. The council approved the
40 alternative that allowed the aquaculture permit to be effective
41 for a ten-year duration and renewed in five-year increments.

42
43 Also, allowable species would include those species native to
44 the Gulf of Mexico managed by the council, with the exception of
45 shrimp and corals, and the council could also request that NOAA
46 Fisheries develop concurrent rulemaking to allow for aquaculture
47 of Atlantic highly migratory species, since those are not under
48 the purview of the council.

1
2 In terms of the allowable marine aquaculture systems, the
3 council did not specify specific systems. They realized that
4 there were going to be differences in technology and there could
5 be differences in the systems, depending on where these would be
6 located and the species that were going to be grown.

7
8 What they did provide were some criteria for this action and
9 that included submitting documentation that would be sufficient
10 to evaluate the system's ability to withstand physical stress,
11 including storm events.

12
13 NOAA Fisheries can deny the use of a system or specify
14 conditions for its use if it determines that the system would
15 pose potential risks to essential fish habitat or endangered or
16 threatened species, marine mammals, wild fish and invertebrate
17 stocks, as well as public health and safety.

18
19 The council also outlined siting requirements and conditions for
20 these operations. They prohibited these aquaculture operations
21 in areas such as MPAs and marine reserves, HAPCs, special
22 management zones, permitted artificial reef areas, and coral
23 reef areas in federal waters.

24
25 They also required that the applicants conduct a baseline
26 environmental assessment of the site and subsequent monitoring.
27 The site has to be twice as large as the area encompassed by the
28 systems, to allow for fouling purposes, and the facilities must
29 be at least 1.6 nautical miles apart and that 1.6 nautical miles
30 number came from any concerns about transmission of pathogens
31 between farm sites.

32
33 NOAA will review the siting criteria for these operations and
34 could deny a system in a specific area if it poses environmental
35 risks or would result in user conflicts.

36
37 The council also approved restricted access zones for these
38 operations and basically what this zone does is it prohibits any
39 commercial or recreational fishing within the area of the farm
40 and the coordinates of the restricted access zones would
41 directly be applicable to the Section 10 permit requirements for
42 the Army Corps. The restricted access zone must also be marked
43 at each corner with a floatation device, such as a buoy,
44 according to Coast Guard requirements.

45
46 There were various recordkeeping and reporting requirements to
47 address escapement, entanglements, interactions with marine
48 species and migratory birds, as well as pathogens and disease.

1 There were also various brood stock harvest and law enforcement
2 requirements.

3
4 An example of this is that permittees are required to notify
5 NOAA Fisheries via telephone or electronic web-based form within
6 twenty-four hours of discovery of a major escapement event, an
7 entanglement, or an interaction with a marine mammal or
8 endangered species, a migratory bird, or findings of any
9 reportable pathogen episodes. Permittees must also maintain
10 monitoring reports and sales records for the most recent three
11 years.

12
13 The council also established management reference points and
14 framework procedures. The proxies for maximum sustainable
15 yield, or MSY and OY, would both be set at sixty-four-million
16 pounds annually and so this is the amount of production that
17 could be produced by all aquaculture operations in federal
18 waters on an annual basis.

19
20 These measures could be adjusted through framework procedures
21 and also, other measures that could be adjusted through that
22 route include permit application requirements, operational
23 requirements and restrictions, requirements for allowable
24 aquaculture systems, siting requirements, and recordkeeping and
25 reporting requirements.

26
27 Just to run through those changes in February of 2013 that were
28 deemed by the council, there were definitions that were included
29 to define the terms for cultured organisms, wild organisms,
30 detrimentally affect, and significant risk.

31
32 I should mention that the definitions for "significant risk" and
33 "detrimentally affect" are based upon standards that are already
34 defined or can be easily understood in the context of other
35 statutes, such as the ESA, MMPA, and essential fish habitat
36 provisions of the Magnuson-Stevens Act and these terms apply to
37 the review process for applications.

38
39 Another change is where the applicants are to certify that they
40 will remove systems and cultured animals if genetically-modified
41 organisms or transgenic animals or reportable pathogens are
42 found or any other violation of the permit has occurred.

43
44 It establishes a standby trust for an assurance bond
45 requirement. NMFS cannot receive those monies directly and so
46 it establishes a system in order to do that, similar to what the
47 Army Corps currently has in place, and also, for the site
48 visits, inspections, and genetic testing requirements, language

1 was added to allow NMFS to enter into a cooperative agreement
2 with any state or contract with any non-federal government
3 entities or require the permittees to do so in order to conduct
4 these requirements.

5
6 This is a significant action and requires review by the Office
7 of Management and Budget. It's basically an interagency review
8 to make sure that there are not any conflicts. During this
9 review process, we received quite a few comments from the other
10 federal agencies and based upon those comments, the OMB office
11 decided that they would like to have additional public comment
12 on several items.

13
14 These are also listed under the public participation section in
15 the preamble to the rule as well. These included the
16 definitions of significant risk and whether it's a different
17 standard than what is currently established under the ESA; the
18 use of terminology, changing the term "genetically modified" to
19 "genetically engineered", to be more consistent with FDA
20 terminology; whether it's necessary that brood stock be
21 collected from the same population or subpopulation where the
22 offshore aquaculture facility is located and the associated
23 costs with this requirement and also requiring that permittees
24 provide NMFS a twenty-four-hour notice prior to harvesting fish,
25 in order to ensure that cultured animals are landed.

26
27 This allows enforcement to meet the boats coming in, just to
28 provide any checks that they deem necessary, and also costs
29 associated with certain recordkeeping and reporting
30 requirements, such as the daily records of fish in and out and
31 feed invoices and to the extent to which these aid enforcement
32 of production quotas and auditing.

33
34 Here is my contact information, if anybody has any further
35 questions or would like to discuss this rule. As I mentioned,
36 the comment period ends on Monday, October 27. Thank you.

37
38 **CHAIRMAN ANSON:** Thank you. Any questions?

39
40 **MR. PERRET:** Have we had any permit applicants to date in the
41 Gulf?

42
43 **DR. BECK-STIMPERT:** There has been no permitting system
44 established thus far. That's what this rule does. I have had
45 several people inquire about it, but I'm not sure as to exactly
46 how serious they were or if they were just seeking information.

47
48 **MR. PERRET:** Well, for those of us that were here when we were

1 developing the amendment, it was going to be the end of the
2 world and obviously it hasn't happened yet. Thank you.

3
4 **MR. PEARCE:** My question is pretty much the same vein as
5 Corky's, but what species, these people, were they interested in
6 putting, the ones that requested maybe a permit?

7
8 **DR. BECK-STIMPERT:** Primarily red drum and cobia and perhaps
9 some of the other jack species. There aren't a lot of species
10 out there that are managed by the council that there is already
11 aquaculture being conducted on. Some folks have mentioned red
12 snapper, but there have been a lot of bottlenecks with red
13 snapper culture and so primarily the red drum and cobia at this
14 point.

15
16 **MR. MATENS:** I know this is early, but do you have any
17 information about exactly where in the Gulf these things might
18 be proposed?

19
20 **DR. BECK-STIMPERT:** I do not.

21
22 **CHAIRMAN ANSON:** I have a question. What's a reportable
23 pathogen? Could you just refresh my memory?

24
25 **DR. BECK-STIMPERT:** Sure. It says pathogens designated by the
26 World -- I am trying to think here, but the World Health
27 Organization. Not World Health Organization, but the name of
28 the organization is actually escaping me right now, but it's
29 essentially any of those pathogens that are not endemic to the
30 Gulf of Mexico region that would be introduced from some other
31 area of the world.

32
33 **CHAIRMAN ANSON:** Thank you very much. Next on the list is the
34 Evaluation of the Status of Kemp's Ridley Sea Turtles Following
35 the 2010 Deepwater Horizon Spill using a Revised Assessment
36 Model and Dr. Gallaway. That would be presentation N-2(b),
37 which would be the final version.

38
39 **DR. CRABTREE:** Before we move entirely away from aquaculture, we
40 had, back when we implemented this, I think an Aquaculture AP
41 that was in place and I don't think it has ever met since, but
42 if we get to a final rule sometime next year, I suspect there
43 will be issues and things that we're going to want to address
44 and so I think it would be worth asking staff to review the
45 composition of that AP and taking a look at that at one of our
46 upcoming meetings and look at who is still around to serve and
47 should we put some new folks on it.

1 **EXECUTIVE DIRECTOR GREGORY:** We are going to be reappointing APs
2 in April and did you want to do something before then?

3
4 **DR. CRABTREE:** No, I think that would be fine, timing-wise.

5
6 **CHAIRMAN ANSON:** Just a point. If we do need to populate the
7 committee with new folks, shouldn't we maybe look at it in
8 January? Would there be enough time to put a request out for
9 applicants and have that available for the April meeting?

10
11 **EXECUTIVE DIRECTOR GREGORY:** Well, yes. We're going to put a
12 request out for all the APs for the April meeting.

13
14 **CHAIRMAN ANSON:** All right and so that would include the
15 Aquaculture AP. Okay. Thank you.

16
17 **EXECUTIVE DIRECTOR GREGORY:** Yes. If we have one existing now,
18 that will be included.

19
20 **CHAIRMAN ANSON:** Okay. Great. Sorry about that, Dr. Gallaway.

21
22 **EVALUATION OF THE STATUS OF KEMP'S RIDLEY SEA TURTLES FOLLOWING**
23 **THE 2010 DEEPWATER HORIZON OIL SPILL USING A REVISED ASSESSMENT**
24 **MODEL**

25
26 **DR. BENNY GALLAWAY:** Not a problem. While she is getting the
27 presentation on the full screen, I would like to give you a
28 brief prelude and say thank-you for funding this work and some
29 of you have heard this presentation and know the background and
30 some of you perhaps do not.

31
32 What happened in 2010 was we had an event in the Gulf of Mexico,
33 which many of you probably recall. That led to lots of
34 interactions between oil spills and sea turtles and increased
35 strandings and there was a great deal of concern and one
36 particular individual, Dr. Charles Caillouet, began working
37 initially with the State of Louisiana and then leading to the
38 Sea Grant programs and then leading to Gulf States Marine
39 Fisheries Commission.

40
41 Charles's idea was that a full fisheries-type stock assessment
42 should be conducted for Kemp's ridley sea turtles that
43 incorporated shrimp trawl mortality. Despite years and years of
44 stock assessment models for Kemp's ridley and other sea turtles,
45 no one had incorporated shrimp trawl mortality, even though that
46 was considered to be the major threat to sea turtle populations.

47
48 One day, and I still don't know how I got selected for this

1 dubious honor, I got a call from Gulf States Marine Fisheries
2 Commission saying you have been selected, if you will accept, to
3 lead a stock assessment for Kemp's ridley.

4
5 In the Kemp's ridley, we used the stock assessment workshop
6 approach, which we had all the prominent Mexican scientists as
7 well as the Gladys Porter Zoo. We had most of the Kemp's ridley
8 sea turtle biologists who were doing active research work as
9 part of that stock assessment workshop.

10
11 We came up with a stock assessment document and we created a
12 report, which is posted on the Gulf States Marine Fisheries
13 website. We are working on a peer-reviewed manuscript. It's
14 taking a long time developing, because we have twenty-six
15 authors on this manuscript, all of whom are commenting. When we
16 get the manuscript finalized, we have to submit it through other
17 regulatory -- Like for NMFS, they have to do a science review
18 and so that manuscript is not quite finished.

19
20 Leading to that were some data gaps identified which call for a
21 tagging study, which I will talk about a little later in the
22 program. Gulf States Marine Fisheries Commission funded that
23 for 2014 and an update to clean up the model a bit and so
24 everything was good.

25
26 The 2013 field study was underway and the preliminary estimates
27 were what had appeared to be a rebound was not happening and
28 Kemp's ridley was again declining. On top of all of that, some
29 of the base funding for the program -- U.S. Fish and Wildlife
30 Service reduced their level of funding and said, actually, we're
31 not going to have any more funding.

32
33 The 2014 field studies, which this is a -- This a long-term
34 database extending from 1965 to the present and that program was
35 going to be eliminated. The Gulf States Marine Fisheries
36 Commission basically pitched in another \$150,000 to continue
37 that study, but there were certain aspects of the model that had
38 to be redone and we wanted to have a Kemp's ridley symposium.

39
40 The Gulf of Mexico Fishery Management Council funded that
41 activity and that's what I am here to report on today and so
42 this is my report or an overview of the assessment.

43
44 The Deepwater Horizon Oil Spill, beginning on April 20, 2010,
45 was documented to have interacted with endangered Kemp's ridley
46 sea turtles. Oiled sea turtles were picked up in the spill area
47 and the spill also corresponded with an unprecedented surge in
48 sea turtle strandings in the northern Gulf of Mexico and dead

1 sea turtles picked up in the water in the Gulf of Mexico and
2 this is the graphic.

3

4 In addition, the nesting at Rancho Nuevo, as well as in the
5 nesting beaches in Texas, dropped significantly during 2010.
6 The nesters didn't show up.

7

8 The concern about that nesting decline and the increased levels
9 of strandings and the uncertainty regarding the causal factors
10 at that time led to this development of the Kemp's ridley stock
11 assessment model, or KRSAM, that was funded by the Gulf States
12 Marine Fisheries Commission in 2013.

13

14 The assessment model we developed was developed in AD Model
15 Builder and it builds on the U.S. Fish and Wildlife Service or
16 the Kemp's Ridley Recovery Team Model and it adds shrimp trawl
17 mortality.

18

19 The data that goes into the model are the number of nests of
20 hatchlings produced annually, the shrimp effort data, Kemp's
21 ridley capture and tracking data, mark/recapture data,
22 strandings data, and prey abundance data. We looked at just
23 about everything that we could find that we thought might have a
24 bearing on Kemp's ridley.

25

26 The model includes some fixed parameters and these are the
27 things that we thought we knew exactly. This has a long history
28 of information, most of it old information, but these were
29 parameters that we thought that we knew.

30

31 The one that's going to be of particular importance to this
32 presentation is this nest per mature female and the way that's
33 estimated is the nests per breeder. During the season the
34 female nests, she's going to lay, on average, two-and-a-half
35 nests, somewhere between one and four, but usually between two
36 and three.

37

38 The historical data says they're going to lay -- When a female
39 nests, she's going to lay two-and-a-half nests, a hundred eggs
40 per nest, somewhere between 250 and 300 eggs per season, but
41 she's only going to nest every two years and that's something
42 that is referred to as the remigration interval.

43

44 This factor or what I call the productivity factor, this
45 combination of a numerator that's nests per breeder for a given
46 year and then the remigration interval, is this index of 1.25.
47 That value, I want you to keep that in mind, because it's going
48 to become very important.

1
2 Given these fixed parameters, the model then basically predicts
3 the number of nests, starting from hatchlings, and it predicts
4 the increment in growth for individual turtles and it also
5 predicts -- If you know all that, you should be able to predict
6 the length frequency of the strandings.

7
8 The AD Model Builder model enables you then to take these known
9 parameters and then estimate other parameters that maximize the
10 likelihood of observing the data and so basically what we're
11 doing is predicting nests, growth, and strandings size frequency
12 to see if we -- Then we might believe some of the results of the
13 model.

14
15 The results we got through 2010 were pretty encouraging. This
16 is the fit to the number of nests. We capture the 2010, what we
17 call the mortality event, and then we capture also the rebound
18 that happened in 2011 and 2012. The residuals are pretty good.
19 We predicted growth fairly accurately and I know you in the back
20 or front can't see this, but we also captured the size frequency
21 fairly well and so we said we've got a good model.

22
23 Given this model, since we had seen this mortality event
24 followed by a recovery, we were pretty convinced that the
25 population momentum was going to carry this species through the
26 mortality event and the population would continue to increase.

27
28 In the absence of the mortality event in 2010, we have this kind
29 of increase and then with what we were seeing with the mortality
30 event, depending on what ages were affected, it would continue
31 to increase and meet the downlisting criteria quite soon.

32
33 However, the 2013 nesting data, which is here, was outside the
34 95 percent confidence interval of the estimate. Further, in
35 2014, an additional decline was suggested and that this wasn't a
36 one-time decline and that it was still going down.

37
38 You guys funded us to evaluate some mechanism to see if we could
39 capture these recent dynamics and explain the cause. We
40 evaluated, as part of your funding, six alternative models that
41 were fit to the data from 1966 to now, including the base model.
42 We modeled or we did a modification where we added additional
43 density-independent mortality factor from 2010 to 2013. In
44 other words, we said what if that mortality just continued from
45 that mortality event at a lesser level? Maybe that will fix it.

46
47 Then we thought about these turtles spend the first two years in
48 a pelagic stage in the open ocean before they migrate to the

1 shoreline and settle out or recruit to the benthic population
2 and so we said maybe there's a stock recruitment phenomena going
3 on out there, because there's lots of -- The population is
4 actually still pretty large.
5
6 We looked at three different stock recruitment functions, the
7 Beverton-Holt, the hockey stick, and the Ricker recruitment.
8 Then the last one, we modified the models with that number of
9 nests per female that I dwelled on a little bit at the start.
10 We made that and said what if that's dependent? The number of
11 nests per females might be dependent on the size of the benthic
12 population and so those are the six things that we evaluated.
13
14 Of those six, two models sort of fit the data, but one really
15 fit the data well and that was the one that was the density-
16 dependent nests per female and it's head and shoulders and
17 here's the second-best model. It goes up like it should and it
18 doesn't get very much of a drop here and then it kind of comes
19 up and flattens out and that's not very satisfying as fitting
20 those data and that's the second-best model.
21
22 This is the fit we get with the combination of the 2010
23 mortality event. You still have to put that 2010 mortality
24 event in to get the data through 2012 and then after 2012, the
25 residuals for this fit was fairly good.
26
27 The residuals are okay and here, this population size out here,
28 this is the nests per female and remember that average value
29 historically was 1.25, but in 2012, when the population gets
30 over about 177 females -- Females are about 60 percent of the
31 population and so you can calculate the total and these are aged
32 two-plus. You see with the population this nests per female
33 going down. That's in the model.
34
35 Here is the fit we achieved for that model and here's the
36 second-best model. The second-best model said it should stay
37 flat. In 2014, we predicted that the decline would continue and
38 ultimately, this should go down and flatten out, if this is
39 what's happening and the 2014 data point is there. It was in
40 the right direction and so here is the final fit.
41
42 That's the final fit of the model and so we know that
43 remigration intervals several years -- That's two years for
44 Kemp's ridley and it suggests that sea turtles must attain some
45 threshold body condition prior to migration and nesting.
46 Otherwise, they would nest every year and so it takes some time.
47
48 We suggest there is the possibility -- I know that says there

1 has been, but I would like to focus that there is the
2 possibility that there's been a recent change in the ability of
3 the Kemp's ridley to attain body condition necessary for
4 remigration and nesting, due to perhaps a combination of a
5 reduced food supply and an increasing population size from a few
6 thousand females in 1979 to over 177,000 in 2013.

7
8 There could also be, on the same token, the remigration interval
9 might be just fine, but there could be a reduction in the number
10 of eggs produced by that female. In other words, she's not
11 going to nest two-and-a-half times. When she nests, she's going
12 to nest one or two times and so there's all sorts of
13 combinations that can feed into that reduction.

14
15 If that's true, we tried to evaluate that and the tagging study
16 will shed some light on this, if the numerator has changed,
17 because if we're tagging and releasing and intercepting turtles
18 through the breeding season, we should see how many turtles are
19 nesting once or twice, if our sample size is adequate.

20
21 We have only recently got the tagging data and I will talk about
22 it at the end, but what do Kemp's ridley eat? It's common
23 knowledge and everybody agrees that they eat crabs and blue
24 crabs are often mentioned specifically. They are a near-shore
25 species and there ~~is~~ are several major publications that say that
26 Kemp's ridley sea turtles eat crabs.

27
28 There also is a pretty large body of information that says
29 Kemp's ridley really like bycatch and cut bait off of
30 Mississippi piers, I understand, shrimp trawl bycatch. There is
31 -- I found at least five publications, including one direct
32 observation, of Kemp's ridley feeding on shrimp trawl bycatch
33 made by a NMFS Galveston Laboratory person in Galveston.

34
35 What have those two food sources been doing over the past ten or
36 twenty years? If I go to the Gulf of Mexico Fishery Management
37 Council blue crab stock size estimates for the western Gulf,
38 where most of these foraging grounds are, in the mid-1980s, crab
39 populations were high and there has been a decline in crab
40 populations through about the mid-1990s and for the past twenty
41 years, there has been characteristic low crab stock sizes in the
42 western Gulf of Mexico, with a few peaks and valleys, as you
43 would expect, but, in general, low food supply.

44
45 Shrimp fishing effort, which might be used as an index to
46 bycatch, there has been -- As you all well know, in the near-
47 shore zone, where Kemp's ridley occur, there has been a major
48 reduction and we've had at least ten years of low effort, which

1 I'm using as a general index of bycatch availability.

2
3 In the meantime, when these two things are happening, this is
4 when the crab stock bottomed out and you see the Kemp's ridley
5 is growing, growing, growing. Here's where the effort stopped
6 and it's still growing, growing, growing, until it gets up to
7 here. Now we see this decline that's occurring.

8
9 Our model on density dependent number of nests per female can
10 capture that exponential increase, a mortality event, an
11 increase, and then another decrease and none of the other models
12 that we've looked at are able to do that.

13
14 We believe it's reasonable to infer that reduced prey resources,
15 coupled with an increasing population, might be sufficient to
16 change the remigration interval and this might be part of the
17 explanation, but we've also, as I indicated, been doing these
18 tagging studies and those tagging studies indicate that we just
19 got, a couple of days ago, and I've been up the last two nights
20 looking at the results of the tagging studies and trying to
21 review the literature on Google, but it's obviously going to be
22 a combination of the two and these results will be fully vetted
23 and presented at the Kemp's ridley symposium next month, which
24 you guys also are the major sponsor for that and two of the
25 council members will be attending that symposium and will see
26 the results.

27
28 What about shrimp bycatch? I know you guys always want to talk
29 about shrimp trawl bycatch and sea turtles and these are two
30 different age groups. This is age two-plus and that blue line
31 on the top is all the turtles that are subject to -- All the
32 ages of turtles, Kemp's ridley, that are subject to shrimp trawl
33 bycatch.

34
35 The red line is slightly older. That's age five-plus. This big
36 drop at about 1990 is a TED effect and despite the levels of
37 adherence to the exact orientation of the TED and everything
38 else, TEDs have had a major effect on reducing sea turtle
39 mortality in shrimp trawls. You see it rocks along here and the
40 effort reduction has also decreased shrimp trawl mortality
41 rates. These are instantaneous annual mortality rates.

42
43 If you look at the actual number of turtles that are killed
44 because the population are growing, the number of turtles has
45 been increasing in recent years. I found one independent study
46 put out of Duke that had an estimate of the sea turtle
47 mortalities from shrimp trawls in 2003 to 2007, on average, and
48 they said it was about 2,400. Their estimate was 2,400 and

1 that's Larry Crowder and his team, who many of you know.
2
3 Our estimate from the model is 2,700 for that same period and so
4 we feel like that's a fairly consistent average and then I can't
5 find anybody that will tell me how many sea turtles, especially
6 Kemp's ridley, were killed in the BP oil spill and so I will
7 give you my estimate, which is from the model.
8
9 It says in 2010 that 2,900, approximately, Kemp's ridley died in
10 shrimp trawls and natural mortality was about 11,000 and about
11 47,000 sea turtles were killed in the BP event and that's age
12 two and older and I think I have probably -- That's the
13 literature cited and I think I have probably incited a riot and
14 so I will try to deal with the aftermath.
15
16 **CHAIRMAN ANSON:** Well, we shall see. Are there any comments or
17 questions for Dr. Gallaway?
18
19 **MR. PERRET:** Thank you, Dr. Gallaway. I assume that first
20 slide, the picture of the female, is up on the beach down in
21 Mexico?
22
23 **DR. GALLAWAY:** At Rancho Nuevo. That's a recent one.
24
25 **MR. PERRET:** I assume that's not that one from the 1940s or the
26 1930s, but it is recent?
27
28 **DR. GALLAWAY:** No, but for that same picture in a similar area
29 of the picture, they're about the same from the 1940s. We have
30 analyzed the comparison.
31
32 **MR. PERRET:** The 35 percent drop in nesting was the highest ever
33 recorded, I assume, since they started doing the work at the
34 beaches down in Mexico. Prior to that 35 percent, what was the
35 largest percent drop from one year to the next?
36
37 **DR. GALLAWAY:** As you can see in this graphic, it was very low.
38 It was an exponential increase with a little wiggle around the
39 line. It was not --
40
41 **MR. PERRET:** But it consistently went up each year?
42
43 **DR. GALLAWAY:** Yes, sir.
44
45 **MR. DIAZ:** Thank you, Dr. Gallaway. That was a very good
46 presentation. I am very optimistic. For the most part, your
47 report is showing a definite upward trend and that seems to be
48 continuing, although there are some areas where we are having a

1 down year, off of the trend, but the trend is generally up.

2
3 I do want to recognize that that is attributed to the work and
4 sacrifice of a lot of people. The shrimp industry has been very
5 cooperative and they have had to bear the burden of pulling TEDs
6 and that's a key component. I am probably going to miss a lot
7 of people, but you and your staff and a lot of hardworking
8 government people that work for NOAA and the states that are
9 trying to be proactive to protect the species. A lot of people
10 need to be proud that this is a good recovery going on.

11
12 You mentioned something briefly that I don't really understand
13 and maybe if you could talk about it a little bit more. You
14 talked about downlisting criteria and can you explain the
15 downlisting criteria to the council?

16
17 **DR. GALLAWAY:** Yes, I can. The downlisting criteria says when
18 we get a year where we have 10,000 nesting females at these
19 three index beaches at Rancho Nuevo and we produced X thousand
20 hatchlings, which they are meeting with no problem, and so we're
21 really looking for when we get 10,000 females.

22
23 Now, they had 10,000 nests at those three index -- 10,599, at
24 those three index beaches. If you divide that by 1.25, which
25 has been the number, you don't get anywhere close to the
26 downlisting criteria.

27
28 You are getting a decrease in the number of nests, as you see
29 here, but if that ratio has changed, where if that number is
30 something like about 6.25, and you divide that into the 10,000
31 nests -- In fact, I did a preliminary back-of-the-envelope and
32 there's a chance that even though nests have decreased, if the
33 number of nests per female has decreased as well -- When you do
34 that division, we may be near recovery.

35
36 That contrast, with an interpretation of that graph right there,
37 that says, no, that's not the case at all and the reason you're
38 still getting two-and-a-half nests per female and all those
39 adult turtles have been lost and the population is headed for
40 disaster again. That scenario has just been published in the
41 *Marine Turtle Newsletter*.

42
43 **MR. DIAZ:** Can you explain to us how we arrived at the number of
44 10,000 females? What's the rationale for that?

45
46 **DR. GALLAWAY:** I would have to -- That's in the recovery
47 criteria and that's been a hot topic, but that's the law.
48 That's the criteria.

1
2 **MR. DIAZ:** I appreciate it. I do want to make one more comment.
3 We do have to realize, like with so many other things that we
4 manage, to a certain point you have to realize that you have to
5 manage the success and I think maybe we're seeing that with red
6 snapper and we've seen it with other species that have recovered
7 very well and so there will be more encounters.

8
9 Folks are going to see these turtles more and recreational
10 fishermen are going to encounter them more and other people are
11 going to encounter them more and we just have to understand that
12 as there is a lot bigger population in our state waters and
13 adjacent waters that it's inevitable.

14
15 Now, having said that, I do think that we need to all be trying
16 to think -- In Mississippi, we've been trying to be very
17 proactive, but we all need to be thinking about being as
18 proactive as we can and to minimize those encounters and to make
19 sure that we have good reporting systems and if there is an
20 encounter that we need to make sure that the animals get some
21 veterinary care.

22
23 I do think we've been very good about that in Mississippi, about
24 being proactive and making sure that there is a mechanism to
25 care for any animals that need to be cared for.

26
27 Anyway, I am just kind of on a soapbox right now preaching, but
28 I do see that that trend is going to continue into the future
29 and that's something that we're all going to be dealing with
30 hopefully for a long time.

31
32 **DR. GALLAWAY:** I would like to respond to that and then I will
33 take other questions that I see. One of the most important
34 things that you've funded, as it turns out, is this symposium.
35 We are getting good attendance at that and we're going to get
36 all the sea turtle biologists together, including most of the
37 folks on the recovery team and working group.

38
39 We will be looking at these alternative scenarios and coming up
40 with -- What we're trying to do is develop a coalition of all
41 the Kemp's ridley researchers and then a coalition of funding
42 sources.

43
44 This program is still living from hand to mouth. They do not
45 have funding for the next year, as of yet. We are trying to get
46 a coalition of researchers, where we all commit to working
47 together and look for solutions and what we think the real
48 answer is, as well as get a coalition of potential funders,

1 ranging from foundations to state and federal agencies. Put all
2 the money in a pool and put all the researchers in a working
3 group and try to get some resolution over the long term on this.
4

5 That symposium that you funded is going to be a vehicle for us
6 to all get together and do that. I know you're sending at least
7 two council members and I would suggest that that will be a key
8 meeting, because we've got to decide whether the world is dead,
9 the Kemp's ridley is near extinction, or the Kemp's ridley is
10 just fine. We can't make that choice right now and so there is
11 lots of work that needs yet to be done. The tagging studies
12 need to be continued and blah, blah, blah. I'm sorry. I will
13 be quiet.
14

15 **CHAIRMAN ANSON:** We have a couple more questions from Mr. Perret
16 and then Leann.
17

18 **MR. PERRET:** I had the exact same question that Mr. Diaz asked
19 and I got an answer at one of the turtle recovery group meetings
20 I attended some ten or twelve years ago from one of the members,
21 one of the scientists, and I said what's the background of that
22 10,000 figure and, quote, unquote, the answer I received was,
23 oh, it's a number that we threw out and it will never be
24 reached. That's the science I heard about it and I'm sure there
25 is some other explanation.
26

27 **DR. GALLAWAY:** No comment.
28

29 **MS. BOSARGE:** Thank you for the presentation. It was excellent
30 and I hope you all are able to fund it into the future and I
31 know we did list it in a bulleted list of priorities for
32 research as far as our letter that went to the RESTORE Act
33 funding and so hopefully maybe somebody will pick it up and take
34 a look at it there, for sure. I know Bonnie is going to follow
35 up on all of that.
36

37 One question is your initial study that you were engaged to do,
38 your stock assessment, they wanted to take into account shrimp
39 trawl bycatch. As we've gotten better and better with shrimp
40 trawl bycatch through the implementation of TEDs and tweaking
41 that over the years and good compliance with that, has there
42 ever been any effort to look at any other sorts of bycatch? I
43 only ask because you mentioned that they also like cut bait from
44 the hook and line fishery. Are we ever going to take a look and
45 see if that can have any effect on it at all?
46

47 **DR. GALLAWAY:** Those additional sources of anthropogenic
48 mortality are not included in the model at present. We have

1 talked about including those and that would be the subject of
2 ongoing stock assessment and that, incidentally, is the reason
3 why you have to have all the parties at the table to bring all
4 the sources in and work cooperatively together and be prepared
5 to live with whatever results you get, whether it supports your
6 point of view or not. We're shooting for that, yes. It's not
7 in there now.

8
9 **CHAIRMAN ANSON:** Any other questions for Dr. Gallaway? Dr.
10 Gallaway, I have one question for you. Relative to this
11 migration or remigration and you mentioned that there is some
12 correlation to body condition of the female to make that
13 journey, did you see any similar patterns with the number of
14 eggs that the females that did make the beach -- Was there a
15 similar drop-off or was that consistent to prior years?

16
17 **DR. GALLAWAY:** That's the information I didn't have in the first
18 presentation and I'm almost afraid to give it here. The tagging
19 study scientists determined that approximately 90 percent of all
20 the turtles that they looked at were first-time nesters, or what
21 they call neophytes, and that the vast majority of those nested
22 only one time, producing roughly a hundred eggs per clutch.

23
24 We are just now able to look at that with preliminary tagging
25 study results, but those tagging study results, you can't use
26 those in a vacuum.

27
28 As it turns out, you need blood hormone studies to look at the
29 chance that you're missing ones that are nesting more than once
30 and you need -- The other approach is to use the direct
31 examination of the ovaries using -- I forget what they are
32 using, some sonograph or sonogram or something, that you can
33 look at egg follicle scars and determine the number of times
34 they have nested. We have part of the information we need, but
35 not all.

36
37 **CHAIRMAN ANSON:** Thank you again, Dr. Gallaway. Next on our
38 list is an Update of Red Snapper Federal Violations. Mr. Dunn,
39 are you prepared?

40
41 **UPDATE ON RED SNAPPER FEDERAL VIOLATIONS**

42
43 **MR. TRACY DUNN:** I am as prepared as you can be for such an
44 event. Based on the conversation we had the last time, I
45 basically cut it down a little bit to what we've been doing. I
46 understand the activity is more important than specific
47 violations.

48

1 Basically, to summarize, and I don't know if the Coast Guard can
2 help out here, but since the last report at the Biloxi meeting,
3 we have had, and these are just my guys, seventeen patrols
4 working with either the Coast Guard or the state partners,
5 Mississippi and Louisiana, and, of course, that means out in the
6 EEZ, because if we're working with them, we try to get them out
7 there.

8
9 They boarded seventy-two vessels, conducted inspections on
10 seventy-two vessels, most recreational. The vast majority were
11 recreational and some commercial and a few charter and found
12 seven violations, ranging from out of season, fileted fish, and
13 a couple over the bag limit that are being processed right now.

14
15 Beyond that, I didn't want to get into real specifics. Those
16 cases are currently under review and the ultimate decision will
17 be made on what we do with them. I did want to point out that
18 we're just finishing up a hiring cycle. We have two EOs in the
19 Gulf right now and a third one who is pretty much ready to
20 retire and so his productivity is showing that.

21
22 We will be losing those two EOs. They are going to transfer
23 back to their home states and that's what we like to see, people
24 get back where they want, but we are replacing them with four
25 and so we will have one in Galveston, one in Louisiana, one in
26 the Panhandle of Florida, and then also St. Petersburg, Florida.

27
28 On top of that, we're going to have a supervisory enforcement
29 officer, which is new for our division, that will help
30 coordinate their efforts and keep them very productive on
31 boardings and so I am looking forward to that and those are
32 being completed as we speak.

33
34 The candidates are being contacted to see if they accept the
35 position. It's a national hire and so if you have a good
36 candidate, several divisions wanted them and, of course, we're
37 the best division and so hopefully we'll get our share of good
38 officers.

39
40 **CHAIRMAN ANSON:** We have a question from Mr. Perret.

41
42 **MR. PERRET:** Thank you and will that supervisor be boots on the
43 ground also or is he going to be some office bureaucrat like us?

44
45 **MR. DUNN:** No, he will be boots on the ground. I want him out
46 there working with his people and actually helping grow the
47 program and so I mean this is -- EOs have always been managed by
48 supervisory criminal investigators and they have a different

1 approach and so clearly having a supervisory enforcement officer
2 is going to help that program.

3
4 **DR. DANA:** On those seven -- You did the boardings, but on the
5 seven offenses, were they scattered or were they in a particular
6 area?

7
8 **MR. DUNN:** We had one in Texas and Mississippi made one and the
9 Coast Guard and our officer made one and I'm not sure where they
10 were and Louisiana made a couple and so it was throughout the
11 Gulf and Florida, too. Florida was actually involved in a
12 couple.

13
14 **MS. BOSARGE:** Thanks for the report. That was, I guess, a
15 report on maybe about two months' worth of activity,
16 essentially. Since our last meeting, essentially, and so that's
17 one boarding a day and you all are out there quite often
18 boarding vessels and seven out of seventy-two is about a 10
19 percent violation rate and so we just appreciate you being out
20 there and making sure that what we're doing here is enforced and
21 that the rules and regulations that we help to shape to protect
22 the species are being enforced. We appreciate it, sir.

23
24 **MR. DUNN:** Let me just add that this is on top of -- I am only
25 tracking red snapper for this particular report and that's still
26 on top of TEDs and HMS and all the other work that an
27 enforcement officer has to do, but let me just assure you that
28 we are always out there enforcing your regulations and so I
29 don't want if you want me to continuing doing this?

30
31 Well we'll talk about that, but I don't know, because our people
32 are -- They deal with the crisis of the moment and there may be
33 a point where TEDs become an issue and then they will shift
34 towards doing more of that patrol work and so it's a never -- I
35 don't know how to explain it. It's kind of the crisis of the
36 day with the number of resources that we have.

37
38 The other thing that I want these EOs doing, as I mentioned in a
39 report earlier, is I want them working with the state partners
40 mostly, to really help the state partners understand what our
41 needs are and what crises are coming up and our processes, to
42 make that program much more efficient and the state partners
43 agree with me. They think that's a missing component.

44
45 **MR. PEARCE:** Tracy, thank for the presentation and I just want
46 to applaud you and the Coast Guard both for reacting as quickly
47 as you do to some reports that you get from some of the
48 industry. You've really reacted pretty quickly and we haven't

1 caught a couple of the bad guys, but at least you guys are
2 trying and I really appreciate the effort.

3
4 **CHAIRMAN ANSON:** Tracy, the information that the officers
5 collect and such, does that go into a database and so as soon as
6 the data is entered, you can have kind of an accounting or a
7 summary of the boardings and then maybe of the potential for
8 violations and the status of those and such? Do you have that
9 available electronically relatively real time?

10
11 **MR. DUNN:** At the current time, no, because our previous
12 database was set up more as an investigative database. We are
13 currently working on one that's supposed to expand that ability,
14 because our enforcement program is becoming part of our total
15 effort.

16
17 That is currently underway right now and, in fact, a contract
18 was just awarded for that and so in the future, with this new
19 database, we have asked that that provide us better real-time
20 data, but the enforcement officers are supposed to be entering
21 data into our database to document their efforts regardless if a
22 violation was made or not, because I am interested in the effort
23 as well, as a manager.

24
25 **MR. BOYD:** Thank you, Tracy. Just kind of a procedural
26 question. When you are planning a patrol, do you plan
27 statistically on who you want to board, to try to reach certain
28 objectives, or do you just go out and whoever is in front of you
29 you end up boarding?

30
31 **MR. DUNN:** A little bit of both, I would say. The goal is to
32 board a certain percentage of the group of fishers in your area.
33 So, an enforcement officer -- It's really decided at the field
34 level.

35
36 They know who they have already boarded and they know where they
37 have already worked and we ask them to then try to reach as much
38 of the community as possible, to board vessels we haven't
39 boarded, because part of their job isn't just boarding and
40 making cases, but it's compliance assistance as well and the
41 greater community we interact with, the more opportunity there
42 is to answer questions about regulations and try to explain what
43 you all have come up with and things like that.

44
45 **MR. RIECHERS:** Tracy, and it's kind of following up on your
46 question, Kevin. We used to receive -- I don't know whether it
47 was you all that provided it or whether DOJ provided it or who
48 did that, but I thought we used to receive a report that kind of

1 -- It may have been a quarterly report that basically summarized
2 the cases and where they were in transition or kind of status
3 and so forth. Am I the only one remembering this or Corky or
4 Kevin may remember it?
5

6 **CHAIRMAN ANSON:** That was kind of my questioning, was that in
7 the future it sounds like, once you get this more inclusive
8 database, that it would be -- You just present a report and it's
9 in table form and we can maybe help kind of shape what the table
10 looks like as we go through that process. Certainly we don't
11 mind you coming to these meetings, but it may be more
12 informative to have that in the future.
13

14 **MR. DUNN:** That would be great, if we could come up with
15 something that you find useful for yourselves. Now, the report
16 you're talking about actually came out of General Counsel's
17 Office. We do provide a report on our summary settlements,
18 because that does not go to the General Counsel's Office. We
19 have a kind of bifurcated approach to our report writing.
20

21 **MS. BOSARGE:** On a different topic, yesterday we discussed
22 regional management pretty in depth and we had a few questions
23 regarding if we did go to regional management and the states
24 were managing both state and federal waters off their coastline,
25 according to where we delineated at, and those states, in their
26 regional management plan, they may have different bag limits and
27 different sizes and things of that nature.
28

29 Those would now extend all the way out into these partitioned-
30 off federal waters and we got a little feedback from Coast Guard
31 yesterday on the enforcement end of that and I was just
32 wondering if you had any feedback for us and if that's feasible
33 to enforce that or how do you feel about that?
34

35 **MR. DUNN:** I will start off saying nothing is unenforceable, but
36 the more complex the regulations get, the more difficult our job
37 gets, especially as we have boats going in between zones.
38

39 If everybody stayed in their own zone and we could train people
40 that when you're in this zone, this is the way it is and this is
41 the only place they enforce the regulations, then there would be
42 no problem, but as we have vessels going back and forth between
43 zones, as we have officers who work several zones -- The Coast
44 Guard will have the greatest problem, because they have the
45 boats that will patrol through those zones and my people as
46 well, because they will travel. It does make it a lot more
47 complex.
48

1 In all honesty, we've dealt with that. The poor agents in the
2 Keys have the South Atlantic plus the Gulf plus the Sanctuary
3 and so we've done it before, but clearly it will add a level of
4 complexity, especially to the training component as we try to
5 help the Coast Guard deal with new petty officers working in our
6 area and how they will have to manage that set of regulations
7 and so I would hate to say it's unenforceable, but it will be a
8 lot more time consuming to get people up to speed and hopefully
9 we keep them up to speed and then as long as the regulations
10 don't keep changing -- That's what worries me.

11
12 As with everything, those regulations will change and we have to
13 keep up with the changes in one area versus another area and so
14 it will be a challenge, but that's a good point. As hard as it
15 is for us, the fishing community also has that burden.

16
17 **MR. RIECHERS:** Both you and the Coast Guard have the best and
18 the brightest and so I know that the training can occur, where
19 you can be trained to know when you're moving from one zone to
20 the next and so that the rule changes.

21
22 Certainly, and speaking for the state officers, as we change our
23 rules here and they get new state regulations each year and that
24 they're enforcing with you in a joint enforcement agreement,
25 they are adjusting too and so I do understand the adjustment and
26 I understand the training that goes along with it, but I
27 certainly believe it's a doable element of what we do.

28
29 **CHAIRMAN ANSON:** Any other questions? Thank you, Tracy. Next
30 is we made the change in the agenda to move up the presentations
31 that were under Item X to now and so that would bring the
32 Summary Report on the Pacific Fishery Management Council meeting
33 and it looks like Dr. Simmons will be providing that to us and
34 you have received a copy of this presentation already. I
35 believe Beth sent that out if not yesterday, the day before.

36
37 **SUMMARY REPORT ON THE PACIFIC FISHERY MANAGEMENT COUNCIL MEETING**

38
39 **DR. CARRIE SIMMONS:** Thank you, Mr. Chair. Ava and I put
40 together a very short presentation. We had the opportunity to
41 attend the Pacific Fishery Management Council meeting, a couple
42 days of their meeting, in September and this is just a very
43 short overview of the meeting.

44
45 You may recall that in February that Chuck Tracy and Sandra
46 Krause from the Pacific Council came to our meeting in Houston
47 and this was part of the exchange, where we got to finally go to
48 their council meeting. We met at a Council Coordinating

1 Committee and this is just some professional development and
2 we're just bringing a summary of their meeting process and
3 structure back to you guys.

4
5 The structure of their meeting is very similar. They hold five
6 meetings a year and they have fourteen voting and five nonvoting
7 council members. Their meetings last nine to ten days and it
8 includes one weekend and the reason the meetings are so long,
9 and I will get into some more later, is the fact that they have
10 a lot of their working groups, management teams, and something
11 similar to our advisory panels and SSC meetings prior to the
12 council deliberations in other meeting rooms going on just prior
13 to that information going to the council, instead of spreading
14 it out over the months before our council meetings.

15
16 We only observed two committees of the council members there
17 during the September meeting. That was just a Budget and
18 Legislative Committee they had and everything else was council
19 deliberations. Full council was deliberating on those issues.

20
21 They had very large meeting space needs, because they had a
22 large council meeting room, like we do. They had a secretariat
23 room, where they were printing reports and materials and working
24 with the representatives of those various working groups to get
25 the reports ready and then they had seven additional rooms for
26 these working groups, the SSC groups, the advisory panels, and
27 then the management teams, in addition to these other two rooms.

28
29 Here is a picture from the secretariat room for admin staff and
30 their IT staff. They primarily are in this room and they review
31 reports and help representatives print documents for the council
32 meeting, because they are putting them there together just a day
33 or two, at most, before the council deliberates on them.

34
35 Every morning they have a breakfast meeting with staff and the
36 Chair and Vice Chair attend that breakfast meeting and they talk
37 about the agenda items for that day and any issues that are
38 coming up or if they're behind schedule.

39
40 A little bit of comic relief here. The council meeting attire
41 is very formal and both men and women are wearing suits, but if
42 you, by the seventh day, are tired of the ties that you have,
43 they have a little tie bank and you can go pick out a different
44 tie. They didn't have anything quite similar for women there,
45 but we just thought that was kind of cool.

46
47 The working groups were made up of these advisory subpanels, the
48 SSC and the management teams that I mentioned, and they met

1 during those first couple days of the council meeting. They did
2 take public testimony during each of those meetings on the
3 various fishery management plan issues and the working group
4 members wrote the report.

5
6 The SSC representatives would divide up the various subjects and
7 write the report and the Chair or Vice Chair would put it all
8 together and then staff would help review and edit that report.
9 Similarly, the advisory subpanels, the Chair or Vice Chair also
10 would write that report and then present it to the council.

11
12 These reports are given verbally to the council and they are
13 posted immediately on the website and each council member has a
14 large inbox in front of them with a written report, because it's
15 not available much in advance and so they have all of those
16 materials right in front of them.

17
18 The interesting thing to us was the working group meetings are
19 not recorded or streamed and they do not use microphones and so
20 sometimes it was a little bit difficult to hear in these rooms.
21 This is an example of one of the pictures from one of the
22 working groups. They serve indefinite terms and they are
23 selected by a council vote.

24
25 Again, the advisory subpanel is very similar to our advisory
26 panels. They are populated by fishermen and for-hire operators.
27 Typically, an SSC member is involved and a council staff member.

28
29 The management teams are very interesting. They kind of help
30 frontload, which would be our IPT process. It's made up of
31 state and federal and tribal and non-governmental biologists and
32 economists, as well as a council staff member. They help draft
33 the range of alternatives in the various stages that staff is
34 working on. They will go back and write it up, but they help
35 with the range of alternatives and these meetings are all open
36 to the public.

37
38 This is an example of the council meeting room. You can see two
39 large screens, similar to what we have, and they have rear
40 projectors.

41
42 Law enforcement also has a table beside the staff table and they
43 have representatives from each state and the Coast Guard that
44 sit back there, as well as a representative of the Coast Guard
45 on the council, and they are available to help answer questions
46 for the public and council members.

47
48 This was something we thought that was interesting. You can't

1 really see it very well from this presentation, but hopefully on
2 your computer you can. They have seated public testimony and so
3 right in front of the U, there would be a table here and
4 individuals can give five minutes and organization
5 representatives can give a ten-minute public testimony and
6 that's taken at the end of the day, before council
7 deliberations, on every FMP, like groundfish, HMS, et cetera.

8
9 The public can use presentations as long as they give them to
10 staff four or more hours in advance. They have a deadline, like
11 we do, for written public comment, in order for it to be
12 summarized and the council to have adequate time to review it
13 and they don't hold in-person scoping or public hearings outside
14 of the council meeting and so that was also something else that
15 was interesting.

16
17 They have a lot of written council briefing materials, a whole
18 table, the back row, that they provide information such as how
19 to give public testimony and just some background information,
20 similar to what Emily and Charlene put together as far as
21 navigating the council process, et cetera. They are not quite
22 as in the glossy format that some of the ones that we have
23 produced, but similar types of information.

24
25 They don't print copies of the amendments, typically. It's a
26 single reference copy, but they print all these reports, because
27 they are ongoing prior, right before council deliberations.

28
29 This was another aspect of their meeting we found very
30 interesting, is their exempted fishing permit process. The
31 council has a protocol and outline for submission of exempted
32 fishing permits for each FMP.

33
34 For example, there's an outline for groundfish, HMS, et cetera,
35 for each of their various FMPs. What they will do is they will
36 request that council staff draft a call for these EFPs and the
37 council staff works with the applicants. Then once they get the
38 application ready to be reviewed, it will go before all these
39 various management teams, advisory panels, and SSCs and they
40 will provide recommendations and that will all go before the
41 council.

42
43 They take public comment and then the council will deliberate
44 and make a decision and then staff will write a letter informing
45 NMFS of the council's decision and then it's ultimately up to
46 the National Marine Fisheries Service to make that decision as
47 to whether the EFP is approved or not, but I thought that was
48 quite interesting.

1
2 Just to summarize some of the main differences, they do have
3 state delegation meetings every morning and those are open to
4 the public and in those various seven meeting rooms, the state
5 directors or the designees typically are running the meeting and
6 the other council members that are from that state will be there
7 in the morning and they will talk about the agenda and issues
8 that may come up, et cetera.

9
10 They have fewer committee meetings, as I mentioned earlier, but
11 they have these extended council deliberations. There is much
12 more involvement of council staff and council in the EFP
13 submittal and review process and there is lots of interaction
14 with council members and the SSCs and working groups, because
15 they are there for many days at the council meeting prior to the
16 deliberations and they are present.

17
18 They give the reports, which we tried recently, at the last
19 council meeting, where we had our AP representatives give the
20 report to the council. Then they didn't provide any additional
21 public workshops outside of the council meetings.

22
23 We wanted to thank you for the opportunity to attend and
24 exchange this information with other council staff and council
25 members and we appreciate the leadership of Mr. Boyd and Mr.
26 Anson supporting us in doing this. They attended the CCC
27 meeting with us and they were very supportive of council staff
28 doing this and so we appreciate that and we will take any
29 questions.

30
31 **MR. PERRET:** Thank you very much and obviously the answer is it
32 was well worthwhile the time and effort and money to attend that
33 meeting and just food for thought for Mr. Gregory and for
34 Chairman Anson, I have attended other council meetings. I have
35 never attended the Pacific, but it's kind of interesting the way
36 they operate and just food for thought is it might be worthwhile
37 that some of the staff -- Some and not one or two.

38
39 I think two of you went and attend some of the other council
40 meetings to see just how they operate and maybe come back with
41 some ideas that may make things a little more efficient for us
42 or for you guys as you deliberate. I won't be here forever, but
43 the other thing is I don't know if that was a subtle hint -- I
44 don't think it was very subtle, but are you suggesting that all
45 the men should be wearing ties at our meetings?

46
47 **DR. SIMMONS:** No, sir, but I was expecting Mr. Matens to bring
48 that up. I put that in for you. Ava and I put that in for you.

1
2 **MS. BOSARGE:** Were there any specific things that you saw that
3 you thought we might want to consider implementing on our end to
4 make things more efficient and streamlined as far as how we go
5 about things? Was there anything that struck you that you would
6 highly recommend?

7
8 **DR. SIMMONS:** Ava's got a good idea, but I thought the most
9 interesting aspect, and I will just say something first, was the
10 exempted fishing permits and how much more involved the council
11 was in crafting those before they even went to National Marine
12 Fisheries Service, but I will let Ava add to that.

13
14 **DR. AVA LASSETER:** That was exactly what I was going to bring
15 up. The council identified some issue that they wanted more
16 information on and instructed staff then to develop the
17 application and so it was just council directing the research
18 needs and we found that very interesting.

19
20 **MR. PERRET:** It still -- They meet five times a year for nine
21 days and so the public has nine days to comment? I mean that's
22 a long time, nine days, and they actually are working from eight
23 to five for nine consecutive days, five times a year?

24
25 **DR. SIMMONS:** Correct, yes. Usually they are starting at seven,
26 because they are having those staff meetings or the state
27 delegation meetings in the morning, but I think the public comes
28 for the various fishery management plans they are interested in
29 and so if it's groundfish or highly migratory species, they may
30 only stay for that period of time, but I think it would be
31 similar to if you added all our three or four-day SSC meetings
32 up and our two-day or day-and-a-half AP meetings.

33
34 I mean if you start adding all those up, plus public hearings
35 and scoping, we're traveling -- Council members and staff are
36 traveling a lot more, when you start adding all those meetings
37 up, to me, prior to our council deliberations. We are getting
38 all those materials together a lot more in advance to the
39 council, council meeting, but the number of meeting days is very
40 long if you start adding all those up.

41
42 **MR. PERRET:** It just seems like a tremendous burden for staff
43 and for NOAA Fisheries. I guess they've got a Science Center
44 out there that provides people and for the council members to be
45 away for -- I think Leann would probably have a problem with
46 nine days, but it's interesting that they can meet for nine
47 days.

1 **MR. BOYD:** Thank you, Carrie. You mentioned that in the
2 secretariat room, and I will call it that, that support staff
3 and IT was there and could you describe what their IT function
4 is and how many people they have in their IT group, if that's
5 what it is?
6

7 **DR. SIMMONS:** I think they have two IT folks on staff and one is
8 Sandra Krause that came to the council meeting and she is
9 running the council meetings, similar to what Charlotte and
10 Phyllis are doing, where they are sitting there and posting
11 things up on the website in real time and getting all the
12 presentations lined up, et cetera.
13

14 They have another individual that helps anybody get on the
15 network and download materials or other computer issues they're
16 having. That's available within that secretariat room and then
17 the administrative staff is helping review reports, because they
18 have so many different reports coming in for the various fishery
19 management plans. They are helping staff and the council reps
20 or the SSC reps or AP reps get all those reports ready to go to
21 the council.
22

23 **MR. WILLIAMS:** Carrie, on the exempted fishing permits, does the
24 council have -- Are they soliciting exempted fishing permits?
25 Are there certain things they want to know about and so they are
26 facilitating somebody to apply for one?
27

28 **DR. SIMMONS:** That is correct and we can check further, but they
29 are not providing any funding, to my knowledge, but I think
30 there's other groups that may be there that could help
31 potentially with funding for those EFPs, but they are helping
32 craft a specific issue they are trying to address in that call
33 for proposals. Whether or not it's finally approved by NMFS is
34 still within the National Marine Fisheries Service purview.
35

36 **CHAIRMAN ANSON:** Ben, did you have a question or a comment?
37

38 **MR. BEN HARTIG:** Yes and a number of our council members went to
39 the forum this year out west and the exempted fishing permit was
40 an eye-opener, for us, on how a number of other councils use
41 this and so I think it really opened our eyes to how possibly we
42 could use this in the future to answer some of the questions on
43 our side and I think we're going to try and move ahead with
44 that.
45

46 **DR. SIMMONS:** Are you going to set it up maybe similarly for
47 each of your fishery management plans? You would have a
48 potential EFP-type structure and is that --

1
2 **MR. HARTIG:** I don't think we've gotten there yet, but I think
3 that at least we want to try and do some EFPs through our
4 management, especially in the realm of possible IFQs, voluntary
5 IFQ-type programs.
6

7 **CHAIRMAN ANSON:** Thank you, Dr. Simmons. I guess there are no
8 other questions and just to follow up on the comment that Corky
9 had mentioned is that it was Chairman Boyd's decision to kind of
10 go with this and send staff to the various councils to get an
11 idea of how they do their process.
12

13 At first blush, yes, nine to ten days sounds like a lot, but,
14 again, they have a lot of business being done there that we have
15 to kind of schedule and set time aside and try to maneuver and
16 that type of thing and so there might be some things that are
17 beneficial to that.
18

19 Certainly the in-between council meeting times, as to how you
20 may do that logistically, moving the whole office, essentially,
21 over to the meeting locations and then the additional staff time
22 from the states, although it might be necessary, certainly with
23 the SSC involvement that was identified.
24

25 Those are some other issues too and so it's just something for
26 us to consider and we do have it on the agenda or staff agendas
27 to go and visit other councils and kind of get some more ideas
28 and see how they do things and maybe at the end we can kind come
29 up with what you had suggested, Corky, and kind of come up with
30 some good ideas for this council to think about, but thank you,
31 Dr. Simmons. We appreciate it.
32

33 We have a delivery here, I've been told, and so we're going to
34 have them come in and bring something in to one of the people
35 here at the table.
36

37 **MS. BOSARGE:** I feel like a superstar today between the baby and
38 my birthday. Thanks.
39

40 **CHAIRMAN ANSON:** That will take us to the update on the RESTORE
41 Act Science Program and Dr. Ponwith.
42

43 **UPDATE ON RESTORE ACT SCIENCE PROGRAM**

44
45 **DR. PONWITH:** Thank you, Mr. Chairman, and I appreciate the
46 council's indulgence to schedule a longer than typical update.
47 We do have kind of a standing ten-minute update and for this
48 agenda item, we scheduled a half an hour.

1
2 The reason for that was we anticipated it was possible that we
3 would have released two key documents that we've been working on
4 for the last year and that is the full RESTORE Act Science Plan
5 and the first funding announcement of the RESTORE Act Science
6 Program. The timing did not work out so that those actually hit
7 the street before this meeting.

8
9 Instead of this being a half-an-hour overview of what's in that
10 FFO and bringing that to the attention in a very detailed way,
11 instead what I will do is reduce back down to just a few minutes
12 to tell you where we are on this.

13
14 We do anticipate very soon that we will be releasing the RESTORE
15 Act Science Plan. The council was instrumental in providing us
16 input for the Science Plan Framework that was submitted last
17 year. This is the full science plan.

18
19 When that is released, it will be released via the Federal
20 Register and I will be keeping an eye out for that release and
21 will send an email out to the council to make sure that that is
22 distributed. We anticipate that it will be open for a minimum
23 of forty-five days to obtain public comment on that plan.

24
25 That plan is what's going to guide the overall principles that
26 we run this program by for the next several years. Comments
27 will be accepted online and by email and by regular snail mail
28 and, again, the council has been instrumental in the development
29 of the framework and we anticipate that they will continue to be
30 heavily engaged in providing feedback to the full science plan.

31
32 Moving on to the funding announcement, of course, the release of
33 the Treasury rules on how this program is going to be
34 administered released the ability for us to go out with our
35 first announcement. That will be happening this fall. It will
36 happen -- It could be very, very soon.

37
38 Again, I will see to it that the council is notified as soon as
39 I see that hit the street. It's going to focus on three short-
40 term priorities and that's doing a comprehensive inventory and
41 assessment of ecosystem modeling.

42
43 It will be looking at the identification of health and condition
44 indicators for the Gulf of Mexico ecosystem and also a look at
45 the monitoring and observation needs and the development of
46 recommendations for a Gulf-wide network, to make sure that we've
47 got a good observation system up.

48

1 Those are sort of the short-term focus of the areas that we
2 anticipate that call for proposals is going to go out for. We
3 think it's going to be around \$2 million or maybe a little more
4 than \$2 million for this first call and the reason is this will
5 be setting the framework for the more substantive calls that
6 will happen in the second and following calls for proposals.
7 This uses the information that we learn in this first call to
8 have a better understanding of our gaps.

9
10 You see at the bottom of this document, if you scroll down, that
11 the RESTORE Act Science Program does have a webpage and that's
12 where all of our documentation, all of the information and
13 details on the program and how it's carried out, can be found
14 and then also an email address if you have questions that you
15 can direct it to the RESTORE Act Program staff or, in addition,
16 if you have questions, you can always be in contact with me.

17
18 We are determined to stay in very close contact with the Gulf
19 Council on this and particularly with the Gulf States
20 Commission, who is named by name in the legislation defining the
21 Science Program, to make sure that we are cognizant of the input
22 that they can offer to this program. I will stop there and see
23 if there are any questions.

24
25 **CHAIRMAN ANSON:** Anybody have any questions? All right. Thank
26 you, Dr. Ponwith, for the update. We will look forward to
27 seeing the other information then for the January meeting?
28 Okay. Thank you. That concludes the presentations that were in
29 Item Number X and we are -- Dr. Dana.

30
31 **DR. DANA:** Sorry and I should have brought this up when the
32 presentation was being done on the Pacific Council overview, but
33 when I went to the SSC meeting here a couple of weeks ago in
34 Tampa, one of the sentiments brought up during that meeting was
35 that in the past the SSC used to have meetings somewhat in
36 conjunction or sometimes with the full council and they
37 expressed perhaps an interest in the future, maybe once a year,
38 that they could have something that was close to a council
39 meeting, so that then they could see how we are operating and
40 develop some relationships, where they perhaps have eroded down
41 or are not there right now.

42
43 **CHAIRMAN ANSON:** Thank you for the information. I will talk
44 with Doug Gregory about that and see maybe if we can try to
45 shoot for -- I guess it's the June -- They have a June SSC
46 meeting scheduled and is that too late to change it? Have we
47 already got people committed or do we have to go for some
48 meeting in the future, but is that something that we could

1 possibly do? All right. Thank you.

2
3 **MR. HARTIG:** I mean we've done that in the past, have met with
4 them. If you have them meet at the same time you are meeting,
5 it's really tough, because you can't be at the committees you
6 want to hear when you want to hear the SSC discussion. I mean
7 having it close to a council meeting would help, if you wanted
8 to come and attend before the meeting. Yes, that would be
9 productive.

10
11 I mean I attend all of our SSC meetings and I find it very
12 gratifying to be able to interact with them on a basis that's
13 productive and so it can provide -- I mean there's an evolution
14 involved and it takes time, but it can provide some good
15 interaction over time.

16
17 **CHAIRMAN ANSON:** Thank you, Ben. Again, we are up to where we
18 had scheduled for our lunch break at twelve noon and we're ten
19 minutes before that and we really don't have any other business
20 I think that we can start, as far as reports, but we will plan
21 on coming back at the scheduled time of 1:30 and we will start
22 to get into committee reports at that time. Thank you.

23
24 (Whereupon, the meeting recessed at 11:50 a.m., October 22,
25 2014.)

26
27 - - -

28
29 October 22, 2014

30
31 WEDNESDAY AFTERNOON SESSION

32
33 - - -

34
35 The Full Council of the Gulf of Mexico Fishery Management
36 Council reconvened at the Battle House Renaissance Mobile,
37 Mobile, Alabama, Wednesday afternoon, October 22, 2014, and was
38 called to order at 1:30 p.m. by Chairman Kevin Anson.

39
40 **CHAIRMAN ANSON:** We will go ahead and start with committee
41 reports. We have, on the agenda, it's from 1:30 to 2:30 was
42 listed for presentations and for the most part, we went through
43 the presentations.

44
45 We left the Other Business item to take care of tomorrow, but we
46 have an hour before Public Comment and so if we can go ahead and
47 try to finish as many committee reports as possible and we will
48 start with the Joint Law Enforcement Committee Report and

1 Lieutenant Commander Brand.

2
3 **COMMITTEE REPORTS**
4 **JOINT LAW ENFORCEMENT COMMITTEE REPORT**
5

6 **LCDR BRAND:** Thank you, Mr. Chair. We held a Joint Law
7 Enforcement Committee/Law Enforcement Advisory Panel/Gulf States
8 Marine Fisheries Commission Law Enforcement Committee and the
9 Gulf of Mexico Fishery Management Council LE Committee meeting
10 on October 20.

11
12 The agenda was adopted with a couple of corrections and we added
13 a Law Enforcement Person of the Year to Other Business. The
14 minutes from the October 31, 2012 LE Committee and the Law
15 Enforcement Committee and Advisory Panel Meeting were approved
16 and we elected new Chairs and Vice Chairs for the Advisory Panel
17 and the Law Enforcement Committee for the Gulf States.

18
19 Rama Shuster from Florida was elected as Chair and Brandi Reeder
20 from Texas as Vice Chair for the Advisory Panel. The Gulf
21 States LE Committee elected Chad Hebert from Louisiana as the
22 Chair and Rusty Pittman from Mississippi as the Vice Chair.

23
24 Then we discussed the usefulness of charter for-hire decals. We
25 had a presentation from Steve Atran summarizing some of the
26 discussion on why this came up and for federally-permitted
27 charter vessels and headboats whether or not it was still
28 necessary for enforcement.

29
30 Among the issues, decals are difficult to read from a distance
31 and they peel off. Also, vessels may have multiple permits
32 indicated on one decal. If one of those permits is transferred,
33 the decal has to be peeled off and replaced, which costs time
34 and money, and so the state advisory panel reps responded that
35 the presence of decals make no difference in how vessels are
36 approached on the water.

37
38 Both the Law Enforcement Committee Advisory Panel and the Gulf
39 of Mexico Management Law Enforcement Committee made motions to
40 eliminate the requirement to carry decals for vessels with
41 charter vessel/headboat permits. Any discussion on that?

42
43 **CHAIRMAN ANSON:** We have a committee motion. Any discussion? I
44 need a motion to accept or --

45
46 **MR. DIAZ:** So moved.

47
48 **LCDR BRAND:** I will second. Any opposition to the motion or any

1 discussion?

2

3 **CHAIRMAN ANSON:** Go ahead, Dr. Dana.

4

5 **DR. DANA:** I just wanted to ask a question of order. Is this
6 something that we would want to hear any kind of public comment
7 on or is it pretty much a universally-accepted idea?

8

9 **LCDR BRAND:** I think we all discussed that it was going to be
10 universally accepted, but if anybody would like to comment that
11 sees any issues with this motion, we can reconsider, I think,
12 unless that's out of order.

13

14 **CHAIRMAN ANSON:** That's, I guess -- The motion could be -- The
15 motion has already been made here at council to accept the
16 recommendation, but I mean if that's something that we can get
17 the motion changed or vote it down and come back at another time
18 and wait for further public comment on it.

19

20 **MS. LEVY:** If this motion passes, what's going to have to happen
21 is the council is actually going to have to take an action to do
22 this and so this is not -- Saying that you want to eliminate the
23 requirement is basically instructing staff to develop the
24 appropriate document to do this, which could then come back at
25 the next meeting and you could have public testimony at the next
26 meeting and then take action.

27

28 **DR. DANA:** I am good then.

29

30 **CHAIRMAN ANSON:** I was wondering if the maker of the motion
31 would want to reword the motion to reflect that -- Instruct
32 staff to come up with a document that incorporates this.

33

34 **MR. DIAZ:** I am fine with that language, Kevin, if that gets us
35 where we need to be.

36

37 **CHAIRMAN ANSON:** We have a motion to instruct staff to create a
38 document that eliminates the requirement to carry decals for
39 vessels with charter vessel/headboat permits. Does the seconder
40 approve of the change? I need a second. Who seconded?

41

42 **LCDR BRAND:** I will second.

43

44 **CHAIRMAN ANSON:** Any committee discussion on this motion or
45 council discussion? Anybody in opposition to --

46

47 **MS. LEVY:** I am not in opposition, but just to clarify, we are
48 talking about both CMP and Reef Fish, right, the Gulf charter

1 vessel/headboat permits?

2
3 **CHAIRMAN ANSON:** I would think that it would be of all decals,
4 yes, the way it's written. It looks like that's the intent of
5 the person who made the motion. **Any opposition to the motion?**
6 **The motion is carried.**

7
8 **LCDR BRAND:** The next item on the agenda was a Review of Draft
9 Definition of Charter Fishing. John Froeschke reviewed the
10 history of the abbreviated framework action to define charter
11 fishing.

12
13 The issue began with vessels conducting contractual services,
14 i.e., non-federally permitted vessels that was taking passengers
15 out who had paid for an unrelated service, such as providing
16 real estate advice, but allowing passengers to fish, thereby
17 bypassing charter vessel fishing requirements.

18
19 That vessel is no longer operating and there are currently no
20 vessels known to be conducting this type of service. That was
21 stated by some of the law enforcement folks in the room. Thus,
22 there is a question as to whether this is an ongoing issue.

23
24 It was noted that the new definition in the preferred
25 alternative that included any quid pro quo exchange could
26 potentially affect several scenarios. Dr. Froeschke explained
27 that it was not the intent to eliminate such scenarios. State
28 reps on the LEAP and the LEC felt that this was a minor issue
29 and at least in Texas is being addressed with state regulations
30 that consider a vessel to be chartering if it accepts any pay,
31 barter, or exchange.

32
33 However, committee members also felt that proceeding with the
34 new definition would provide tools that could help to enforce
35 charter fishing regulations.

36
37 **The council Law Enforcement Committee made a motion without**
38 **opposition, the committee recommends, and I so move, to retain**
39 **Preferred Alternative Option Number 2, which states modify the**
40 **current charter vessel and headboat definitions in 50 CFR 622.2**
41 **by adding the following words "or provides goods or services"**
42 **after "who pays a fee" throughout the definition, as outlined in**
43 **the background material. In addition, add a definition for for-**
44 **hire fishing in the Gulf of Mexico Exclusive Economic Zone to**
45 **clarify if vessels accept goods or services in exchange for**
46 **fishing trips they must have a valid federal charter**
47 **vessel/headboat permit and valid U.S. Coast Guard Captain's**
48 **License onboard the vessel as the preferred alternative.**

1
2 The Law Enforcement Advisory Panel and Gulf States LE Committee
3 made a similar motion to the Gulf Council. Dr. Simmons noted
4 that because this framework action affects vessels with mackerel
5 charter vessel/headboat permits under the Joint Coastal
6 Migratory Pelagics FMP that this proposed action would need to
7 go the South Atlantic Council for their review and action.
8

9 **CHAIRMAN ANSON:** At this point, I think it would be a similar
10 situation, where we would have to start a process to develop a
11 document, Mara?
12

13 **MS. LEVY:** So you have a document that's been developed and an
14 options-type paper, I guess, and staff can correct me if I'm
15 wrong, they are looking for direction that you still want to
16 move forward with this.
17

18 The one comment I will make is with respect to the piece about
19 having a valid U.S. Coast Guard captain license onboard the
20 vessel. So that's a Coast Guard requirement for specific types
21 of vessels and I sort of want you to think about why we would
22 need to require that for the fishing piece of this, meaning
23 folks have to provide stuff to the Permits Office to be eligible
24 or to get a fishing permit, the charter vessel/headboat permit.
25 Are we trying to say now that in addition to providing
26 everything else that they need to provide, like documentation,
27 that we're also going to require them to provide a captains
28 license?
29

30 If that is what we're talking about, then I would just ask you
31 to consider the administrative burdens of that on the people
32 having to submit the stuff and the Permits Office having to send
33 things back saying you don't have it and so the Coast Guard can
34 enforce its regulations regarding what's required for people to
35 be licensed and we can enforce the fishing regulations. If you
36 add this, you're adding another layer to the fishing piece of
37 it.
38

39 **LCDR BRAND:** To that point, we have Mr. Perkins in the back and
40 we discussed this and we agree with Mara that this is something
41 that belongs in 46 CFR and perhaps it would be better to just
42 take that piece out, because it's already covered.
43

44 **CHAIRMAN ANSON:** Do we have any other council discussion on this
45 issue?
46

47 **DR. SIMMONS:** I don't think Mr. Hartig was here during our
48 committee meeting when we discussed this, but I do know at one

1 point this was discussed, I believe, at a South Atlantic Council
2 meeting and it wasn't, I don't believe, considered an issue, but
3 I guess as we move forward with these actions -- My question is
4 should these potentially be joint amendments, since both of them
5 are going to impact coastal migratory pelagics, as we move
6 forward and possibly make it one document? Maybe if he could
7 comment on if he knows and I know I'm kind blindsiding you here,
8 but if there was any issues when your council discussed this.

9
10 **MR. HARTIG:** I don't know -- I don't remember us really
11 discussing this specifically. I know we need another definition
12 to identify charter and I think this is going in the right
13 direction. I mean we have some problems with the number of
14 people onboard definition we currently have and I don't know if
15 this would be in lieu of the number of people definition or this
16 would replace it. Well, I said the same thing twice, but would
17 you still have the number of people in the charterboat to define
18 the charterboat trip?

19
20 **MS. LEVY:** Two things. Just I think we need to put the language
21 back in about the Coast Guard captains license until you all
22 decide to modify the motion. We still have a committee motion
23 and nobody has done a substitute motion or anything and so we
24 can't just take that language out.

25
26 The second thing is this doesn't take away from anything that's
27 already in the regulations and so it's adding the idea of goods
28 and services after the term "fee" and it's creating a new
29 definition of what for-hire fishing is in the Gulf.

30
31 I think that if you decide that you want to go ahead with this
32 option that we need to go back and staff needs to look at this
33 again and maybe once the South Atlantic Council looks at it and
34 decides whether they want to go forward or not, we would need to
35 see how we can modify it to apply only to the Gulf versus
36 applying to the South Atlantic, because I don't know how the
37 South Atlantic is going to feel about this.

38
39 **MR. DIAZ:** I am going to try to help move us forward. **As a**
40 **substitute motion, I would like to leave the motion as it is,**
41 **with the exception of taking out the words, in the last**
42 **sentence, after "permit" and the words that we want to take out**
43 **are "and valid U.S. Coast Guard captains license onboard the**
44 **vessel".** Strike that part and then leave everything else as is,
45 if that gets us where we want to go.

46
47 **CHAIRMAN ANSON:** It may. Do we have a second for the motion?
48 Leann seconds. Any council discussion?

1
2 **MR. WILLIAMS:** I voted for this in committee, but I have
3 subsequently talked to some of the NMFS staff and my colleague
4 John Sanchez and I have talked about it. I think it's really
5 not a problem right now and maybe we ought to wait until it
6 becomes a problem and so I am going to vote against this.

7
8 **MR. FISCHER:** Could someone give an example of what this does?
9 I am very curious about goods and services as opposed to pay and
10 I have a conclusion, but I would like to hear where we're going
11 with this.

12
13 **MR. WILLIAMS:** I think the person that talked to me said that if
14 I owned a lumber yard and I decided to take out you and Harlon,
15 because you were my two best customers, and take you out fishing
16 that I would now become in violation of this and I'm just doing
17 you a favor because I like you guys so much and you spend so
18 much money with me.

19
20 **MR. FISCHER:** To that point, that's why I think I may be opposed
21 to this. I just don't know if it's going to fit the example I'm
22 going to give, but in the south Louisiana area, there are
23 affluent oil executives that have yachts and they bring people
24 out for business and would they then be a charterboat, according
25 to this? This is just -- People have taken customers onboard
26 sport boats for decades. That's my take and therefore, I will
27 probably oppose this.

28
29 **MR. SANCHEZ:** I will echo that. I mean everybody I know that
30 has worked hard and likes fishing and has been successful enough
31 to buy a sport boat, they do everything to do that to entertain
32 their clientele and this and that and that's kind of the
33 motivation to run that expense through the business and you
34 know, oftentimes it's as simple as putting a desk in the salon
35 and a phone and it's an office and you write it off and you take
36 the customers fishing. I think we should be focusing elsewhere.
37 This seems like much to-do about a whole lot of nothing.

38
39 **CHAIRMAN ANSON:** I guess I would just add that people can hold a
40 permit and they can put it on any vessel they so choose. It can
41 be a fifteen-foot johnboat or it could be a sixty-five-foot
42 Viking, but I am just concerned as we go down management in this
43 fishery in this group that we're going to be including a lot of
44 boats that have historically not been participating and so
45 they're going to get the benefits of both worlds. They are not
46 going to be counted for taking any charter business, yet when
47 they -- They are going to be able to use a permit if we go and
48 try to do any consolidation or anything like that in the future.

1
2 I understand there is some concerns with enforcement and it puts
3 some additional burden on enforcement to try to identify those
4 boats and identify those trips, but that's just a concern of
5 mine, that those permit holders on those vessels -- I am talking
6 more the big vessels that are owned by companies or corporations
7 and they take out their customers and so that's all. That's all
8 I will comment on and whatever the direction of the council is
9 and if we have any other comments.

10
11 **MR. GREENE:** I mean we talked about this in committee yesterday
12 and this kind of goes back to what we're talking about. If an
13 individual decides to purchase a permit to put on his boat, he
14 is making a decision to do that.

15
16 Now, if he is doing that to qualify for a state license so he
17 doesn't have to buy everybody a fishing license or whatever, I
18 mean that's fine and however you all want to go with this is
19 fine, but it's one of those things that you need to think about.
20 They made the decision to purchase a permit to put on that boat,
21 whatever type of boat it is. It's a business decision that they
22 made.

23
24 Now, I don't know that having to send in a copy of a captains
25 license to renew your permit is anything that we want to get
26 involved with, because that kind of really conflicts the
27 situation, but I mean you've got 46 CFR and you've got 50 CFR
28 and we've got all these multiple regulations that we get into,
29 but I don't know that -- I have said before that I don't think
30 the existing definition of a charterboat or a headboat is
31 accurate.

32
33 I think that the definition of a charterboat is carrying six
34 people or less and the definition of a headboat is carrying
35 seven people or more, but there are boats like me that carry
36 seven people or more, but do not collect a fare individually.

37
38 I think that this is just one of those things and I certainly
39 don't have a problem with this either way and I don't really
40 care and I think Myron brought up some good points, as has
41 everybody else, but I just -- It depends on what we're trying to
42 really get at here.

43
44 If we're trying to back to the deal about the consultant that
45 was swapping out and trying to get around a state license, I
46 understand what we talked about earlier, but when you get into
47 goods or services here, I mean that's going to be just a whole
48 different thing.

1
2 Now, I thought it was interesting and I appreciated having the
3 joint committee session, because it was interesting hearing how
4 other people had done it for fee or the language she used and I
5 forget exactly, but I thought it was pretty well outlined and
6 that they had done that, I believe, in Texas. With that being
7 the situation, I just wanted to bring that back up for your
8 consideration.

9
10 **MR. PERRET:** Since Katrina, I have no more boats, but I go
11 fishing and the individual boat owner that I primarily go
12 fishing with, the other guests on the boat, we pick up the tab
13 for the gas. Now, this person does not have a charter vessel or
14 a headboat permit. If us paying for the gas for this private
15 boat owner, is that considered goods and would that make him in
16 violation?

17
18 **MS. LEVY:** The definition that you have proposed in the document
19 expressly excludes sharing of expenses like gas and so no, it
20 wouldn't include that, but it potentially would include that
21 perks for giving someone business type of scenario.

22
23 **MR. PERRET:** We pay for the ice? That's goods.

24
25 **DR. CRABTREE:** I think, having heard all of this, I tend to
26 agree with Roy Williams that we have bigger issues and I don't
27 see this as something we need to be worried with right now and I
28 would be comfortable with just dropping this and moving on.

29
30 **CHAIRMAN ANSON:** Any other comments?

31
32 **MR. GREENE:** I think we've got two issues here and I don't think
33 we need to take this up right now. I know we've been working on
34 this forever and if I understand this correctly, and this has
35 been something I have really tried to get my head around, if you
36 have a federal permit on your boat and you were taking people
37 for-hire, in exchange for cash, goods, or services, then you
38 have to have a captains license and you have to be part of a
39 random drug testing program.

40
41 Those are factual deals that has to happen. The problem is
42 going to be the interpretation of do you have to have a federal
43 permit to do this or not and it seems like that's where me and
44 Myron were just discussing where we're hung at. We can't really
45 -- I don't understand that at this point and that's where we are
46 hung at currently.

47
48 I might ask that maybe we pick this back up tomorrow and give us

1 a little bit more time to reflect, because I just -- If I'm
2 confused, I'm sure everybody else is, but it's just one of those
3 things.

4
5 **CHAIRMAN ANSON:** Any other council discussion? We will go ahead
6 and vote on the substitute motion and the substitute motion is
7 to retain Option 2, modify the current charter vessel and
8 headboat definitions in 50 CFR 622.2 by adding the following
9 words "or provides good or services" after "who pays a fee"
10 throughout the definition, as outlined in the background
11 material. In addition, add a definition of for-hire fishing in
12 the Gulf of Mexico Exclusive Economic Zone to clarify if vessels
13 accept goods or services in exchange for fishing trips that they
14 must have a valid federal charter vessel headboat permit as the
15 preferred alternative. **All those in favor of this substitute**
16 **motion please indicate by saying aye; it looks like it's**
17 **unanimous and the motion fails and so we will continue on with**
18 **the report, Jason.**

19
20 **LCDR BRAND:** Thank you, Mr. Chair. The next --

21
22 **CHAIRMAN ANSON:** Hold on, Jason. Go ahead, Dr. Crabtree.

23
24 **DR. CRABTREE:** That brings us back to the original motion, but
25 if we don't want to proceed with this, don't we just need to
26 make a substitute motion to adopt status quo as the preferred
27 and we're done with this. So I will try to float that. **I move**
28 **a substitute motion to adopt status quo, Option 1, as the**
29 **preferred, no action.**

30
31 **MR. SANCHEZ:** Second.

32
33 **CHAIRMAN ANSON:** We have a motion to adopt status quo, no
34 action, for this action item and it's been seconded. Any
35 discussion? All those in favor -- Go ahead, Johnny.

36
37 **MR. GREENE:** I mean again I just -- I think there's two separate
38 issues here and I don't know that I'm any closer now than I was
39 a couple of minutes ago. I don't -- I mean it's two separate
40 things, no matter if you're taking cash or goods or services or
41 whatever. If you have a federal permit on your boat, you're
42 receiving some form of compensation or you would not be for-hire
43 and that's what I can't get past at this point.

44
45 Maybe you all can explain it and maybe I'm just missing it. I
46 mean I'm just a boat captain here at the table and I'm just
47 trying to understand it, but it doesn't make sense to me. It
48 seems like there is two different things and --

1
2 **MS. LEVY:** The only thing that this is addressing is who is
3 required to have the permit and not what you're required to
4 have. If you have the permit, it's which individuals and what
5 activities require that you have the federal permit to fish in
6 the federal waters.
7
8 Right now, the definition says -- The way that the definition is
9 of a charter vessel or a headboat is someone who takes a
10 passenger who pays a fee and there are other things too, but
11 we're concentrating on that. This would add to that and it
12 would not be just if you pay a fee. It would be if you also
13 accept goods and services in exchange for the trip.
14
15 It's expanding the universe of those who are required to have
16 the permit, but it's really expanding it when you then think
17 about what goods and services mean and that's what that other
18 proposed definition was supposed to address, but it's still
19 really very broad.
20
21 **MR. GREENE:** So if I have a federal permit on my boat and I
22 decide to fish in federal waters for just goods and services,
23 I'm okay?
24
25 **MS. LEVY:** Right, because -- You would be okay either way, but
26 you have the permit. This is trying to capture those people
27 that don't have a permit, but are taking passengers out not for
28 a fee, but for some other type of quid pro quo exchange, like I
29 will fix your house up and you take me fishing. Nobody has a
30 permit.
31
32 **MR. GREENE:** Okay and so to be clear, this has nothing to do
33 with people who have a federal permit on their boat, correct?
34 She is shaking her head.
35
36 **MS. LEVY:** Correct. This is about people who would need a
37 permit and not those who have it.
38
39 **MR. GREENE:** I am perfectly fine with that and I support this
40 motion.
41
42 **MR. FISCHER:** I still may not, because of "transfer of goods and
43 services". If Apex Drilling Company sells a million dollars of
44 casing and so they bring the foreman out on a fishing trip, does
45 he need a permit? Because they just transferred a lot of goods
46 and services.
47
48 **MS. LEVY:** Potentially under the current preferred option, yes.

1 If you leave it to just say for a passenger who pays a fee, then
2 presumably no.
3
4 **CHAIRMAN ANSON:** Any other council comments or discussion? The
5 substitute motion on the board is to adopt status quo, no
6 action, as the preferred alternative. **All those in favor of the**
7 **substitute motion indicate by saying aye; all those opposed.**
8 **The substitute motion carries.** I think that then takes care of
9 the motion that was brought forward by the committee and so if
10 you would. Myron.
11
12 **MR. FISCHER:** I need more print on the board. What did we just
13 do or what are we going to do?
14
15 **CHAIRMAN ANSON:** I think we will go as status quo, no action, as
16 the preferred alternative in that document.
17
18 **MR. FISCHER:** Which is what we've experienced through the
19 decades?
20
21 **CHAIRMAN ANSON:** That's what I understand, yes.
22
23 **MR. STEVEN ATRAN:** Just to make things clear, if status quo is
24 the preferred alternative, then the document isn't needed and
25 this just effectively kills that document.
26
27 **CHAIRMAN ANSON:** I think that's the general consensus that's
28 understood.
29
30 **MR. SANCHEZ:** Myron, I will talk to you about it over a fishing
31 trip.
32
33 **CHAIRMAN ANSON:** All right. Jason, if you could continue with
34 the committee report.
35
36 **LCDR BRAND:** Thank you, Mr. Chair. The next item on the agenda
37 was a discussion on Port Eads, Louisiana Marina Access. Myron
38 Fischer gave a presentation on the history of Port Eads and the
39 Notice of Intent from the Louisiana Wildlife and Fisheries
40 Commission.
41
42 The Port Eads Marina is not accessible by land. The marina was
43 destroyed by Katrina and has since been rebuilt and reopened in
44 2014. Port Eads hosts several multiday tournaments and anglers
45 need to transit via state waters to reach a highway-accessible
46 marina. The nearest such port is in Venice.
47
48 These vessels often will have a multiday bag limit and the fish

1 may be filleted. To accommodate anglers returning from a
2 multiday stay at Port Eads, Louisiana, they have published a
3 Notice of Intent to allow anglers who fish out of Port Eads to
4 transport their multiday catch, up to three days, for rec
5 saltwater fish back to a highway-accessible facility, provided
6 certain criteria are met.

7
8 One change that will likely be made to the criteria is to delete
9 "designee" for the requirement to have catch certified by
10 Louisiana's Department of Wildlife and Fisheries staff, agent,
11 or designee upon landing daily catch at the marina.

12
13 A question was asked whether vessels leaving Port Eads could
14 travel to a destination out of state. Mr. Fischer responded
15 that vessels could travel out of state, but they would no longer
16 be covered by the Notice of Intent, as Louisiana can only create
17 regulations applicable to its own jurisdiction.

18
19 In response to other questions, Mr. Fischer stated that charter
20 vessels operate out of Port Eads, but such vessels are required
21 to have a federal charter vessel/headboat permit. Biological
22 fisheries information is collected at the marina, such as angler
23 dockside interviews, lengths, weights, gonads, or special
24 projects.

25
26 A question was asked as to whether fish transported out of Port
27 Eads by float plane would be covered by the Notice of Intent.
28 Mr. Fischer indicated that this question had not come up
29 previously. It was pointed out that the South Atlantic Council
30 allows the transport of snapper grouper legally caught in the
31 Bahamas, but it was questionable whether adding a specific
32 provision for float planes to the Notice of Intent would be
33 feasible.

34
35 A suggestion was made to consider listing specific ports to
36 which an angler could transport his catch under the Notice of
37 Intent, in order to facilitate enforcement. Mr. Fischer
38 indicated that could be considered, but the nearest port was
39 Venice, about twenty-five miles, and the next was Empire.

40
41 Following discussion of the Port Eads issue and Notice of
42 Intent, the council's Law Enforcement Committee made a motion to
43 recommend that as long as Louisiana and federal enforcement
44 regulations are adhered to, the council supports Louisiana's
45 Notice of Intent as amended for Port Eads. However, committee
46 members felt that this motion was too specific and instead the
47 following substitute motion was passed.

48

1 The motion from the council Law Enforcement Committee is without
2 opposition, the committee recommends, and I so move, to commend
3 the Louisiana Department of Wildlife and Fisheries for their
4 ongoing efforts to solve the need for the transport within
5 Louisiana state waters of multiday on-the-water bag limits at
6 Port Eads Marina, as outlined in their Notice of Intent, as
7 amended. The Law Enforcement Advisory Panel and Gulf States Law
8 Enforcement Committee made a similar motion.

9
10 **CHAIRMAN ANSON:** All right and so we have a committee motion on
11 the board. Any discussion? Anyone want to have the letter
12 written to instruct staff to write the letter that the council
13 supports Louisiana's efforts?

14
15 **MR. FISCHER:** Well, of course, I would. So the entire motion
16 would be to instruct staff write a letter to the Louisiana
17 Department of Wildlife and Fisheries to forward to the
18 Commission, who actually passed the Notice of Intent, of the
19 material outlined in Jason's report. I am not going to read
20 everything he had.

21
22 **CHAIRMAN ANSON:** Do we have a second? It's seconded by Doug
23 Boyd. Is there discussion?

24
25 **MS. LEVY:** So just a matter of procedure. You have a committee
26 motion, which was to commend the Louisiana Department of
27 Wildlife and Fisheries to do something, but you didn't vote on
28 the committee's motion and nobody made a substitute motion.

29
30 I think you need to vote on the committee motion and if that
31 means that staff needs to write a letter or you want to make
32 another motion to instruct them or someone wants to make a
33 substitute motion to instruct them, then that's fine, but I
34 really -- Let's not change on the board the committee motions
35 until someone actually does a substitute motion or you vote on
36 it.

37
38 **EXECUTIVE DIRECTOR GREGORY:** I think the implication here is
39 clear that a letter to the State of Louisiana is the appropriate
40 way to carry this out. I was just wondering if we should have
41 it a fragrance letter or just a plain letter, but I don't see
42 where it needs to be a substitute motion to instruct staff to do
43 this. It's implied.

44
45 **CHAIRMAN ANSON:** If I heard you correctly, Mara, then we need to
46 vote on the motion, unless nobody wants to take the motion as
47 written currently and then the substitute motion. Mr. Fischer,
48 unless the previous motion does not read as you would like it to

1 be read, could you withdraw your motion?

2
3 **MR. FISCHER:** I withdraw my motion and the committee motion is
4 perfect and I think we just have to vote on the committee
5 motion, yes.

6
7 **CHAIRMAN ANSON:** You are correct, evidently, and I apologize to
8 everyone. If we could have the previous -- Is the previous
9 motion up, Charlotte? Okay. The motion is to commend the
10 Louisiana Department of Wildlife and Fisheries for their ongoing
11 efforts to solve the need for the transport within Louisiana
12 state waters of multiday on-the-water bag limits at Port Eads
13 Marina, as outlined in their NOI, as amended. **All those in**
14 **favor of that motion indicate by saying aye; all those opposed**
15 **like sign. The motion carries.** All right, Jason. If you can
16 continue.

17
18 **LCDR BRAND:** Thank you, Mr. Chair. The next item on the agenda
19 was the Overview of the NOAA OLE Restructuring Plan. Special
20 Agent Dunn summarized that plan and discussed a workforce
21 management committee reviewed the current enforcement staffing
22 and felt that special agents, who are supposed to focus on
23 criminal investigations, were spending too much time doing
24 enforcement activities.

25
26 Their recommendation was to limit the number of investigators in
27 the southeast, currently thirty-four, to ten. This reduction
28 will be accomplished through attrition, but the investigators
29 will be replaced by enforcement officers and so there was a lot
30 of discussion that we're not going to see less people, but there
31 will just be a change from investigators to enforcement officers
32 in the Gulf.

33
34 The Southeast Office is currently hiring five new enforcement
35 officers, but any further hiring is on hold until more
36 information about the budget is known.

37
38 State enforcement representatives on the Advisory Panel and the
39 LEC related that they have a good working relationship with the
40 federal enforcement officers. There are no motions made on this
41 and it was just a presentation and is there any discussion on
42 this?

43
44 **CHAIRMAN ANSON:** I don't see any hands raised.

45
46 **LCDR BRAND:** The next item on the agenda was a review of the
47 2015 and 2016 Cooperative Enforcement Operations Plan. There
48 were just some slight modifications to that plan, throughout the

1 operations plan, but nothing significant.

2
3 The Law Enforcement Committee made a motion. **Without objection,**
4 **the committee recommends, and I so move, to request the council**
5 **to fund the Law Enforcement Advisory Panel state representatives**
6 **to attend the Gulf Council meetings in their respective state.**
7 We can discuss this motion before we go on to the next one.

8
9 **CHAIRMAN ANSON:** Thank you, Jason. We have a committee motion
10 and that is to request the council to fund the LEAP state
11 representatives to attend Gulf Council meetings in their
12 respective state. Any discussion? **Any opposition to the**
13 **motion? Seeing none, the motion carried.**

14
15 **LCDR BRAND:** The next motion that was made for this was the Law
16 Enforcement Committee motion. **Without objection, the committee**
17 **recommends, and I so move, to ask the council staff to work with**
18 **the Gulf States Fisheries Commission staff to develop an officer**
19 **or team of the year program for the Gulf of Mexico.** It's
20 similar to what they have in the South Atlantic. The Law
21 Enforcement Advisory Panel and Gulf States also agreed with this
22 motion.

23
24 **CHAIRMAN ANSON:** We have a committee motion.

25
26 **MR. PERRET:** A question. Who would select -- I am for the
27 motion, but who would make the final determination on the
28 officer or the team of the year? If there is X number of
29 applicants, I assume there would be some group that would
30 whittle it down and then who would make the final decision?

31
32 **LCDR BRAND:** I don't know if -- Ms. Bosarge.

33
34 **MS. BOSARGE:** I was just going to say we actually -- When I went
35 to the South Atlantic Council meeting, this was one of the
36 things that was carried out while we were there and essentially,
37 the nominees were talked about and given a little background on
38 and then the council actually wrote the names down on a piece of
39 paper and turned them in and somebody tallied it and said who
40 won.

41
42 **MR. PERRET:** Okay. I was just wondering who would make the
43 decision. Thank you.

44
45 **LCDR JASON:** Part of this motion was there was some discussion
46 on funding the person or the team to attend the council meeting
47 to accept the award as well.

48

1 **CHAIRMAN ANSON:** I think that's something that the council could
2 cover.

3
4 **MR. RIECHERS:** Isn't that what the motion is doing, is basically
5 asking the council staff to develop those guidelines and then
6 they will come back with those recommendations of that selection
7 process and how that's going to work? That's at least how I am
8 reading it and not that I am opposed to what Leann suggested
9 they are doing in other places. That may be what we do, but
10 that's what I thought we were voting on.

11
12 **MR. PERRET:** Didn't we hear something about working with Gulf
13 States also in this thing?

14
15 **EXECUTIVE DIRECTOR GREGORY:** Yes.

16
17 **MR. PERRET:** All right and so the two staffs will then give us
18 the nominees and we make the decision.

19
20 **CHAIRMAN ANSON:** Correct. **Any opposition to this motion? The**
21 **motion is passed.** Go ahead, Jason.

22
23 **LCDR BRAND:** Mr. VanderKooy reviewed the remaining changes to
24 the Operations Plan and asked if the committee would approved
25 the plan as modified. The Law Enforcement Committee made a
26 motion. **Without objection, the committee recommends, and I so**
27 **move, to accept the state's committee operation plan.** The
28 motion was carried.

29
30 **CHAIRMAN ANSON:** There's a committee motion to accept the
31 state's committee operation plan. Any discussion? **Any**
32 **opposition to the motion? Seeing none, the motion is carried.**
33 Go ahead, Jason.

34
35 **LCDR BRAND:** Thank you, Mr. Chair. That concludes my report.

36
37 **CHAIRMAN ANSON:** Thank you. We have got about twenty minutes
38 until we're slated to go ahead and begin Public Testimony and so
39 I think we can get one more committee report in and that looks
40 like it might be Red Drum that would be most appropriate and so,
41 Mr. Pearce, are you ready to give that?

42
43 **RED DRUM COMMITTEE REPORT**

44
45 **MR. PEARCE:** I am ready and thank you. The Red Drum Committee
46 met on October 20 and all members were present. The agenda, Tab
47 F, Number 1, and the minutes, Tab F, Number 2, were approved as
48 written.

1
2 The committee discussed the Scoping Document for Modification to
3 Recreational Red Drum Management, Tab F, Number 4. Staff
4 summarized discussions from the Special Red Drum Working Group
5 meeting on September 24, 2014.

6
7 Committee members asked what was needed to update escapement
8 rates, to which staff replied that it varied by state, due to
9 differences in data collection efforts between states.
10 Standardization of escapement rate determination methods was
11 noted as necessary. However, some states reported an inability
12 to update escapement rates biennially.

13
14 Working group members had recommended convening state fishery
15 staff responsible for determining escapement to standardize data
16 collection and escapement estimation methods. The more
17 comparable the data are, the more useful they will be when used
18 in a stock assessment.

19
20 Many red drum fishery-independent research projects addressing
21 gaps in knowledge are either underway or scheduled throughout
22 the Gulf. Committee members wanted to see the document move
23 forward, but could not see further progress prior to resolving
24 outstanding data issues.

25
26 Committee members asked about the difference between Option 3,
27 delegation of management to the states, and Option 4, create a
28 special management zone. Staff noted that in Option 3, states
29 would individually manage red drum under the authority of the
30 council, while Option 4 would require direct council management.
31 Regardless, the council would still need to establish an ACL and
32 accountability measures.

33
34 Committee members then discussed removing red drum from federal
35 management, since all landings are in state waters. No change
36 on the February 2015 deadline for an ABC recommendation from the
37 SSC was made. I asked if there was any further discussion and,
38 hearing none, the Red Drum Committee meeting was adjourned.
39 Mr. Chairman, this concludes my report.

40
41 **CHAIRMAN ANSON:** Thank you, Mr. Pearce.

42
43 **MR. DIAZ:** During the committee, I made a motion that did not
44 pass in the committee and I have talked with some other council
45 members since then that were on the committee and at some point,
46 we're going to need these escapement rates to be updated for the
47 SSC to have access to them and I am going to try to revise what
48 I proposed during the committee meeting and see if it's more

1 acceptable to the council members.

2
3 **My motion would be to request the council to send a letter to**
4 **the Gulf States requesting that they update their escapement**
5 **rates on red drum as soon as possible.**

6
7 **CHAIRMAN ANSON:** There is a motion on the board and let's wait
8 until we get it written. It's to request the council to send a
9 letter to the Gulf States to update their escapement rates for
10 red drum as soon as possible. Is there a second to the motion?

11
12 **MR. PEARCE:** I will second it.

13
14 **CHAIRMAN ANSON:** There is a second by Mr. Pearce and is there
15 council discussion? **Any opposition to the motion? Seeing none,**
16 **the motion passes.**

17
18 **MR. PEARCE:** Mr. Chairman, I am ready with Data if you want me
19 to.

20
21 **CHAIRMAN ANSON:** Do you think you can get Data done in about
22 five to ten minutes and then we'll take a short recess and
23 start, as quick as possible, at 2:30.

24
25 **MR. PEARCE:** Okay. Are you ready for data?

26
27 **CHAIRMAN ANSON:** Let's go and let's do Data.

28
29 **DATA COLLECTION COMMITTEE REPORT**

30
31 **MR. PEARCE:** The Data Committee met on October 20 and all
32 members were present. The Data Collection agenda, Tab E, Number
33 1, was amended to postpone the Calibration Workshop Summary
34 Report, Tab E, Number 3, until the following day and the revised
35 agenda was adopted. The minutes of the August 27, 2014 meeting,
36 Tab E, Number 2, were approved as written.

37
38 Mr. Anson led the discussion of the recently implemented species
39 reporting requirements under the Joint Electronic Dealer
40 Reporting Amendment, Tab E, Number 5(a). He stated that the
41 requirement to report all species through the electronic dealer
42 trip ticket reporting system is burdensome and it requires
43 submission of state-managed species data to National Marine
44 Fisheries.

45
46 National Marine Fisheries does not directly use these data,
47 except for enhanced QA/QC of the federally-managed species data,
48 yet these state-managed fisheries data are required to be

1 submitted at the same frequency as the federally-managed species
2 data.

3
4 Dr. Ponwith stated that National Marine Fisheries Service
5 benefits from submission of these data, as they can be reviewed
6 for coding errors. However, they are not directly used. As a
7 compromise, Dr. Ponwith suggested that these data could be
8 submitted via the current mechanism, yet split electronically
9 and directed to the appropriate data repositories.

10
11 This would alleviate the concern with state-managed species
12 without compromising the structure of the current data reporting
13 system. Additionally, Dr. Ponwith suggested that crab and
14 oyster fisheries data could likely be removed from the reporting
15 requirements, as these species are unlikely to be miscoded as a
16 federally-managed fish species.

17
18 Mr. Hartig stated the South Atlantic Council reviewed the
19 technical subcommittee summary report at their September 2014
20 meeting. He stated that the South Atlantic Council is
21 supportive of the general direction and preliminary
22 recommendations of the technical subcommittee. John Froeschke
23 stated the technical subcommittee is on track to complete the
24 report by the December 1, 2014 deadline.

25
26 I led a discussion of methods to improve private recreational
27 data collection and management. The committee reviewed the
28 summary report from the February 2013 Private Recreational Data
29 AP meeting, including recommendations for a vessel permit system
30 to improve catch and effort data for red snapper.

31
32 The rationale for this program is that it could aid both data
33 collection and increase flexibility in fishing opportunities.
34 The committee agreed to revisit this issue pending determination
35 of Reef Fish Amendments 39 and 40 that could also affect the
36 management strategy for red snapper.

37
38 Dr. Stunz stated that his research group is developing and
39 deploying an enhanced iSnapper software that will enable
40 electronic reporting for private recreational anglers and
41 provide ongoing support for the for-hire sector. He stated this
42 technology will work on nearly all operating devices, a
43 necessary improvement to serve private recreational anglers.
44 Mr. Chairman, this concludes my report.

45
46 **CHAIRMAN ANSON:** Thank you, Mr. Pearce.

47
48 **DR. PONWITH:** Regarding the all fish issue again, we did talk

1 about the notion of having the dealers that are federally
2 permitted prepare reports that include all fish, which is our
3 understanding of what the regulation requires right now, and
4 then having the data split to their respective homes using a
5 software solution.

6
7 The catch with that is that that only solves the problem if the
8 data that are from the state species are handled on a weekly
9 basis, like the federal data are, because that would be the only
10 way to detect that errors had indeed been made and it would
11 require, instead of the federal people looking for red flags, it
12 would require the state people looking for those red flags and
13 bringing it to our attention in time.

14
15 We have been working on software that the port samplers can be
16 using that would help automate that process and, of course, we
17 are absolutely willing to work with the states and share that
18 QA/QC data or software to help in that process, but, again, the
19 thing we don't want is to create the same problem all over again
20 by the data coming in being sent to a state repository and then
21 pooled and sitting for thirty days, which is the periodicity
22 that the states are currently handling those data at.

23
24 I think that some continued discussion on this would be
25 valuable. I hope the council understands again what our main
26 position is. We're not looking for those data to use those
27 data, per se, but we need the data as a mechanism to do a better
28 job of the QA/QC, to make sure that we are basing the
29 projections of when a fishery should close on the absolute best
30 and most complete record.

31
32 **CHAIRMAN ANSON:** I think, just speaking for Alabama, our staff
33 certainly understand the reporting requirements on the federal
34 side and the need, again, to try to maintain a minimum amount of
35 reporting burden on the dealers to report and so that concept of
36 the splitting, again, is something that has been discussed and
37 is not new and certainly has been offered and in the context of
38 the QA/QC procedures, those would still, in my mind, from the
39 state's perspective, would still go on the timeline that they
40 currently are.

41
42 Of course any time that they would find an error, whether it
43 would be for a state species or a federal species, that would be
44 notated or updated or changed, as appropriate, and then
45 resubmitted and that record changed in at least the Gulf States
46 database and that's how I would see it progressing.

47
48 In regards to quota monitoring, you would still get your data on

1 a timely basis and the data would be whatever the dealer submits
2 and you would use that for your quota monitoring, but then
3 there's still the backstop, if you will, or the process by which
4 it's QA/QC'd, so that at the end of the year you have a complete
5 set of data or month or whatever and that's how I think we have
6 been looking at it.

7
8 **DR. PONWITH:** To that point then, it's not clear to me then.
9 Are you saying that we would have access to the full suite of
10 data, the state and federal, on a weekly basis? You're saying
11 we would have access to the federal and that you would handle
12 the state data on a weekly basis?

13
14 **CHAIRMAN ANSON:** The state data would go through the normal
15 QA/QC and, again, it's the -- Our interpretation, again, is that
16 the state species is not part of the requirement for the timely
17 reporting and so the syphoning or the partitioning would occur
18 after the seven days or when the dealer reports were due.

19
20 **DR. PONWITH:** Then we're back to square one then, because that
21 doesn't solve the potential that we are working under the
22 assumption we have 100 percent of the federal data and then find
23 out thirty-days later that landings were coded as state when
24 they should have been federal and we don't find that out until
25 after projections of when the fishery was to be closed and so
26 that's the conundrum that we're trying to avoid and so I think
27 we need further discussion on this one.

28
29 **MR. HARTIG:** Kevin, you gave a presentation stating Alabama's
30 concerns about that at our meeting and I reviewed the minutes
31 and went back through that and there was a question that came up
32 about North Carolina and were they comfortable with it and
33 they're not. I mean when I went back and reviewed the minutes,
34 North Carolina was vocal about this was only for federally-
35 permitted licenses and only the federal data would be going into
36 the system and so I wanted to clear that up.

37
38 **CHAIRMAN ANSON:** From that context then or from that comment,
39 you have similar concerns or the South Atlantic Council has
40 similar concerns about the framework action that was developed
41 in regards to the reporting?

42
43 **MR. HARTIG:** Well, I would say yes and I would say that the
44 discussions were still occurring when Michelle, on the record,
45 says we're going to have to talk about this with the Science
46 Center and get a determination on how we are actually going to
47 move forward, because I don't think it was set in stone at this
48 meeting how it was going to happen.

1
2 **MS. LEVY:** So the regulations are very clear that the dealers
3 are required to report all fish received for a commercial
4 purpose. If that's not what the two councils want, then my
5 suggestion is to develop a framework action that changes the
6 reporting requirement, but right now, under the federal
7 regulations, these dealers are required to report all species
8 received for a commercial purpose on a weekly basis. It does
9 not distinguish between federal and state species.

10
11 **CHAIRMAN ANSON:** All right. Well, in light of the time and our
12 schedule, as you suggested, we will bring this up kind of
13 sidebar and our staff will continue to talk with you about how
14 to move forward and try to come to an understanding and if we
15 need to, maybe it can be brought back to the council at a later
16 date if it needs to be addressed.

17
18 **MR. HARTIG:** I think it gets back to what was the intent of the
19 councils? What do the councils want out of this? I think if
20 you go back in the records, it wasn't clear to the council that
21 this was how we were going to move forward and that's critical
22 thing, the intent. If we have to go back in framework and
23 change it, we can.

24
25 **CHAIRMAN ANSON:** All right. Well, it's 2:25 or 2:27. If we can
26 take maybe a five-minute break and allow folks to get ready for
27 public testimony and then we'll get started in public testimony.

28
29 (Whereupon, a brief recess was taken.)

30
31 **CHAIRMAN ANSON:** All right, everyone. There is lots of familiar
32 faces out there in the audience and I welcome you again to
33 another council meeting and for the new faces, I welcome you as
34 well. One thing I want to point out to everyone is the back
35 corner we have started something new. Particularly on council
36 meetings where we know we will have a lot of public testimony,
37 there is a list that's being operated by Charlene and council
38 staff which runs down all the people that have submitted cards
39 and gives you a number if you have submitted a card.

40
41 We will be dealing with public testimony of three minutes per
42 individual and so if you look on the list and you see that
43 you're Number 20, you kind of essentially multiply twenty times
44 three and you think you've got an hour plus from that person,
45 whoever is speaking, the first person at least, on Number 20.
46 It kind of gives you an idea as to how far you are going to have
47 to wait to provide public testimony.

1 Other than that, for the newcomers, when you come up to the
2 podium -- I will call the person who is going to be speaking and
3 then the person behind that person will be called as well, so
4 that you can be ready. If you can just kind of stand up behind
5 or off to the side and be ready to come up as soon as that
6 person follows, that would be appreciated.

7
8 We have a system of lights that are at the podium, a green
9 light, a yellow light, and a red light. I think you all might
10 know what the yellow and red light mean. You are going to be
11 running out of time at the yellow light and the red light means
12 you've met your three-minute time limit and you will be asked to
13 finish up your comments real quickly after that.

14
15 We have about, I've been told, a little over eighty cards, for
16 those are keeping score at home, and so we've got a rather long
17 comment period and so without further ado, I would like to go
18 ahead and call the first individual and that's Will Geraghty,
19 followed by Brad Gorst.

20
21 **PUBLIC COMMENT**
22

23 **MR. WILL GERAGHTY:** Good afternoon, Chairman and council
24 members. My name is Captain Will Geraghty from Grand Slam Sport
25 Fishing in Naples, Florida. I represent eight federally-
26 permitted charterboats as well as three state-permitted
27 guideboats out of my marina as well as I represent members of
28 the Naples Florida Guides Association.

29
30 Collectively as a group, we urge the council to consider
31 reducing the Gulf of Mexico red grouper bag limit to two fish.
32 In my region of southwest Florida, the fishermen heavily rely on
33 a robust red grouper fishery. A two-fish bag limit would extend
34 the red grouper fishery into November and perhaps beyond,
35 allowing my for-hire fleet to service a winter tourism base
36 which begins arriving as early as October.

37
38 If the council remains with a three-fish bag limit and a closure
39 for February 1 to March 31, the southwest Florida season is
40 projected to close as early as August of 2015. That would place
41 an undue hardship on many of my area's tourism-based economies,
42 companies, and especially the for-hire fleet.

43
44 We support measures that promote and extend the seasonal fishery
45 while continuing to build and protect the health of the red
46 grouper stock. Now, many of you might have gotten my email
47 correspondence and much like a quarterback, I'm going to do a
48 few audibles to some of the actions that we have decided to

1 support on and so we've amended two of the three actions.

2
3 The first one we're going to support, Action 1, Alternative 3,
4 it's paramount that we reduce the bag limit to two fish to move
5 forward. Action 2, which is a bag limit reduction, we support
6 Alternative 4, removing the accountability measure. That would
7 eliminate a broad base of confusion.

8
9 Action 3, which addresses the closed seasons, we would like to
10 see Alternative 1, which keeps a red grouper recreational closed
11 harvest from February 1 to March 31 in all of federal waters out
12 beyond twenty-fathoms. The above actions provide the best
13 conservation measures for the fishery while providing a
14 socioeconomic benefit with a season that is projected to extend
15 into November and hopefully beyond.

16
17 **CHAIRMAN ANSON:** Mr. Geraghty, you have run out of your three
18 minutes and could you wrap it up, please, real quickly?

19
20 **MR. GERAGHTY:** Yes and my only brief topic on Amendment 40 is
21 I'm in support of it, with the exception of a sunset provision
22 and perhaps a review, as many people have worked very, very hard
23 to get this to where it's at today. Thank you so much.

24
25 **CHAIRMAN ANSON:** Thank you, sir. Next, we have Brad Gorst and
26 followed by Mayor Tony Kennon.

27
28 **MR. BRAD GORST:** My name is Brad Gorst and I come from Palm
29 Harbor, Florida. I've been operating charter headboats for
30 about twenty-eight years and it's a family business started in
31 1973.

32
33 I am here today to support the preferred alternatives in
34 Amendment 40, with the exception of any type of a sunset
35 provision. I am also going to talk about the red groupers and I
36 want to see it go to the Action 1, Alternative 3, the change to
37 two per person, in hopes of keeping the season open longer. In
38 Action 2, Alternative 4, eliminating the bag limit
39 accountability measures. In Action 3, Alternative 1, no action,
40 leaving the shoreward twenty-fathom boundary open and seaward of
41 twenty-fathoms closed.

42
43 Just as kind of a little side note, the amberjack, for the -- I
44 would like to entertain the possibility of a possible slot
45 limit, thirty-four or thirty-six inches or so, and make sure
46 those buffers are kept in place to constrain the harvest to the
47 ACL. I would also like to see a continued assessment of the red
48 drum stock and whether it is acceptable for the take in federal

1 waters. Thank you.

2
3 **CHAIRMAN ANSON:** Thank you. Next we have Mayor Tony Kennon,
4 followed by Mike Colby.

5
6 **MR. TONY KENNON:** Thank you, guys. I appreciate you all having
7 me. I am Mayor Tony Kennon from the City of Orange Beach and
8 first, let me say that every one of you all in here know much
9 more about this than I do and have been living with it much
10 longer maybe than I have.

11
12 What I am bringing to you is from the heart, from my friends and
13 my constituents and those folks that mean the world to me. I am
14 speaking as a mayor before the council and I am also speaking as
15 a mayor dealing with economics and I'm also speaking as a
16 recreational fisherman and a citizen.

17
18 Orange Beach was founded by charterboats. Prior to the Native
19 Americans being there, charterboat guys were the ones that put
20 us on the map and I feel a tremendous loyalty to them and they
21 serve a purpose. I am blessed to have a boat and blessed to be
22 able to be a recreational fisherman, but there's a lot of our
23 tourists and a lot of our folks that aren't.

24
25 Our demographic doesn't necessarily fit the saltwater fishermen.
26 They serve a tremendous purpose. Charterboat fishing is a --
27 There's a direct dollar input through the charterboats just like
28 there is through the recreational fishermen, but charterboat
29 fishing is a huge amenity, which is part of an experience that
30 we sell as a tourist destination, which sends tons of money to
31 Montgomery and on up the food chain.

32
33 It truly is an economic machine, the coast is. They make a big
34 impact. When folks come to the beach, they don't lie on the
35 beach for seven days and I promise you that. After about two
36 days on the beach, they are looking for something new to do and
37 charter fishing is a big, big part of that. For that reason,
38 they play a huge part of our economic engine.

39
40 I have got here a resolution from my council supporting
41 Amendment 40. We are 100 percent behind it. As a recreational
42 fisherman, I started fishing on the Gulf State Pier at six years
43 of age and I'm fifty-seven and fifty-one years as a recreational
44 fisherman and I've spent a gazillion dollars on fuel fishing the
45 Gulf, but I fish for fun and I fish for stress relief and I fish
46 just to get away.

47
48 These guys fish for a living and they fish to feed their

1 families. If I was a recreational fisherman having to give up
2 one day or two days or three days -- If I have to give up a few
3 fish for them to have a chance of surviving, avoiding
4 extinction, to feed their families, absolutely I will. I won't
5 even think twice about it. How could I live with myself if it's
6 about me, if it's about me, if it's about me? It's not about
7 me. It's about us. It's a big picture.

8
9 Forgive me. Another thing is I know this group of guys on the
10 Gulf Coast, Alabama Gulf Coast, very well, because I've been
11 associated with them for years. If I thought for a minute that
12 these guys were going to rape the Gulf and deplete our resource
13 as a recreational fisherman, I would not be standing here.
14 These are businessmen, professionals, who understand
15 conservation and protecting that resource for years to come.

16
17 Continuing this soliloquy, I don't want to in any way sound
18 condescending or lecturing and so please forgive me. That's not
19 the spirit in which it's intended, but I am an elected official
20 and I do understand the issues and the difficulties you have
21 working in the parameters of consensus, the law, politics, all
22 of the above. I have issues that come across -- We have a weird
23 little town, guys. You can't imagine the issues we have in
24 Orange Beach.

25
26 **CHAIRMAN ANSON:** Mayor Kennon, I apologize, but your time is up
27 and if you can wrap it up, please.

28
29 **MR. KENNON:** Yes, sir. I can wrap it up. The point I'm making
30 is this has been going on for some time and paralysis by
31 analysis can be much more detrimental than worrying to death
32 about unintended consequences or those that first do no harm.
33 We've got to do something and sometimes the lesser of evils is
34 what's there and so please consider let's do something and thank
35 you very much.

36
37 **CHAIRMAN ANSON:** Thank you, Mayor Kennon.

38
39 **DR. DANA:** Mayor, you can listen to this from the distance, but
40 I appreciate you coming here and representing your community. I
41 live in Destin and I've seen you on TV a number of times and you
42 do a great job for your area and they are lucky to have you.
43 Thank you.

44
45 **CHAIRMAN ANSON:** We have Mike Colby, followed by Chris Niquet.

46
47 **MR. MIKE COLBY:** Thank you, Mr. Chair. It's Mike Colby from
48 Clearwater, Florida, with the Clearwater Marine Association and

1 the Charter Fishermen's group. Here we are again and there's
2 not much more that I can say.

3
4 I think most of you know that our group of fishermen in the
5 eastern Gulf, in our area, support Amendment 40 and the
6 preferred alternative and I have tried over several years and
7 recently, just in the last week, to make sure that decision
8 makers understood that we look at this as an opportunity for not
9 just 1,100 or 1,200 charterboat captains, because it really
10 isn't about me and all of you know that. It isn't about us.

11
12 It's about the one-plus-million anglers that fish on our boats.
13 It's about their access and I remember in passing that someone
14 told me, after the St. Petersburg public hearing -- It was a
15 couple of days later and he mentioned to me that -- He said, I
16 wonder how interesting it would be if we held public hearings in
17 Pittsburgh and Atlanta and Albany, New York and Indianapolis and
18 Detroit, Michigan and queried our customers what they thought
19 about that.

20
21 I know several years ago we brought stacks of signed letters
22 from all of our customers on our boats and maybe 800 or a 1,000
23 of them, but it's interesting that -- I have said this before to
24 the council, that that's the recreational fisherman that never
25 gets queried and that never comes to this podium and never tells
26 you what it means for them to have access to the fishery.

27
28 I also think that really now, at this late hour, at this late
29 date, bring this amendment tomorrow and vote on it, because it's
30 -- It really is, and it reiterated what I'm saying and have said
31 in Biloxi, is that what will you on January 1 if we don't? I
32 mean we'll set the buffer and we will predict landings and we
33 will have an identical season or less to 2014. The bleeding
34 doesn't stop and so really, I think it would be smart to ask
35 yourselves what do we do if not this?

36
37 In terms of red grouper, I will reiterate what my -- We finally
38 got five fishermen who fish for red grouper that actually agreed
39 on something. It's a fragile consensus, but again, two fish in
40 the bag limit and reduce the -- Get those accountability
41 measures off on Alternative 4 and keep the closure in February
42 and March in waters deeper than 120 foot.

43
44 We have caught a lot of red grouper and I know Roy Williams and
45 John Sanchez, we have talked to you all about this, that we've
46 really, really put a big, big hurt on red grouper and I think it
47 would be a smart move to just get that bag limit back to two.
48 Thank you.

1
2 **CHAIRMAN ANSON:** Thank you. Mike, we have a question.
3
4 **MR. WILLIAMS:** Mike, it's slightly different, but what's the
5 status of gag in your area, gag grouper?
6
7 **MR. COLBY:** Well, I mean in terms of --
8
9 **MR. WILLIAMS:** In terms of their abundance. We're working on
10 gag grouper right now.
11
12 **MR. COLBY:** Yes and I know a lot of that had to do with some of
13 the red tide ideas about what non-harvest mortality is, but if
14 you talk to a recreational angler that fishes in 120 to 180 foot
15 of water, they will tell you they can run out there and catch
16 nice gags, but I am a -- I am just a ham-and-egg fisherman.
17 I've got a fourteen-knot boat and the gags that I'm accessing
18 inside of say seventy or eighty foot are pretty tough to catch
19 right now in a big quantity. I did okay on them in July,
20 believe it or not, in forty or fifty foot, but they are not just
21 jumping in our charterboats.
22
23 **MS. BADEMAN:** Just a quick one for you, Mike. On red grouper,
24 you said you were supporting the February and March and you're
25 talking about the beyond twenty-fathom closure that's in place
26 right now?
27
28 **MR. COLBY:** That's right and leaving inside of twenty-fathoms
29 open and closed outside of it, outside of 120.
30
31 **CHAIRMAN ANSON:** Thank you, Mike. Next we have Chris Niquet,
32 followed by Steven Hunsucker.
33
34 **MR. CHRIS NIQUET:** Chris Niquet from Panama City, Florida. I
35 would like to state that I'm for Amendment 40 without the
36 regional management. I think if you have regional management
37 that the state days are going to get longer and longer and
38 therefore, the charter and headboats will be put on the docks
39 and tied up to the pilings for a longer and longer period of
40 time and it would be impossible for them to make a living.
41
42 About transferring poundage between sectors, I think Dr.
43 Crabtree has stated in the past that it looks like the more fish
44 the recreational sector gets, it does not necessarily transmit
45 or transfer into more fishing days. They seem to get more and
46 more TAC and it doesn't transmit to any more days and in fact,
47 it's a shorter number of days.
48

1 On those lines, Mr. Harlon Pearce stated, I think it was the
2 last meeting, that if only 25 percent of the license holders in
3 the Gulf of Mexico caught one red snapper that was of legal
4 size, they would be over the recreational TAC for the whole year
5 and those numbers are correct.

6
7 This body has let 100 percent of the license holders be eligible
8 to catch two per day and not one per year and not two per year,
9 but two per day. Now, it doesn't take staff and it doesn't take
10 a mathematician to say those numbers won't work and they are
11 unsustainable and they've got to change and it won't work that
12 way and it can't.

13
14 I think the council needs to consider either tags or permits to
15 limit the number of people who can participate in the snapper
16 fishery and I think you either need to let them purchase or buy
17 these tags or permits so they can keep track of who is buying
18 them and how many people are buying them and where they're
19 buying them.

20
21 That would result in better data collection, which is what the
22 people here have been screaming for and the people in this
23 audience have been screaming for for years. We want more and
24 better data. Thank you for your time.

25
26 **CHAIRMAN ANSON:** Thank you, Chris. Next, we have Steven
27 Hunsucker, followed by Dylan Atkins.

28
29 **MR. STEVEN HUNSUCKER:** I am Steven Hunsucker and I'm the
30 operator of a federally-permitted charterboat out of Clearwater,
31 Florida. First of all, I would like to give my opinion about
32 the proposed red grouper management measures.

33
34 On Action 1, the red grouper bag limits, I would prefer
35 Alternative 3, reduce the red grouper bag limit to two fish per
36 person per day. On Action 2, I would prefer Alternative 4,
37 eliminating the bag limit reduction accountability measure, and
38 on Action 3, closed seasons, I would prefer Alternative 1, no
39 action, red grouper recreational harvest will remain closed
40 February 1 through March 31 in waters beyond twenty fathoms.

41
42 I feel like those alternatives will give us the longest possible
43 seasons and a season that will still provide everyone with the
44 opportunity to have a decent day's catch.

45
46 I would also like to briefly talk about Amendment 40, sector
47 separation. I am in favor of Amendment 40 and all of its
48 preferred alternatives and I urge the full council to vote on

1 Amendment 40 at this meeting and thank you for your time.

2
3 **CHAIRMAN ANSON:** Thank you, Steven. I think we have one
4 question from Dr. Dana.

5
6 **DR. DANA:** Steven, over in Clearwater, what is the opinion from
7 the charter guys on intersector trading?

8
9 **MR. HUNSUCKER:** I don't think any of us want intersector trading
10 at this time. I really don't think that's an issue. I don't
11 think we want that.

12
13 **MR. PEARCE:** Thanks for your testimony. One thing that you
14 didn't let me know yet is part of the Number 40 Amendment is a
15 sunset in three years. Are you in favor of a sunset or would
16 you rather see a review in three to five years?

17
18 **MR. HUNSUCKER:** I am not in favor of a sunset. I think that's
19 pretty much putting us right back where we're at now. Maybe a
20 review after five years would be the way to go. That's it.

21
22 **CHAIRMAN ANSON:** Thank you, Steven. Dylan Atkins, followed by
23 Bob Zales.

24
25 **MR. DYLAN ATKINS:** How are you all doing? My name is Dylan
26 Atkins and me and my family own and operate two charterboats and
27 a commercial fishing vessel out of Galveston, Texas. We all
28 support Amendment 40 and sector separation. We want it now and
29 not because somebody is telling you to do it, but because it's
30 the right thing to do.

31
32 Everybody across the country should have equal opportunity to go
33 out there and harvest these fish, someone from Arkansas or
34 Georgia. It doesn't matter. This is going to create that. All
35 the people that don't have the money to go out there and afford
36 their own fishing vessel, they come fishing with us, because
37 they can. They can do it on a moment's notice.

38
39 This opens doors for many more management opportunities and we
40 can just move a lot from this and honestly, a nine-day season is
41 just absolutely preposterous and anything is better than what we
42 have now.

43
44 I vote that I want this to be brought up in full council and to
45 be voted on tomorrow. I do not support the sunset provision, as
46 it just puts us right back in the position that we're in and I
47 don't really see the reasoning behind that.

48

1 We don't care. We want to be held accountable for our actions.
2 We are tired of being pulled in with all of the other
3 recreational fishermen and we want to be able to do what we want
4 to do. Send us out there and let us go fishing. Thank you.
5

6 **CHAIRMAN ANSON:** Thank you, Dylan. Bob Zales, followed by Eric
7 Mahoney.
8

9 **MR. BOB ZALES, II:** Good afternoon. I am Bob Zales, II, from
10 Panama City, Florida. You all know where I stand on sector
11 separation and I haven't changed, but I will say this though,
12 that with the information almost daily that seems to be coming
13 out now -- I mean you can look at the new Alabama data program
14 or you can look at the calibration workshop, but the whole
15 concept with sector separation is that eventually the charter
16 guys are supposed to end up with more days fishing.
17

18 All the information that's coming in is showing that everything
19 is going backwards. The charter harvest and your Alabama
20 surveys showed more than the MRIP did, but the private
21 recreational showed a tremendous difference of lower private
22 recreational than the MRIP did and so when you look at
23 percentages, all that shifts and changes.
24

25 The calibration workshop, what we were looking at, three-and-a-
26 half or 4 percent that it's going to decrease? You all still
27 don't have information on any of that.
28

29 You all saw the email I sent out a week or so ago and it's just
30 beyond me how you can make a decision and etch it in stone based
31 on the kind of data that we've got here. You know you all were
32 talking a little earlier about a charterboat definition.
33

34 Mike Nugent and I were back there talking and we're thinking
35 about developing a betting line on how many years it's going to
36 take you all to develop a charterboat definition. This whole
37 system is just messed up and you need to really sit back and see
38 what's going on here.
39

40 This fishery is in far better shape than anybody gives it credit
41 for. You have heard me, from probably the very day -- I know
42 Corky has heard this from the very day that I started this, over
43 twenty years ago, but any time you make a serious regulation,
44 you are going to put me out of business. When you went to two
45 fish on king mackerel, I was the first one up there saying
46 you're going to put my family out of business and we're still
47 here.
48

1 You have heard probably the majority of the people in this
2 crowd, when you went into red snapper, to seven fish from four
3 fish and one meeting was at the Bay Point Marina in Panama City
4 and screaming that you're going to put us out of business and
5 all these guys are still here.

6
7 This year, in the Panhandle, Panama City for sure, I saw it and
8 experienced it and I have heard it in other areas of the
9 Panhandle, but business was as good, if not better, than we've
10 ever had, regardless of the nine days.

11
12 Snapper is a perception. People still fish and we're still
13 fishing. There's a lot of people in Panama City that didn't
14 come today because they are fishing and so in all areas, that's
15 not necessarily the case and clearly this year we had a perfect
16 storm. We had good weather and we had a good economy and
17 tourism was the highest it has ever been, but people are
18 changing the way that they do and so you need to sit back and
19 see where you're going on this, because I still believe this is
20 an unnecessary thing.

21
22 Alex Jernigan told me, when we did the charterboat moratorium,
23 that you're making a mistake in pushing and supporting this,
24 Bob. Sure enough, he was correct and I think probably in two or
25 three years from now, if you continue with this, I'm going to
26 tell you all the same thing. Any questions?

27
28 **MR. WILLIAMS:** Bob, what you have us do about amberjack?

29
30 **MR. ZALES:** Well, you're way behind the ball on amberjack. You
31 have already heard me on that one. This fishery was supposed to
32 be rebuilt two years ago and so I don't know. I mean you've
33 heard me talk about cafeteria-style management and you pick and
34 choose what you want to do.

35
36 If amberjack was red snapper and was supposed to be rebuilt two
37 years ago and we were still fishing them, would you have allowed
38 that? I don't think so and so I think you need to do something
39 serious with that.

40
41 Number one, I think you need to get the data correct on it. I
42 am not sure the amberjack is in the shape that you claim where
43 we are and the other part of that is I would like to have my
44 percentage back when you shifted recreational and commercial
45 allocation, even though it was considered allocation, but a lot
46 of us understood it to be.

47
48 **DR. CRABTREE:** Bob, thanks for coming. You're still affiliated

1 with the Panama City Boatmen's Association and what's their
2 official position on Amendment 40?

3
4 **MR. ZALES:** The same position it was when we were in Biloxi.
5 They are waiting to see what the results will be, kind of like
6 where Destin was a while back, to try to get a handle on what's
7 really going to happen, which still doesn't seem to be out
8 there.

9
10 **DR. CRABTREE:** So they are neutral or --

11
12 **MR. ZALES:** You've got some that's for and some that's against.

13
14 **DR. DANA:** If Amendment 40 were to pass, what is the opinion of
15 the Boatmen's Association on intersector trading?

16
17 **MR. ZALES:** You have heard it's against it and in Biloxi, I
18 think pretty much it was universal with the comments that were
19 made in the Biloxi comment period that they didn't want to see
20 intersector trading.

21
22 Now, that's another point and I appreciate you asking that
23 question. I didn't stay for the discussion at the council, but
24 I understood the issue wasn't even brought to the table and so
25 it appears to me that the pure lack of discussion on this issue
26 to eliminate the possibility of intersector trading is a clear
27 signal that this whole issue with sector separation, from the
28 very first time we discussed it, which I was amongst the ones
29 that discussed it six years ago, is that the whole purpose for
30 it is to privatize the fishery and go to intersector trading.

31
32 **CHAIRMAN ANSON:** Thank you, Bob. We have Eric Mahoney, followed
33 by Joe Nash.

34
35 **MR. ERIC MAHONEY:** Thank you, Chairman, council members, and
36 staff. My name is Captain Eric Mahoney and I am a federally-
37 permitted charterboat owner from Clearwater Beach, Florida.
38 First, I would like to make a few quick points on the red
39 grouper framework.

40
41 I pretty much agree with everyone else that's spoke about it.
42 Action 1, Preferred Alternative 3, the two red grouper per day
43 and Action 2, Alternative 4, eliminating bag limit reduction
44 accountability measures. Action 3, Alternative 1, no action,
45 keeping the February and March closure only outside of twenty
46 fathoms.

47
48 On Amendment 40, I support 100 percent all the preferred

1 alternatives. I believe it should be sent to full council for a
2 vote tomorrow and contrary to what few in the private
3 recreational lobby continue to say, the for-hire industry has
4 shown unprecedented support for Amendment 40.

5
6 If the council ignores the for-hire industry on this amendment,
7 it would be really hard for me to have any faith left in this
8 process. Our industry has been working on this for five years
9 and that's way too long for something that we believe will have
10 a positive effect on providing more access to the non-boat-
11 owning public.

12
13 Please pass Amendment 40 and let the for-hire industry work
14 within the council on a fishery management plan that makes sense
15 and helps keep our customers' historical access to the red
16 snapper fishery intact. Thank you.

17
18 **CHAIRMAN ANSON:** Thank you, Eric. I have Joe Nash, followed by
19 Pam Anderson.

20
21 **MR. JOE NASH:** Hello. I am Joe Nash, a federally-permitted
22 multi-passenger boat out of Orange Beach. I am for Amendment 40
23 and I would hope that you would vote in favor of Amendment 40
24 tomorrow. I do not like the sunset provision. I would like to
25 have a five-year review.

26
27 If it's no good, we would know it by then and we would be the
28 first ones shouting that it's not working right, but we've got
29 to do something. I mean I've been doing this twenty-seven years
30 and I've been here -- I think I gave up a couple of years and so
31 I've been here about twenty-three or twenty-four years listening
32 to all this stuff and it's time to do what's right for the fish
33 and the fishery. That's what's right, because then you will
34 have tabs on 75 percent of the fish that are being caught in the
35 Gulf of Mexico. Does that make sense? It sounds like a no-
36 brainer, to me.

37
38 Because then the only difference would be the 25 percent of the
39 fish that are being caught by the recreational sector and then
40 you could figure out how to manage those fish as well and we've
41 got to do something different. We are doing the same thing
42 every year and we're getting shorter and shorter seasons. You
43 don't do the same thing every year and expect a different
44 outcome and so we need something different.

45
46 It's to the point where it's time to get a backbone and stand up
47 and do something right for the fish and as far as amberjack, we
48 would like to see a thirty-four or a thirty-six-inch jack. We

1 need our jack season and at least the opportunity to catch.
2
3 As far as red grouper for the guys down south, we don't catch a
4 whole bunch of red grouper here, but they need -- It sounds like
5 they definitely are for a two-fish bag limit and that sounds
6 good, because they want a longer season as well, just like our
7 red snapper. Other than that, I just hope you do the right
8 thing and vote for Amendment 40 tomorrow and hopefully we can
9 have a decent fishing season for a few years. Do something
10 right for the fish. Thank you.

11
12 **CHAIRMAN ANSON:** Thank you, Joe. Next we have Pam Anderson,
13 followed by Dennis O'Hern.

14
15 **MS. PAM ANDERSON:** Hi, Chairman Anson, Director Gregory, council
16 members. I am Pam Anderson, Operations Manager at Captain
17 Anderson's Marina in Panama City Beach. Thank you for this
18 opportunity.

19
20 You are going to make some critical choices this week and we are
21 praying they will be what is truly best for the nation. The
22 stock of the red snapper, as you have witnessed in all the
23 information presented, is growing much more quickly than
24 expected by the scientists

25
26 With at least 120 million pounds of red snapper in the Gulf,
27 there is no question you can legally decide to increase the
28 quota. You can change the proxy that is used to calculate the
29 OFL and you can reduce the SPR percentage from 26 to 22 or,
30 better yet, to 20.

31
32 You heard in the presentation from Dr. Barbieri that this would
33 not harm the stock. I believe he said if you want to assume
34 risk and use a lower bar, I don't think there will be any
35 problem impacting the rebuilding plan, but it is a management
36 decision. You must direct the SSC to do this. It's on your
37 plate. This was stated also during the SSC meeting.

38
39 Amendment 40, choosing winners and losers, catch shares,
40 intersector trading, more stringent regulations. A system of
41 reducing the participation in the fishery is not needed. You
42 have no need to eliminate anglers in the red snapper fishery.
43 There is no fishing crisis here. It is a management crisis and
44 it is an economic crisis.

45
46 According to Mr. Diagne yesterday, if two people out of a
47 hundred are willing to pay four to five-dollars for a red
48 snapper and ninety-eight are not, it would be better

1 economically for the nation for those red snapper to go to those
2 willing to pay the higher rate than if the hundred were to have
3 open access and pay no extra for the right to these fish.

4
5 I beg to differ. If two people out of a hundred red snapper
6 anglers are willing to pay for a red snapper and then ninety-
7 eight are not and you give the right to fish to those two and
8 take it away from ninety-eight, the ninety-eight, or a good
9 portion of those folks, will not fish or, at best, a good
10 portion of them won't.

11
12 These same ninety-eight will not buy a ticket on a boat and they
13 won't buy a boat or pay fuel, bait, tackle, ice, electronics, t-
14 shirts, and not to mention, if they're tourists, they will not
15 stay in hotel rooms or eat in restaurants and visit other
16 attractions.

17
18 This body is supposed to be getting advice from economists and
19 not just scientists. Recreational anglers want the opportunity
20 to fish and this is what they have with an open fishery. They
21 may not catch what they want, but they spent the money for the
22 opportunity.

23
24 In defense of Melissa Thompson and Congressman Southerland, I
25 must say I am thankful they brought it to everyone's attention,
26 the amazing amount of biomass you are sitting on and talking in
27 these meetings as if we are overfishing. Not by Magnuson
28 requirements.

29
30 An eleven-million-pound harvest to 120-million-pound stock is
31 not overfishing. We are exceeding the quota you have set at
32 times maybe, but not overfishing the stock and far from it. It
33 is time for this fishing industry to get back to work. Please
34 stop Amendment 40 now and continue with Amendment 39 and start
35 discussions of Amendment 28 and rescind 30B. That will be what
36 is best for the nation and the Gulf and the fishery. Thank you.

37
38 **CHAIRMAN ANSON:** Thank you, Pam. Dennis O'Hern, followed by
39 Billy Archer.

40
41 **MR. DENNIS O'HERN:** Good afternoon, council members. I'm Dennis
42 O'Hern, Executive Director, President, and founder of the
43 Fishing Rights Alliance. Our members are primarily marine
44 recreational anglers, charter captains, and fishing-related
45 businesses throughout the United States.

46
47 All of our members are opposed to Amendment 40. A petition up
48 for less than twenty-four hours has already garnered over 500

1 signatures opposing sector separation and you all have been
2 emailed copies of those and I will provide a report at the end
3 of public input.

4
5 There's a lot of people that couldn't make the 500-mile drive
6 from Clearwater for three minutes of input and besides, this
7 council seemingly has ignored public input and moved sector
8 separation forward at the urging of NMFS lawyers and EDF
9 advocates.

10
11 I would like to point out that a federal charter permit is a
12 transportation permit for anglers. Federal charter permits do
13 not fish. Anglers fish from those permitted boats under the
14 angler's recreational quota.

15
16 I am an angler and I have fished from charter and headboats. I
17 have a fishing license and if you are taking any of my fish for
18 an IFQ program, according to Magnuson, you are required to
19 conduct a referendum of all anglers. Adoption of this amendment
20 will discriminate against me, because it is based solely on
21 economic benefits.

22
23 I would also like to point out that council members with federal
24 permits should heed Magnuson 104-297, which reads, in part, that
25 affected individuals shall not vote on the council decision,
26 which would have a significant and predictable effect on such
27 final interests.

28
29 Now, anglers, and most charter captains, have opposed sector
30 separation repeatedly over the past seven years. Twice, the
31 Congressional Sportsmen's Caucus has sent letters of opposition
32 and what does it take to get the message across?

33
34 I mean did you read the last letter? It pretty much says that
35 if you go forward that they're not even going to have any
36 confidence in you to manage the fishery. I think that kind of
37 falls on what information and guidance Roy is getting from
38 above. I often blame Roy, but I know he marches to orders.

39
40 Now, the FRA and myself, we fully concur with the Congressional
41 Sportsmen's Caucus letter, which states, in part, that there are
42 several concerns regarding potential statutory violations that
43 must be fully explored and unnecessarily restricting public
44 access to a sustainable resource is an undesirable and untenable
45 result for any wildlife resource management system and one that
46 should be avoided at all cost.

47
48 The solution to the red snapper and other management problems is

1 pretty simple. Randomly survey the defined universe of anglers.
2 It will provide reliable data. The NRC said so and it was such
3 a great idea that it was in Magnuson as a requirement for 2009.
4 Somebody slicked it out.

5
6 Should this amendment pass, the FRA will be exploring all
7 remedies available and pay attention to Dr. Shipp's six-month
8 red snapper call. Now that we're off, you have asked questions
9 about gag, amberjack, and red grouper.

10
11 **CHAIRMAN ANSON:** You have to wrap up, Dennis.

12
13 **MR. O'HERN:** I'm sorry.

14
15 **CHAIRMAN ANSON:** Go ahead, Dr. Dana.

16
17 **DR. DANA:** I have three questions. The first would be from your
18 membership -- First of all, thank you for your hard work,
19 because you are continually out there and representing your
20 membership well. On the red grouper, what is your membership
21 stand on that for the amendment going through?

22
23 **MR. O'HERN:** Our biggest concern, and my members have discussed
24 this, is that it's one more reduction that's not necessary.
25 When we take a look at Alabama and Louisiana's indications on
26 how the recreational effort is so grossly overestimated, the
27 same thing with red snapper and red grouper.

28
29 It's like why withdraw from it and all of a sudden cut off more
30 economic opportunity? So keep longer fishing and the charter
31 guys, I hear what they want. I wouldn't have a problem with it,
32 but the knee-jerk reaction is we shouldn't have to give up
33 anything and there's plenty of red grouper out there right now.

34
35 **DR. DANA:** The second question is on amberjack, is there --
36 There is consideration of a larger fish, up in the length, and
37 what is the position there?

38
39 **MR. O'HERN:** The position of the Fishing Rights Alliance is the
40 same as it was when they did amberjack before. We wanted a
41 longer length. We had increased the weight per landed fish.
42 However, it also was closer to that 50 percent of sexual
43 maturity that we use as a guideline for a minimum size and as
44 long as it doesn't -- I always was for a parity between
45 commercial and recreational sizes too and so I'm okay with a
46 longer length. Biologically, I believe that's what Dr. Barbieri
47 would suggest.

48

1 **DR. DANA:** Thank you and my final comment or question would be
2 more directed to Mara. In response to Mr. O'Hern's comments on
3 potential conflict of interest under Magnuson with voting, and I
4 think probably it might have been addressed to Johnny Greene and
5 I, since we both have charterboats, whether we are in conflict
6 of interest to vote on Amendment 40, based on our ownership of
7 those. I have asked, but I would like her as the legal counsel
8 to address that issue, because I know that some of the other
9 council members have also asked her.

10
11 **CHAIRMAN ANSON:** I am going to interrupt. I would prefer not to
12 have discourse among council members. We can pick this up in
13 full council and if we can just direct questions to the person
14 who is up testifying.

15
16 **MR. PERRET:** I have got one. Thank you, Mr. O'Hern. Did I
17 understand you to say that approval of Amendment 40 would
18 restrict recreational anglers from the opportunity to catch red
19 snapper?

20
21 **MR. O'HERN:** Yes, sir, you did.

22
23 **MR. PERRET:** If so, how?

24
25 **MR. O'HERN:** All of a sudden it looks like, with the fancy
26 numbers that are going around and the disbelief in the numbers
27 and the disbelief in the true state of the stock, we're going to
28 be told that I can only -- According to the numbers that were
29 presented, I could only go fishing next year for red snapper if
30 I chose to go on one of a select group of for-hire boats,
31 because my one potential day would be eaten up by any state non-
32 compliance issues, if I am not mistaken.

33
34 That's what I understood and so, essentially, I am looking at
35 nothing next year and when, in effect -- You are not giving it
36 to certain anglers. You are giving it to boat owners and that's
37 my struggle. It's not the anglers and it's the boat owners and
38 so you're taking from anglers without a referendum and giving it
39 to something else.

40
41 **CHAIRMAN ANSON:** Thank you, Dennis.

42
43 **MR. O'HERN:** One more thing. I crushed the gags last Friday in
44 thirty feet of water off of Madeira Beach.

45
46 **CHAIRMAN ANSON:** Thank you, Dennis. We have Billy Archer,
47 followed by Steve Tomeny.

48

1 **MR. BILLY ARCHER:** Thank you, Mr. Chairman, and members of the
2 council. I appreciate the time to address you all on this very
3 important issue. I am kind of like Captain Colby with what can
4 be said in three minutes that would change anybody's vote one
5 way or the other and so since Denny threw out a number of 500
6 opposing this sector separation, Amendment 40, we have over
7 1,300 in support of it.

8
9 Those are real numbers and so, anyway, how fitting it is that
10 the final vote is being held here at the Battle House Hotel.
11 Approximately six years ago, this council challenged the charter
12 for-hire industry to come up with an alternative plan that would
13 take care of the status quo management system we're in right
14 now.

15
16 Amendment 40 is the result of that challenge. The Charter
17 Fishermen's Association and I request that the council bring
18 Amendment 40 up in full council and support it. This should
19 have happened when the moratorium was passed, but it didn't and
20 here is the chance to make it right.

21
22 With no disrespect to Amendment 39, the timeline is too long and
23 its impacts to the charter for-hire industry are too unclear.
24 It is, in its current form, regional management that is
25 unacceptable for the federally-permitted fleet.

26
27 Also, please go back and review your gag grouper data. Unlike
28 Denny O'Hern, I am having a hard time catching them and I fish a
29 lot. I can tell you, from my personal experience, that gag
30 fishing from Cape San Blas west has been very poor, at best, for
31 the last couple of years. It's very hard to buy into the gag
32 stock off the Florida Panhandle being fully recovered.

33
34 In regards to greater amberjack, I believe a thirty-six-inch
35 fish would be fine with a one-fish bag limit and the current
36 seasonal closure. I support what Captain Colby and the guys
37 from south Florida are talking about with red grouper, a two-
38 fish bag limit and whatever the alternatives are that they like.
39 Then, lastly, we need to -- We need the ability to provide
40 increased access to harvest red drum in federal waters. Thank
41 you very much.

42
43 **CHAIRMAN ANSON:** Thank you, Billy. Next we have Steve Tomeny,
44 followed by J.P. Brooker.

45
46 **MR. STEVE TOMENY:** How are you doing? I am Steve Tomeny and I
47 operate a charter for-hire business in Port Fourchon, Louisiana
48 and I have a couple of sixty-five-foot headboats and I am here

1 again and I've said sector separation many times. We want to
2 see it and we want to see it at this meeting and we would like
3 you to vote for it.

4
5 We don't need a sunset provision on it. If you want to do a
6 review in five years, that's fine. I think we will find it's
7 going to be the best route to get us back some of our historical
8 access that we have lost over the last several years, mostly due
9 to state openings and, of course, we can't participate in these
10 state water seasons and we're being harmed, economically harmed,
11 by boats sitting at the dock a lot more.

12
13 I have had kind of niche business that was built catching red
14 snapper that we don't have tourists walking up and down the
15 streets. I kind of import my people from all over the state and
16 other states, but they come and red snapper has been the calling
17 card and I've been in business about thirty years.

18
19 I just think that we have this historical access and we have
20 proved to be a constant fish stakeholder in this thing and we
21 can move on to some regulations where we're not conflicting with
22 whatever things that the private anglers need to do with their
23 boats.

24
25 The regional management approach may work well for them. I am
26 not particular fond of it. I haven't seen anything that shows
27 me that the federal charterboats will be taken care of in
28 federal management and I haven't seen any kind of timelines that
29 look anywhere like anything that we can deal with.

30
31 We need to have sector separation and our access returned for
32 the 2015 fishing season and the amberjack length can go on up to
33 thirty-six if it will give us a little longer season and that's
34 the big deal. Get us going for 2015. Thank you.

35
36 **CHAIRMAN ANSON:** Thank you, Steve. Next I have J.P. Brooker,
37 followed by Glenn Hughes.

38
39 **MR. J.P. BROOKER:** Thank you, Chairman Anson, and thanks to the
40 council for the opportunity to give testimony. My name is J.P.
41 Brooker and I am with the Ocean Conservancy, based out of St.
42 Petersburg, Florida. I am also a recreational fisherman and my
43 family has been fishing commercially and for sport in Florida
44 for six generations.

45
46 The Ocean Conservancy is a membership-based organization
47 numbering over 120,000 concerned individuals from across the
48 country and we seek to give a voice to our members, who are

1 often unable to express their concerns to the council.

2
3 As the council considers proposed modifications to the ACLs and
4 ACTs for greater amberjack, the Ocean Conservancy strongly urges
5 a detailed consideration and analysis of why this stock's
6 rebuilding plan failed and also that it take actions immediately
7 to end overfishing.

8
9 Greater amberjack was declared overfished in 2000 and was placed
10 under a ten-year rebuilding plan starting in 2003. The
11 rebuilding plan failed and as of SEDAR-33, the stock remains
12 overfished and is still undergoing overfishing.

13
14 Amberjack is one of only eight stocks across the nation that
15 showed less than a 25 percent increase in biomass throughout the
16 course of its rebuilding plan, indicating a troublesome lack of
17 rebuilding progress.

18
19 The MSA requires that the council must take actions that end
20 overfishing immediately and that such actions must work to
21 rebuild affected stocks. The Ocean Conservancy presses the
22 council to take strong actions that will actually work to turn
23 this stock around, but we also recommend a detailed and careful
24 analysis of why management strategies and tools deployed up to
25 now have been ineffective, so that immediate attempts to end
26 overfishing have actual chance at success.

27
28 We also recommend the council votes to approve Amendment 40.
29 This amendment will allow for the development of finely-tuned
30 management tools that cater to the unique needs of the
31 individual, private, and for-hire sectors that fish for red
32 snapper.

33
34 The end results benefits both the health and resiliency of the
35 fishery and will ensure access to red snapper fishing trips by
36 the non-boat-owning public and will guarantee access for all
37 members of the public. Amendment 40 will lead to better
38 predictability in fishing seasons and will likely eliminate the
39 perennial overruns that place the continued stability and health
40 of the stock in jeopardy.

41
42 In addition, as an alternative to a three-year sunset provision,
43 we suggest a five-year review of the success of the amendment.
44 Acting here in Mobile to approve Amendment 40 provides the only
45 real likelihood that the conservation and recreational benefits
46 of sector separation will be applicable to the 2015 red snapper
47 season and so swift approval by the council now is an immediate
48 step forward to the overarching objective of reducing further

1 quota overruns that continue to jeopardize red snapper
2 rebuilding efforts.

3
4 Finally, on the issue of red grouper, we recommend a bag limit
5 reduction from four to two fish. We have been working closely
6 with the boatmen's associations in Clearwater and southwest
7 Florida to provide the scientific support they need in order to
8 make the recommendations on red grouper and we believe that more
9 days on the water for fishermen will be a boon to coastal
10 communities.

11
12 Adaptive management strategies such as this are a step in the
13 right direction for the council in ensuring against overfishing
14 and working towards optimal yield. Thank you.

15
16 **CHAIRMAN ANSON:** Thank you, J.P. We have a question here from
17 Roy.

18
19 **MR. WILLIAMS:** J.P., do you have any feeling as to why the
20 amberjack rebuilding plan has failed so badly?

21
22 **MR. BROOKER:** I personally do not and we have our scientists on
23 our team working on it and if you would like to circle up with
24 me after the meeting and our scientists, we could go through
25 what we've been thinking.

26
27 **MR. BOYD:** Thank you for your comments. The council has started
28 a scoping document on a charter for-hire IFQ and even
29 established an AP to look at that. If a charter for-hire IFQ
30 was not on the table, would you still support sector separation?

31
32 **MR. BROOKER:** Yes, I do believe we would.

33
34 **CHAIRMAN ANSON:** Next we have Glenn Hughes, followed by Bart
35 Niquet.

36
37 **MR. GLENN HUGHES:** Hello. I am Glenn Hughes and I would like to
38 thank all of you for being council members. It's a tough job
39 and you deserve a lot of credit for all the time and dedication
40 you give to the resource. I just want you to know that I
41 appreciate you.

42
43 You don't know me, but at the same time, you do. I am a
44 fisherman and I am a recreational angler. I am a neighbor and I
45 am your brother and I am your friend. I am a boat owner and I
46 buy fishing tackle. I buy fuel and food. I love seafood that's
47 brought to you at local restaurants by commercial fishermen and
48 I have also enjoyed chartering many boats from Venice to

1 Sanibel. I have also fished by boats and friends boats from
2 Biloxi to Naples and sorry I haven't fished in Texas yet.

3
4 I also pay a lot of federal taxes, as do you. These are federal
5 waters and we are talking about that these waters are mine too.
6 I am also a conservationist and I care about the clean,
7 accessible waters and sustainable fisheries.

8
9 You have all done a great job in the resource and have returned
10 it to be more sustainable and how about accessible? I believe
11 it has been acknowledged that there is no real analysis, not
12 even a rough assessment, on economic impact of cutting out the
13 recreational angler.

14
15 We also need an updated stock assessment. You know there is
16 three-million anglers, recreational fishermen, in the Gulf
17 states. Let us be a part of the solution and don't divide us
18 from the for-hire fishing boats. They are our friends and don't
19 stop us from fishing for red snapper in federal waters.

20
21 If you close out the recreational angler, you will severely
22 impact us buying boats, tackle, and accessories designed for
23 offshore fishing, as well as all the fuel, food, and the hotel
24 rooms that go with fishing around the Gulf.

25
26 I am a supporter of the advocacy campaign "Keep America Fishing"
27 and through a causes.com petition put online on September 26, my
28 signature is one of more than 3,000 signatures asking to table
29 sector separation. We believe it will have a negative impact,
30 because of a decrease in recreational fishing in these federal
31 waters and it will put a divide between us and the charter for-
32 hire. I hope you do the right thing and vote no on Amendment
33 40. Thank you.

34
35 **CHAIRMAN ANSON:** Thank you, Glenn. We have a question over here
36 from Mr. Pearce.

37
38 **MR. PEARCE:** Yes and look, thank you for the presentation. I
39 really enjoyed it. As a recreational fisherman, I need help
40 from you and I need help from all your recreational fishermen.
41 Would you be amenable to some regime changes or some management
42 changes in the recreational sector that goes to fish tags or
43 permits or something that allows us not to do fishing days, but
44 to give you a certain amount of fish that you can catch and not
45 only that, but allow you to stay within your allocation and let
46 the fishery grow?

47
48 **MR. HUGHES:** I would be amenable to it if it helps sustain the

1 fisheries, but still allows access to us recreational anglers.

2

3 **MR. PEARCE:** I appreciate the comment.

4

5 **CHAIRMAN ANSON:** Thank you, sir. Mr. Niquet, followed by Ken
6 Haddad.

7

8 **MR. BART NIQUET:** Bart Niquet and thanks for letting me speak.
9 I got my first license to operate a boat in 1951, which was
10 before most of you were born. I am sort of disappointed in what
11 has happened, but I am for sustainable fisheries and I think the
12 two-fish bag limit for the red grouper would be ideal.

13

14 I also think that you ought to have the closed seasons agree
15 with the commercial closed seasons and sector separation, I can
16 do without, even if it's with accountability. I think you ought
17 to do away with Amendment 26 and bury it somewhere, because it
18 stinks, and no intersector trading.

19

20 I disagree with your turtle assessment. In the first forty to
21 fifty years I fished, the loggerheads and green turtles were
22 number one and two, real close together. That was followed by
23 the hawksbill turtles and the Kemp's ridley was considered a
24 turtle that you saw in the Caribbean, but you never saw it in
25 the Gulf of Mexico.

26

27 Now, everybody seems to think that the Kemp's is the number one
28 turtle and could it be possible that the reason they're so thick
29 in the Gulf now is because they are outgrowing the original area
30 that they stayed in? I think we need to look at that. Frankly,
31 I believe your presenter was either mistaken or ignorant of the
32 actual facts of the turtle. Perhaps he needs to spend some time
33 on the water with them.

34

35 On the subject of leasing, I know you didn't want it brought up,
36 but this year I leased to over forty different operations, where
37 some of them were 500 pounds and some of them were 1,000 pounds
38 and one or two were larger, but I also leased grouper back or
39 sometimes traded snapper for grouper and so we benefitted
40 everybody and made everybody able to fish for the rest of the
41 year or not everybody. Some of them don't want to pay any money
42 at all. They want you to give it to them.

43

44 Many times, it's a mutual trade. Both parties benefit from it
45 and if you need to look at it, you have my permission to get
46 Andy to go through it and give you all the figures on what I
47 have traded. I have got nothing to hide. I am not a
48 politician.

1
2 On the other subject, until you get the private boat sector in
3 control, so you know how many are going and how often, you will
4 never solve your snapper problem. Thank you.

5
6 **CHAIRMAN ANSON:** Thank you, Mr. Niquet. Next we have Ken
7 Haddad, followed by Tom Marvel.

8
9 **MR. KEN HADDAD:** Thank you, Mr. Chairman and council members.
10 Thank you for the opportunity. I am Ken Haddad from the
11 American Sportfishing Association. We are the trade
12 organization for the manufacturing, wholesale, retail, and
13 tackle businesses and anglers in the region.

14
15 We have a big stake in the outcome of your management actions,
16 both from a social, economic, and conservation perspective. My
17 industry believes that Amendment 40 is being considered
18 prematurely and will only degrade the current management
19 situation further for red snapper.

20
21 It does not benefit our industry to have winners or losers in
22 your management approach and currently, we believe these
23 decisions and the direction they're going create that situation.

24
25 We remain extremely concerned that no attempt has been made to
26 discern the social and economic impacts of Amendment 40 on the
27 entire recreational sector. My industry believes the impacts
28 will be great and will hurt both manufacturing, wholesale, and
29 retail businesses and ultimately, the for-hire business, because
30 the social conflict created by not integrating the solutions for
31 the entire recreational community and essentially pitting parts
32 of the community against each other is just not a positive way
33 forward.

34
35 You have five noncompliant member states and a new stock update
36 in the works. We ask that you give the states a chance to work
37 out a regional management strategy or at least determine if
38 that's an acceptable management path while integrating new
39 information that's going to be coming into the process.

40
41 You simply cannot solve the problems you've created in a
42 piecemeal fashion. It's just not possible to do, as you're
43 going to only dig a deeper hole and permanently lose the
44 confidence of one of the largest concentrations of recreational
45 fishermen in the country. We just don't understand why you
46 would do that and we can't see where the good will come from
47 that.

48

1 State agency council members, we need your help. You have
2 traditionally worked in partnership with each other and the
3 recreational fishing community to solve problems. We need you
4 to help us now.

5
6 We believe moving forward with regional management can provide
7 the opportunity to bring the diversity in the recreational
8 community together. It has the potential of turning this around
9 with support from the entire recreational fishing community.

10
11 With the states' lead, everyone has to step outside their
12 comfort zone and provide implicit commitment and intent to find
13 acceptable resolve and we are committed to do that and we ask
14 the states to step up to the plate now.

15
16 With all this said, we do want to see an interim solution for
17 the federally-permitted for-hire vessels while this mess is
18 sorted out and so we do believe something needs to be done. We
19 ask that you all take a bigger picture view and do the right
20 thing for solving the problems and simply not create more severe
21 and likely irreversible conflict in our Gulf fisheries. Thank
22 you.

23
24 **CHAIRMAN ANSON:** Thank you, Ken. We have a couple of questions,
25 Ken, from Mr. Boyd, followed by Dr. Crabtree.

26
27 **MR. BOYD:** Thank you, Ken. You stated that you wanted to try to
28 find a workable solution for the charter for-hire at some point
29 and Amendment 40 has been promoted as a workable solution. The
30 other day, in committee, there was a motion made to do a sunset,
31 to where Amendment 40 could have time to help, yet could die if
32 it wasn't working. What does ASA think about that? Because
33 you're opposed to Amendment 40.

34
35 **MR. HADDAD:** We could work with a sunset provision as long as we
36 know the states are working in a timely manner, where the two
37 would converge at the time of the sunset to have an overall
38 management scenario for the entire recreational community and
39 that kind of fits along with some of what I had stated, but we
40 do believe it needs to be a sunset.

41
42 I have heard other discussion of a review. A sunset puts the
43 heat on all of us to come up with a solution in a certain
44 timeframe. I don't think a review would provide the incentive
45 that all of us need to really tackle this together.

46
47 **DR. CRABTREE:** Thanks, Ken, for being here. You said we need to
48 do something for the for-hire fishery to address some of these

1 things and the sunset, but would that be an acceptable option
2 for you then, to approve Amendment 40 at this meeting, but with
3 a sunset, and would you drop your opposition to Amendment 40 if
4 it had a sunset in it?

5
6 **MR. HADDAD:** As long as Amendment 39 has traction and movement
7 and we hear commitment and discussion amongst the states that
8 they are committed to move forward, but yes, we can.

9
10 **DR. CRABTREE:** I hope you will continue to talk to the states
11 about that.

12
13 **MR. HADDAD:** We will, believe me.

14
15 **CHAIRMAN ANSON:** We have one more question, Ken, from Roy
16 Williams.

17
18 **MR. WILLIAMS:** I pass. Ken, Roy asked the very same question,
19 but you will support Amendment 40 if it has a sunset?

20
21 **MR. HADDAD:** The sunset provision, we will support it. Again,
22 it needs to coincidentally with Amendment 39 and some kind of
23 timeline coincidence, so the two come together.

24
25 **CHAIRMAN ANSON:** We have Tom Marvel, followed by Troy Frady.

26
27 **MR. TOM MARVEL:** My name is Tom Marvel and I have a charterboat
28 and a commercial boat, two separate boats, in Naples, Florida.
29 I've been doing it for thirty-five years. I am very much in
30 support of sector separation, Amendment 40.

31
32 The south Florida fleet, the boats that fish in south Florida,
33 have absolutely no access, be it private or for-hire, under the
34 state water openings. We basically are restricted to federal,
35 whichever side. Basically, it seems, to me, the sector
36 separation is a means to interject some equality in the
37 distribution of the ability to catch fish between the people
38 that own boats and the people that do not own boats.

39
40 You basically have X number of fishing days to work with,
41 fishing trips, and in a handful of years, it's all going to the
42 private sector, the public sector, and we will have no access.

43
44 Moving on to the red grouper, which is a big issue for us in
45 Naples, and we're highly dependent on the red grouper, it's a
46 reiteration of what the other fellows have said. Action 1, two
47 fish, we agree on. Action 2, Alternative 4, to eliminate the
48 step-downs. In Action 3, keep the closure the way it is

1 presently, which is seaward of twenty-fathoms. I think that's
2 important one there.

3
4 Gags, we are not seeing the gags to the south, just to throw
5 that in. I have a commercial boat and I fish offshore, up to
6 forty-five fathoms. The charterboat obviously is inshore and as
7 a whole, the commercial sector isn't catching the gag quota and
8 it potentially could be something with water temperature or
9 shift of population. I do not know. I fish primarily south of
10 the twenty-seven line, but we definitely are not seeing the
11 number of gags that we should.

12
13 I want to just throw in a couple other things while I'm up here.
14 The king mackerel, I had asked the council to consider doing
15 something with king mackerel on the hook and line side. An IFQ,
16 I would be very supportive of. I know I'm a single voice in
17 that respect, but I think the trip limit management we've done
18 for the past seventeen years has perhaps run its course.

19
20 The Keys fellows are very dissatisfied with it and it's hard to
21 make that one shoe fit all and you guys talked earlier about the
22 gillnet issue with their trip limits. I am not a gillnetter,
23 but I am involved in it and I would encourage you to drop the
24 trip limits for the gillnets. That's all and thank you.

25
26 **CHAIRMAN ANSON:** Thank you, Tom. We have a question for you,
27 Tom, from Mr. Williams.

28
29 **MR. WILLIAMS:** When you said drop the trip limits, you mean
30 eliminate the trip limits?

31
32 **MR. MARVEL:** Correct, yes. All the trip limits for the gillnets
33 are doing are encouraging quota busting. Too many fish are
34 going under the table and just not being reported, because once
35 the fish hit the net, they are dead and they can't dump the net
36 at sea. If you thought it through from the ground up, it's a
37 regulation that does not make sense on the water and it never
38 has.

39
40 **CHAIRMAN ANSON:** All right. Next we have Troy Frady, followed
41 by Wayne Werner.

42
43 **MR. TROY FRADY:** Ladies and gentlemen of the council, thank you
44 for allowing me to speak. Mr. Chairman, thank you. First I
45 would like to say, Mr. Steele, thank you for your service for
46 our country and our Fisheries Service. You will be greatly
47 missed.

48

1 The second thing I would like to talk about is the amberjack,
2 the greater amberjack seasons. Right now, we've got an
3 opportunity to do it right or just kind of take it halfway there
4 by changing the size limits.

5
6 We need something to catch year-round and to make our seasons as
7 long as we can. At this point in time, I believe adjusting the
8 size of the amberjack to thirty-six inches and a one-fish bag
9 limit and keep the season closed during June and July is what I
10 would like to see.

11
12 On sector separation, I am trying to be polite and be very
13 respectful of all users and all user groups, but after what
14 happened last year or this year, when we had a thirty-four-day
15 season and the states went inconsistent and dropped us down to
16 nine days, that is a travesty for those of us who are Alabama
17 small businesses or businesses who are in commerce trying to
18 make a living for our families.

19
20 I think that's wrong the way it happened and I think it could
21 have been done better. I don't like people being treated
22 unfairly or discriminated against and that's exactly what
23 happened this year because of politics.

24
25 I like each and every one of you very much and I want you to
26 vote your conscience and not your political party and not your
27 organization. I want you to do what's right for a change and me
28 being tied to the dock after a nine-day federal season when
29 state-licensed guideboats and people who own their own boats got
30 to fish for twenty-seven days off of Alabama and continued for
31 fifty-four days landing fish back in Alabama after the season
32 had been closed.

33
34 I want equal opportunity. I want equal representation. I want
35 the opportunity for the people who are the non-boat-owning
36 public who use charter for-hire services to have equal
37 opportunity and access.

38
39 For me personally, I don't want regional management, because it
40 will take too long to put in place and there's no provisions for
41 the charterboats in there and I just don't think that's right
42 for me. Give me sector separation and I think I will be happy.
43 Let me become a good steward of the resource.

44
45 When we move to someone had said about sunseting and I don't
46 want a sunset. Give me a five-year review on sector separation
47 and then let's see how it's going. I don't want to own a fish
48 and I don't want anything other than the opportunity to take the

1 non-boat-owning public fishing. Thank you.

2
3 **CHAIRMAN ANSON:** Thank you, Troy. We have Wayne Werner,
4 followed by Russell Underwood.

5
6 **MR. WAYNE WERNER:** Good afternoon. My name is Wayne Werner,
7 owner and operator of the Fishing Vessel Sea Quest. The first
8 thing I would like to say is the gag groupers -- Usually when
9 they're in a healthy state, we see a nice overrun in the western
10 zone in the Gulf of Mexico and we're not seeing it. We are not
11 getting the harvest levels that we should out of it and
12 everybody look at their computer and see that. So please take
13 another look at that.

14
15 While we're doing this calibration, I want everybody to
16 understand that I've been fishing in the Gulf of Mexico since
17 1982 and I have watched the progress of boats.

18
19 You know, we started out and someone showed me this piece of
20 machinery and they called it a LORAN-A and it got you within
21 about 400 yards of wherever you wanted to go and then they came
22 out with this big blue box and it was a Northstar 6000 and it
23 costs about \$4,000 to put on your boat.

24
25 Well, I didn't see a whole lot of boats offshore then. It was
26 skiffs and small boats and we got into the 1990s and we got
27 LORAN-C going real well and then we got a few pieces of
28 equipment that would draw you a little line or something and we
29 saw a few more boats offshore. We also started seeing two
30 engines on the back of a lot of boats and so everything
31 progressed.

32
33 As this all went along, you know all of a sudden they came out
34 with these plotters and it was like playing a video game to
35 drive in and out, even when you got to the Pass. You didn't
36 need lights and you didn't need anything. All you had to do was
37 just follow your little chart and drive in. Now we've got a lot
38 of people going offshore in little boats and going to catch red
39 snapper.

40
41 While we're looking at this calibration, you should ask some of
42 these other charterboat fishermen that are up here how long ago
43 they started seeing the big influx of the pure recreational
44 fishing effort, because it wasn't there twenty-five or thirty
45 years ago. It's only come along with the simplicity of the
46 electronic age.

47
48 Today, if I want to go offshore to go fishing, all I need is

1 this and I can get anywhere in the Gulf I want to go with this
2 and that's the only reason why boats are venturing further and
3 further from the dock. I just want you to finalize this and I
4 just want you all, while they're doing this calibration -- Don't
5 extrapolate all these numbers back without looking at the
6 technology. Thank you.

7
8 **CHAIRMAN ANSON:** Thank you, Wayne. We have Russell Underwood,
9 followed by Herb Malone.

10
11 **MR. RUSSELL UNDERWOOD:** Thank you, Mr. Chairman. I am Russell
12 Underwood from Panama City, Florida. I've been fishing about
13 forty-five years and I started as a young deckhand on a
14 partyboat, a charterboat. I am a commercial fisherman. I own a
15 small fleet of boats and I sit on many of these advisory panels.

16
17 Today, I would like to first talk about sector separation.
18 Today, I am here to support sector separation. About seven
19 years ago, you gave us a chance, the commercial sector, to
20 develop the plan and we did and I thank you all for that. The
21 fishery has come back tenfold, but I still -- My heart is still
22 where I came from. I was a young partyboat captain for Captain
23 Anderson's for seven or eight years and employed for them for
24 about ten years, but my heart is still there for these people,
25 these charterboats and these partyboats.

26
27 They need some help and I have been telling the council they
28 need help. Last year, with the short season, it hurt a lot of
29 people and so I am in support of sector separation. I am not in
30 support of the sunset rule. It's taken us about seven years to
31 get this five-year review and it takes a few years, when you
32 open up a new plan, to develop it and get all the bugs out. Our
33 IFQ is a good plan and we're still trying to fix a few small
34 problems and so remember that.

35
36 Like I said, these people need a chance, like I had seven years
37 ago, on these charterboats and headboats. It's a way of life up
38 and down the Gulf Coast and it's very important as far as the
39 community and the tackle shops and the boat places that haul out
40 your boats. Everybody has been suffering a little bit and they
41 need some help and I think it's time for the council to step up
42 to the plate and make a final decision.

43
44 It's been a way of life and I wish you all would give that some
45 consideration and support for sector separation and as far as
46 the amberjack, I would like to see a 1,500-pound amberjack trip
47 limit, maybe to slow the amberjack quota down a little bit.

48

1 You asked about amberjack and me being a professional fisherman,
2 not a scientist and not a biologist, I questioned that years
3 ago. Why would you want to harvest a fish twenty-eight inches
4 or thirty-two inches? Why would you want to harvest a fish
5 that's not sexually mature and that's a thought. That might be
6 a problem, from a fishermen, for a voice. I wish you would
7 consider that and thank you.

8
9 **CHAIRMAN ANSON:** Thank you, Russell. We have a question over
10 here, Russell, from David.

11
12 **MR. WALKER:** Russell, you said the 1,500-pound trip limit, but
13 would you like to see that in gutted weight or whole weight?

14
15 **MR. UNDERWOOD:** In gutted weight. Just in gutted weight.

16
17 **CHAIRMAN ANSON:** Thank you, Russell. We have Herb Malone,
18 followed by Susan Boggs.

19
20 **MR. HERB MALONE:** Good afternoon and thank you, Mr. Chairman and
21 members of the council and staff. My name is Herb Malone and I
22 am President and CEO of what is known as Gulf Shores and Orange
23 Beach Tourism. We are the convention and visitors bureau for
24 the Gulf Shores/Orange Beach/Alabama Gulf Coast area.

25
26 I am also a recreational angler and have been my entire life and
27 I continue to be so, but occasionally, I am also a customer of
28 charterboats and so I've been on the water in different forms
29 and different fashions.

30
31 As a tourism marketer for the area, we track data and we track a
32 good business of what goes on in our community and we know that
33 we're generating about 30 percent of the gross Alabama tourism
34 product. The research shows that we host 5.5 million visitors a
35 year, in 2013, and they spent \$3.2 billion in direct spending,
36 without a bunch of economic multiplier rollovers and other such
37 additions.

38
39 We also know and we have watched the trend of those number of
40 tourists grow steadily. We were hurt by the oil spill in 2010,
41 obviously, but we went through the recession at a fairly flat
42 level, without any downturn, and since the spill, we have seen
43 four great years of continuous growth that we were seeing before
44 the spill.

45
46 What we haven't seen grow is in our research it tells us that in
47 the past, depending on the time of the year, about 20 percent of
48 the people who came to visit fished. Some fished off the pier

1 and some fished on a charterboat and some fished on their own
2 boat and some fished inshore.

3
4 That 20 percent number has not grown and we're not getting 20
5 percent of the amount of tourists anymore. It's actually been
6 trending downward and we're down below 15 percent now, most
7 seasons of the year, and even less.

8
9 One of the things that we've experienced and I'm going to echo
10 something that Mayor Kennon said about amenity. We actually
11 classify the tourists who come and fish and I'm going to call
12 them Group A and Group B.

13
14 Group A is that tourist that came and brought their family and
15 came for the vacation and wants something else to do while
16 they're there and fishing is one of those other things they do
17 and we refer to that as the amenity fisherman.

18
19 Group B is the fishermen, the groups of guys who get together,
20 whether they be from Birmingham or Nashville or wherever they
21 might be from, Indianapolis, but they work together and they are
22 buddies and they are family and they come to fish and the beach
23 becomes their amenity and that's the sector we've lost, the
24 group we've lost, the most of.

25
26 They used to come very heavily in the spring and that doesn't
27 happen much anymore. We have lost them due to the shorter
28 seasons and the regulations and what have you and so I support -
29 - I am here to support Amendment 40, minus the sunset provision.

30
31 Charterboats are, as the Mayor said, important to our community.
32 They are the lifeblood of our culture and they deserve all the
33 help they can get. Even a recreational angler -- I am like the
34 Mayor. I will give up days of fishing if I have to and find
35 other forms of recreational fishing for their benefit. Thank
36 you.

37
38 **CHAIRMAN ANSON:** Thank you, Herb. We have Susan Boggs, followed
39 by Mike Jennings.

40
41 **MS. SUSAN BOGGS:** Good afternoon. My name is Susan Boggs and
42 along with my husband, Randy, we own two federally-permitted
43 headboats and a federally-permitted charterboat that operate
44 from San Roc Cay Marina in Orange Beach, Alabama. In addition,
45 we own the charter booking service and the dock store at San Roc
46 Cay Marina. We are in the business of taking recreational
47 anglers fishing, plain and simple.

48

1 We, like the private boat owners, have boat notes, mortgages,
2 slip rent, and insurance to pay. The difference is charter
3 fishing is our means of making a living to pay these expenses.
4

5 The issue is not just about the charterboats. The businesses
6 that we buy fuel, bait, ice and other supplies from will be
7 impacted. Our economy, which is largely based on tourism, will
8 be impacted. Your vote for or against Reef Fish Amendment 40,
9 sector separation, is a serious matter that will have serious
10 consequences.
11

12 A vote against the amendment will mean that you will likely put
13 many of our businesses out of business. I ask you, for what?
14 So that instead of a potential one-day federal season that there
15 may be three or four days? The states will all open their
16 waters, but because of Rule 30B, only the private boat owners
17 will have access to a public resource.
18

19 The outcome of this is solely on your shoulders. We have been
20 working for years on the solutions to this crisis, while the
21 other side has presented nothing of substance. Listen to your
22 constituents that spoke clearly during the public hearings. If
23 you are honest with yourselves, there is only one way to vote.
24

25 I have a daughter, Elizabeth, who is standing with me today.
26 Many of you have children and grandchildren and leave something
27 behind for them. Don't let the legacy of this council be that
28 you destroyed the charter industry that is deeply rooted in our
29 community and our heritage. Vote yes on 40, with a five-year
30 review. Vote yes to our families and vote yes to our
31 communities. Thank you.
32

33 **CHAIRMAN ANSON:** Thank you, Susan. Next we have Mike Jennings,
34 followed by Scott Hickman.
35

36 **MR. MIKE JENNINGS:** I am Captain Mike Jennings and I own and
37 operate two charterboats, federally-permitted charterboats, out
38 of Freeport, Texas and I'm also President of the Charter
39 Fishermen's Association.
40

41 I am also going to stand up here for a short period of time and
42 sound like a broken record, but I promise I will keep it a short
43 broken record. I said this once before, about six-and-a-half
44 years ago, when we kind of brought this concept of sector
45 separation to the council.
46

47 This council sitting right here, several of you that were
48 sitting here at that time, and a few that weren't, but this

1 council gave us a mandate, basically, and we were told to bring
2 industry support and nobody is going to listen to you until you
3 bring industry support. We have brought that.

4
5 I think our DEIS and our council letter and those five
6 signatures that were on there are a large part of the
7 charterboat fleet. Is it all of it? No, it's not. I don't
8 think you will ever get everybody on the same page, but that
9 industry support, we have brought to this council over and over
10 again.

11
12 We have got an amendment that's two-thousand-and-forth-something
13 days old and a scoping document that's six-hundred-and-something
14 days old and this thing has been put to public comment and
15 workshops and environmental impact studies and on and on and on
16 and tens of thousands of public comments up here in support of
17 Amendment 40 and it's time to stop kicking this thing down the
18 road.

19
20 I found it funny in the committee that we moved in a couple of
21 issues and we added the sunset provision, yet the individuals
22 who added the sunset provision then turned and voted down moving
23 the entire amendment forward. It's time to quit those games.

24
25 All we're asking is the council to bring that amendment back up
26 in front of full council and remove that sunset provision and
27 add a five-year review and vote on the thing and put it behind
28 us.

29
30 We support a concept of regional management for the private
31 recreational sector. I think it's a great concept. In that, we
32 see nothing for the charterboats that doesn't continue this loss
33 of access.

34
35 On the red grouper issue, we support the two-fish bag limit and
36 the elimination of the accountability measures to stabilize the
37 season and to retain the deepwater closures during the spawning
38 season.

39
40 That's about where we stand on everything and with the last few
41 moments that I've got here, I would like to address one thing
42 that we all keep hearing and that is fix the data, fix the data,
43 fix the data.

44
45 I don't think there's anybody sitting here behind me or anybody
46 sitting at that table that really believes we've got the best
47 data out there and that there's not things that need to be done
48 to that system and yes, it needs to be fixed, but the fix to the

1 data doesn't do anything but prolong what's going on right now.

2
3 Do we need to fix it? Absolutely, but standing back here and
4 coming up with no more solutions than you all need to fix the
5 data is pretty simplistic and I don't see it getting it
6 anywhere. Anyway, I've got my red light on and I appreciate you
7 all's time. Thank you.

8
9 **CHAIRMAN ANSON:** Thank you, Mike. We have a question for you,
10 Mike, from Dr. Dana.

11
12 **DR. DANA:** Thank you, Captain Jennings. Just one quick
13 question. What is the Charter Fishermen's Association's stand
14 on intersector trading, as it pertains to Amendment 40?

15
16 **MR. JENNINGS:** From the Association standpoint, we have not
17 taken a position on intersector trading. The way we look at it
18 right now is there's no mechanism for intersector trading.
19 Intersector trading would take an IFQ and there's nothing in
20 Amendment 40 that gives an IFQ and there's nothing in Amendment
21 40 that would give us any possibility or ability to do
22 intersector trading and so as an association, we haven't really
23 taken a position and we haven't brought that to a vote in front
24 of the board or anything along those lines. There is some
25 people that would support it and a lot of people that don't.

26
27 It's kind of like asking me if I support the Tooth Fairy. It's
28 not something that I even have the possibility of putting my
29 hands on at the moment. I know that's kind of silly and I
30 wasn't trying to be a smart-aleck with that, but it's one of
31 those issues where we've been focused on the amendment and the
32 allocation split and to stop that bleeding.

33
34 You know it's one of the things in all of that that I found
35 funny today. I'm kind of getting off the subject here and I
36 will get off this microphone, but one of the things I found real
37 strange today with a couple of the private recreational anglers
38 that came up here and spoke so far was the comment that state-
39 water non-compliance would kill them under Amendment 40. I
40 found that as a funny approach. Without it, that's what is
41 happening to us and intersector trading is not even on the table
42 and so I appreciate the time.

43
44 **CHAIRMAN ANSON:** Mike, we have one more question from Doug.

45
46 **MR. BOYD:** Mike, you said that you want more days and how many
47 more days will Amendment 40 give you, do you think, you as a
48 captain?

1
2 **MR. JENNINGS:** I have seen some projections out there and how
3 many more days it will give me?
4
5 **MR. BOYD:** What do you think of the total number of days that
6 sector separation, Amendment 40, will give you next summer?
7
8 **MR. JENNINGS:** I don't have a clue. I would be totally
9 guessing. I suspect that it would give me more than the nine
10 that I got this year.
11
12 **MR. BOYD:** Well, the numbers I've seen, it's between nine and
13 fifteen.
14
15 **MR. JENNINGS:** Yes, sir.
16
17 **MR. BOYD:** That's not a lot of days, Mike.
18
19 **MR. JENNINGS:** No, sir, but it does -- It also means that -- You
20 know there's -- I see where you're going with that question and
21 --
22
23 **MR. BOYD:** Well, I am just asking the question, because --
24
25 **MR. JENNINGS:** Here's the way I look at it. Will it get me more
26 days next year? It may or may not. What it does do though is
27 it cuts that allocation and it stops the loss of access to this
28 industry.
29
30 Through that stop of loss of access, through the fact that we
31 are removed from the state-water fisheries, Amendment 40, as I
32 see it, would put us in a position that we're no longer
33 penalized for those state-water seasons being open.
34
35 That, along with the ability to put a finger on every one of us,
36 require ELBs, electronic logbooks, some kind of electronic
37 monitoring, whatever this council deems fit and necessary to get
38 a better handle on the landings.
39
40 That right there alone, just those few items along with a
41 current derby system, has got to be way better than what we've
42 got now and if we simply stop that overfishing or that perceived
43 overfishing and get an ability to put a hand on that, will I get
44 a lot more days next year? Probably not.
45
46 Will I get some more with the 2016 stock assessment that comes
47 out? I suspect that I will and I suspect that that's going to
48 give us the ability to stop any perceived overfishing in the

1 future and it will pay us dividends down the road. Is it going
2 to be some miraculous fix in 2015? You and I both it's not
3 going to, Doug. There is no way that it can be.

4
5 I survived with a nine-day season this year and will I survive
6 with a thirteen next year? I am assuming that I will. Is it
7 fair to my customers that they get a nine-day or a thirteen-day
8 season while my own home state fishes 365? How many days is it
9 going to get the recreational angler? They get 365 and I know
10 how many they get.

11
12 **CHAIRMAN ANSON:** Mike, we've got a couple more questions here.

13
14 **MR. JENNINGS:** That's the best answer I've got for you. Thanks,
15 Doug.

16
17 **DR. CRABTREE:** Mike, I hear about intersector trading, but do
18 the fishermen understand that there's nothing in Amendment 40
19 that would allow intersector trading to occur? Intersector
20 trading can't happen now and it's not allowed and this doesn't
21 change that and I mean are people confused about that or do they
22 understand?

23
24 **MR. JENNINGS:** I think there is some confusion about that and I
25 think it's come from a pretty strong misinformation campaign
26 when it comes out to Amendment 40. We have heard a lot on the
27 forums and on Facebook and webpages and on and on and on about
28 how Amendment 40 is catch shares and Amendment 40 is intersector
29 trading.

30
31 Amendment 40 is an allocation split, plain and simple. Do the
32 majority of the fishermen understand that that's not in there?
33 Yes. Are there some that are in fear of that's what it brings
34 down the road? Absolutely.

35
36 Me, myself, I have had some -- My opinions have wavered back and
37 forth on the ideas of both the catch shares or the intersector
38 trading. I don't know that that fits everybody and I don't know
39 that it fits this industry. I couldn't tell you, but what I can
40 tell you is that under Amendment 40, it would give the industry
41 the ability to decide that for themselves and they don't have to
42 reach out to decide whether a private recreational angler wants
43 it. It's going to be something that they're going to be able to
44 work within the framework of -- I am hoping that's what it is,
45 that they can decide their own fate a little better than what
46 they do now.

47
48 **DR. CRABTREE:** Yes and I don't know what this council will

1 decide in another amendment somewhere down the road, but I hope
2 you will help us get the word out to people and help people
3 understand that Amendment 40, in and of itself, does not create
4 a catch share program and it does not allow intersector trading.
5 That would have to be a whole other amendment somewhere down the
6 road and it may or may not ever happen.

7
8 **CHAIRMAN ANSON:** Thank you and we have one other question for
9 you, Mike.

10
11 **MR. WILLIAMS:** Mike, one of the reasons that I have supported
12 Amendment 40 is that I haven't seen the state commissions being
13 particularly supportive of their charterboat people, in order to
14 try to provide for them.

15
16 I don't know what your situation is in Texas, but I know in
17 Florida they have tended to favor the Panhandle fishermen, but
18 at the expense of the -- I am talking about or own state
19 commission, but at the expense of the fishermen further down the
20 coast, down in St. Pete and Naples and Clearwater and that area.

21
22 The commission has basically just turned a blind eye to them and
23 so I say this because I am somewhat intrigued by Ken Haddad's
24 proposition on behalf of ASA for maybe supporting Amendment 40
25 now with a sunset, in the hopes that regional management might
26 be able to take over at some period in the future.

27
28 Can you -- I mean tell me what your impression is. Has the
29 Parks and Wildlife Department been receptive to try to -- I am
30 worried that the state commissions don't care much about the
31 charterboats and that's kind of -- That's the impression that
32 I've gotten and I would like your impression of it.

33
34 **MR. JENNINGS:** Roy, I see it basically the same way you do. I
35 mean your home state of Florida has already implemented sector
36 separation when they separated three counties and gave them a
37 special gag season and left even the rest of your state private
38 recreational anglers out of it, unless they want to travel from
39 one length of the state to the other to launch a boat at one of
40 three boat ramps and take part in the gag season.

41
42 In Texas, I don't feel like that our commission has necessarily
43 taken a stance against the charterboats. They've taken a stance
44 that we're not going to do anything different for the
45 charterboats. Yet, not doing anything different still leaves us
46 under the federal regulations and it still doesn't make the
47 playing field even and so doing nothing for the charterboats
48 sounds fair.

1
2 Doing nothing special and nothing more for the charterboats than
3 you would for the private recreational angler sounds good on the
4 surface, but the truth of the matter is that's what we're doing
5 right now without Amendment 40.

6
7 We're not doing anything different for the charterboats than we
8 are the private recreational angler, yet the separate
9 regulations that this council itself has put on those
10 charterboats in itself discriminates against them and puts them
11 in playing field that they can't operate evenly and fairly and
12 so we have no confidence in the states whatsoever to do anything
13 to stop that loss of access to our customers.

14
15 **CHAIRMAN ANSON:** Thank you, Mike. Robin, real brief, because
16 we're getting --

17
18 **MR. RIECHERS:** I just want to ask Mike. When 30B went into
19 effect, did you state object to 30B?

20
21 **MR. JENNINGS:** Yes, sir, they did, but it also didn't change the
22 facts. We're still not fishing.

23
24 **MR. RIECHERS:** It may not change the facts, but we certainly
25 were there supportive of you and we also were in a litigation
26 battle a couple of years ago with you.

27
28 **MR. JENNINGS:** Correct.

29
30 **CHAIRMAN ANSON:** Thank you, Mike.

31
32 **MR. JENNINGS:** Thank you all for your time.

33
34 **CHAIRMAN ANSON:** Before we move on, I want to remind or let the
35 council members know that we're about 20 to 25 percent through
36 the cards and so we've got a long way to go and I want to make
37 sure that everyone gets a chance at least to utilize their three
38 minutes and so I know questions and answers can be valuable, but
39 please keep that in mind.

40
41 **EXECUTIVE DIRECTOR GREGORY:** I would like to suggest putting a
42 one-minute timer on the answers to your questions.

43
44 **CHAIRMAN ANSON:** We will see how it goes. We might have to put
45 some additional restrictions on the questions and answers, but
46 we will -- I trust the council members will take that into
47 consideration. We have Scott Hickman, followed by Jenny
48 Thompson.

1
2 **MR. SCOTT HICKMAN:** I will make it quick, since you all grilled
3 Mike for so long. I'm Captain Scott Hickman from Galveston,
4 Texas. I'm a twenty-seven-year charter for-hire operator and a
5 recent entry into the commercial red snapper IFQ fishery.

6
7 I'm one of the founders of the Charter Fishermen's Association
8 and I sit on multiple Gulf Council APs and ad hocs and I also
9 hold the recreational seat on the Flower Garden Banks National
10 Marine Sanctuary. By the way, thank you for letting me speak
11 today and, Phil, we will miss you. You've done great work.

12
13 I just want to say yes on Amendment 40. The guys and gals from
14 Texas overwhelmingly support this amendment. It's a fairness
15 issue and it's the right thing to do. It's the right thing to
16 do for the industry and it's the right thing to do for millions
17 of Americans that come from all over that fish in my home port
18 of Galveston that want to get on one of these charterboats and
19 access this fishery.

20
21 Please take final action on Amendment 40 in full council, with
22 the preferred alternatives. I keep hearing people talk about
23 winners and losers and under the current fishery management
24 plan, the recreational plan, everyone is a loser and that's why
25 we're here. The recs are losing and everybody is losing and
26 it's gotten to be a big states fight and everybody is going non-
27 compliant. Texas started the ball rolling.

28
29 The people who are losing are the people that want to go
30 fishing. This council needs to buckle down and find solutions
31 for everybody. This is a good solution for the charterboats.
32 The recreational people need something too and so move forward
33 with Amendment 39 and get those people some relief.

34
35 On greater amberjack, listen to your Reef Fish AP and increase
36 the minimum size for the recreational size of greater amberjack
37 and let these fish have a chance to spawn before we kill them
38 all. We are killing fish that aren't even close to being
39 spawning age and raise the limit, the minimum limit. Thirty-
40 four or thirty-five inches. At thirty-four inches, 50 percent
41 of them are of spawning age and raise it thirty-five inches and
42 let's let these fish replace themselves at least once before
43 will kill them.

44
45 That's basically all I've got to say and please support
46 Amendment 40. Support our charterboat fleet. They want your
47 help and thank you.

1 **CHAIRMAN ANSON:** Thank you, Scott. We have Jenny Thompson,
2 followed by Gary Bryant.

3
4 **MS. JENNY THOMPSON:** Thank you for letting me talk today. My
5 name is Jenny Thompson and I'm with Oceana. It's an
6 international NGO and I am based out of Lafayette, Louisiana. I
7 am commenting, obviously, on behalf of Oceana to encourage this
8 council to take action to develop and establish a standardized
9 bycatch reduction methodology, as required by the MSA, otherwise
10 known as SBRM, for the fisheries under your jurisdiction.

11
12 As other regions can attest, SBRM can be an important tool for
13 fisheries managers to assess the performance of fisheries, take
14 action to mitigate bycatch, and improve fisheries management and
15 accountability. For instance, Oceana has been actively involved
16 in the development and implementation of an SBRM in the
17 Northeast Region and has learned valuable lessons about its
18 utility.

19
20 What should an SBRM include? Each council has been given
21 considerable latitude by the agency in terms of the goals and
22 objectives of your FMPs. We urge you to work with the agency on
23 this and include it in your SBRM.

24
25 Scientific and management needs of each fishery ensure that all
26 information is accurate, precise, and timely. Report bycatch
27 data that is useful for stakeholders, managers, and scientists
28 and be functional at a variety of funding levels.

29
30 Since this methodology is centered around the data collection
31 and reporting duties of the Southeast Fisheries Science Center
32 and not the councils, we recommend that this action be
33 regionally based and completed jointly by both the South
34 Atlantic and Gulf of Mexico Councils, as an omnibus amendment to
35 each of the FMPs of the region.

36
37 We also suggest building on the work of the Northeast Region.
38 The first Northeast SBRM was implemented in 2008 and was updated
39 and amended and ready for public comment. This draft document,
40 while not perfect, is a valuable document that can inform your
41 SBRM process and accelerate the development of action.

42
43 Lastly, Oceana would like to recognize and commend the Southeast
44 Regional Office staff for initiating contact with their
45 counterparts in the Northeast regarding an SBRM. Oceana
46 encourages the agency to foster this relationship to allow the
47 NMFS resources to address the needs of multiple regions. Oceana
48 looks forward to participating as a stakeholder and as a

1 resource when this action is initiated. Thank you. Something
2 different than Amendment 40 today.

3
4 **CHAIRMAN ANSON:** Thank you, Jenny. We have Gary Bryant,
5 followed by Dale Woodruff.

6
7 **MR. GARY BRYANT:** I am Gary Bryant, owner and operator of Red
8 Eye Charters out of Fort Morgan, Alabama. I appreciate the
9 opportunity to speak to you today. To start with the amberjack,
10 I am for raising it to thirty-four or thirty-six inches. That
11 will extend the season.

12
13 The main reason I am here today is to speak in favor of
14 Amendment 40 with a five-year review. I think this is a very
15 important issue, one of the most important issues that has come
16 up here. I think it's an issue of fairness.

17
18 We have five states here represented and you all are making
19 rules that affects the whole nation's ability to access this
20 fishery and so I think it's important that we support this
21 issue, to ensure that all anglers have access to this fishery.

22
23 I am really concerned that state politics is playing a big part
24 of this and that many of you are going to basically look at your
25 own jobs and what you're being told at your state and not take
26 the view of what is best for everyone. This Amendment 40, as I
27 said, it's about fairness.

28
29 It will ensure that all anglers have access to this fishery
30 through charterboats. You all are all aware that if you do not
31 pass this issue that the entire quota will be caught in state
32 waters by private recs that live along the five coastal regions.
33 If you do not pass this issue, we have the situation where only
34 private anglers in our five states are going to have access to
35 this fishery and you are closing out the rest of this country.

36
37 I would ask you -- I would like to close with a quote I heard
38 from a movie a few years ago and it says "a strong man will
39 stand up for himself and a stronger man will stand up for
40 others" and I would like this council to have the courage to put
41 their state politics aside and do what's right. Pass Amendment
42 40 and ensure that all anglers have access to this fishery.
43 Thank you.

44
45 **CHAIRMAN ANSON:** Thank you, Gary. Dale Woodruff, followed by
46 Mike Thierry.

47
48 **MR. DALE WOODRUFF:** Don't start it. I get to stand up and

1 speak, but four people are missing from up here. I will go
2 ahead anyway, since I guess you all don't care.

3
4 Bring Amendment 40 to a vote for tomorrow and no sunset clause,
5 with a review in five years. Give the charter for-hire their
6 own sector. We already have it right now. You all have got it
7 set aside. We have a 36 percent mortality rate and the true
8 recs have got a 60 percent mortality rate. That ought to
9 automatically give us a few more days. If we get nine days next
10 year, nine days is better than zero and I mean, come on, man.
11 Let's hold us accountable and let's do this.

12
13 State management, I mean that's a croc, guys. It's not going to
14 pass. Texas is already 360 days right now and why would they do
15 something different? Why? This is just pissing in the wind and
16 excuse my language.

17
18 Any boats that fish in the Gulf of Mexico like me, a federally-
19 permitted vessel, I have to have all these turtle devices to go
20 on my boat and again, you're targeting the federally-permitted
21 vessels. Anybody that leaves out of that Pass should have every
22 bit of turtle devices for de-hooking turtles on their vessel
23 just like me. They are sitting there saying that we're not
24 different and, again, yes we are.

25
26 If 40 doesn't pass tomorrow, I want all the states to go ahead
27 and open for 360 days, starting January 1, 2015. I want a zero-
28 day federal season, plain and simple. Okay? Let's do this. Go
29 ahead. No snapper in federal waters next year. That's about
30 it.

31
32 I mean we've been limited to we're the only the access to the
33 general public that doesn't have a boat and I am kind of upset
34 and I'm sorry, but I come here to speak my three minutes and
35 they're gone and I go to Key West and spend \$3,000 and the
36 science person is gone for my three minutes of fame and maybe
37 you all need to do a few more breaks or something. I don't
38 know, but it's kind of sorry. Thank you.

39
40 **CHAIRMAN ANSON:** Thank you, Dale. For those that might be
41 having some conversations in the back, I've got a message that
42 some of the folks in the audience are having trouble hearing
43 those that are up to speak and so if you can carry your
44 conversations outside, I would appreciate it. Next we have Mike
45 Thierry, followed by Tom Ard.

46
47 **MR. MIKE THIERRY:** Thank you, all. I am Captain Mike Thierry
48 from Dauphin Island, Alabama. I have been charter fishing for

1 over forty-five years and I'm in favor of Amendment 40. I see
2 no other way out for the charterboats. Nobody has put anything
3 else on the table that gets us anywhere near close to surviving.

4
5 It is time to quit kicking these charter fishermen down the
6 road. We've been put under undue economic hardships for long
7 enough. Charterboats and the thousands of customers who fish on
8 these boats should not be denied access to this red snapper
9 fishery. At this point now, we are being denied and my
10 customers are being denied.

11
12 It is time to make things fair and equitable and Amendment 40
13 should do that. How fair is it for a non-federally-permitted
14 boat to be able to fish in state waters while others, because
15 they are federally-permitted, cannot fish? Federally-permitted
16 boats are losing access to this fishery because of states going
17 non-compliant, plain and simple. Someone please tell me, if you
18 can, how this is fair and equitable. Thank you.

19
20 In Amendment 40, all we are asking for is stewardship of this
21 fish that we have historically caught and no more and no less.
22 We don't want anybody's fish and we want what we have caught,
23 plain and simple.

24
25 I haven't heard that said much, but the numbers show what we've
26 caught and really, we're taking less than what we have
27 historically caught, but we're willing to do that to invest in
28 the future of this fishery and to look down the road and not
29 just a quick fix, but we'll have something that we can sink our
30 teeth in and maybe our kids could have something to sink their
31 teeth into.

32
33 I do not support the sunset provision in Amendment 40. I feel
34 we will be better off with a review in five years. We need some
35 stability in this industry, something we have not had in a long,
36 long, long time.

37
38 I think Amendment 39 -- I am not saying I would be for it or
39 against it, but looking at it, it seems like there's a lot of
40 uncertainties in it and it's going to be a long time down the
41 road and we cannot wait. The charter industry cannot wait.
42 It's time to act now, please.

43
44 On amberjack, I will support whatever it takes us to get a
45 longer season and red drum, I think it's time we get some red
46 drum in federal waters. The two red grouper size limit should
47 help and so I'm for that and thank you, all.

48

1 **CHAIRMAN ANSON:** Thank you, Mike. We have a question for you,
2 Mike, from Doug Boyd.

3
4 **MR. BOYD:** Mike, you said that the states are making it unfair
5 for you because you are a federally-permitted charter for-hire.

6
7 **MR. THIERRY:** Correct.

8
9 **MR. BOYD:** Would you be willing to, in order to fish 300 days a
10 year in some states, would you be willing to give up your
11 federal permit and get a state charter permit?

12
13 **MR. THIERRY:** No, sir, because I fish outside of state waters
14 quite a bit. We tuna fish and we amberjack fish and we
15 vermilion snapper fish and probably the majority of our trips
16 off of Alabama are outside of state waters. We have three miles
17 in Alabama now and so that just wouldn't work for us and I don't
18 think it's right to be able to give up a permit and next week
19 call and get it back and then turn it in and out. I don't agree
20 with that, personally.

21
22 **CHAIRMAN ANSON:** Thank you, Mike. We have Tom Ard, followed by
23 Bobby Kelly.

24
25 **MR. TOM ARD:** Tom Ard and I fish out of Orange Beach. We have
26 two charterboats and I've been fishing there and in the business
27 for over thirty-five years. Amberjack, I usually take tourists
28 close into shore, within twenty miles most of the time, and we
29 don't catch a whole lot of amberjack that's thirty-five or
30 thirty-six inches, but I need the access to be able to sell that
31 trip to a customer when they ask me what's in season.

32
33 If it takes a thirty-four to a thirty-six amberjack to say, hey,
34 we've got ten months of season -- If that will get them on my
35 boat, I am all for it. Maybe we will catch a few. I will
36 probably catch less for a few years, until the stock rises, and
37 so I'm for it. I had to battle that for a while, to really
38 think about that, but that's probably what is best for the
39 fishery and so I am good for it.

40
41 Amendment 40, I am for it and I always have been for it and
42 sector separation, I've been for that. I would love to see a
43 vote on this tomorrow and no sunset clause. There is still a
44 five-year review on that.

45
46 I would like to have the access to catch red drum in federal
47 waters, out to nine miles. That would be great. I said that
48 about four years ago and it's just finally getting some movement

1 on that and that's very smart. It's not that I can target a
2 redfish, but if I incidentally catch one and it comes up dead,
3 which they always do, I can keep him and the customers have a
4 trophy fish and it's a good thing. It's more access to the
5 fishery.

6
7 The triggerfish, it was really tough this year to have
8 triggerfish closed. It really was and I heard that maybe we'll
9 have that season back next year, but if it gets to the point
10 where we don't, we need to go to one fish per person or whatever
11 it takes to keep that fishery open as long as we can.

12
13 It was really tough this year to sell charters when they asked
14 me and they said, hey, look, we've heard snapper season is in
15 and I am like, no, sir, that's in Florida waters and then
16 Alabama opens theirs and they call me back and, hey, let's go
17 catch red snapper and I say, no, we can't do that and that's
18 just for recreational boats and that's not for us and I have a
19 federal permit and I can't take you to catch them. They don't
20 understand why. They don't understand any of it and that's
21 really been tough this year.

22
23 You don't know how many times I've had to answer the phone and
24 then I've got to explain to them the whole law and everything
25 and that is not fair at all. I mean I want the same access to
26 catch red snapper as everybody else and right now, the states
27 are bleeding us dry and taking fish out of my box.

28
29 Next year, there is no one stopping the states and they could
30 raise their seasons fifty more days and we would have no federal
31 season at all and so Amendment 40 would probably stop that
32 bleeding. Please vote on it tomorrow and let's get moving in a
33 better fishery management system. Thank you.

34
35 **CHAIRMAN ANSON:** Thank you, Tom. All right. We have Bobby
36 Kelly, followed by Jim Price.

37
38 **MR. BOBBY KELLY:** Good afternoon, guys. My name is Bobby Kelly
39 and I own and operate two charterboats out of Orange Beach,
40 Alabama. Here we are, right here. Six years of hard work and
41 we are here to the final vote tomorrow.

42
43 All I can say is I hope the council would go ahead and vote this
44 in. When you guys do that, you can pat yourselves on the back
45 and all high-five each other, because at that point, you will
46 have 75 percent of the federal quota in check and that's going
47 to look real cool when we step in front of that federal judge
48 and say, hey, guess what we did, guys? We got 75 percent of it.

1
2 Imagine going to that federal judge and going, nah, we had a
3 couple of framework sessions and a couple of scoping meetings
4 and we did good. It's not going to work, guys. We need your
5 help here.

6
7 I am not in no way going to support a sunset provision in
8 Amendment 40. If you guys want to do it, treat it like every
9 other thing and you all do a five-year review of it. I think
10 that would be great.

11
12 I don't see how you all couldn't consider passing 40. It has
13 industry support and you all have heard every one of these guys
14 up here and what do they? All my charterboat guys, permit
15 holders, we're for it, we're for it, we're for it. I think it's
16 a great thing and it has industry support.

17
18 I support a two-fish bag limit on red grouper. That will keep
19 us open the full time and the federal harvest of red drum. I am
20 for that. It's nice for us, just because it's a bycatch-type
21 deal. Like I said, we can't do it, but that's it and so thank
22 you, guys.

23
24 **CHAIRMAN ANSON:** Thank you, Bobby. Jim Price, followed by
25 Skipper Thierry.

26
27 **MR. JIM PRICE:** Thank you, Mr. Chairman and fellow council
28 members. My name is Jim Price and I live in Baldwin County and
29 I have been deep-sea fishing for over twenty-five years. I do
30 not own a boat and so I charter a boat.

31
32 I bring people in from Illinois to Tennessee to Georgia down to
33 Orange Beach and they always ask me -- The first question they
34 always say is what about red snapper and then it's, oh, come on.
35 It's nice to go charter fishing, to get people together, to
36 bring them down. They bring their families and the families
37 enjoy themselves and so I support Amendment 40 and I thank you
38 for your time.

39
40 **CHAIRMAN ANSON:** Thank you, Jim. Skipper Thierry, followed by
41 Tom Steber.

42
43 **MR. SKIPPER THIERRY:** Good afternoon. I am Skipper Thierry and
44 I have a charter headboat right here out of Dauphin Island.
45 Guys, Amendment 40 needs to be voted on at this meeting. Let's
46 not wait any longer on that, for sure. Let's please do away
47 with the sunset clause instead. It seems like everybody would
48 prefer a five-year review. There is no need to start all over.

1
2 Regional management will not work for charterboats. It seems to
3 be, at best, several years away and we can't wait that long.
4 Also, states that are non-compliant already, which are pretty
5 much all of them, they're showing how they really feel about
6 charterboats and the hundreds of thousands of people that fish
7 on them already and so I don't really feel too good about my
8 chances in that system.

9
10 After talking to and listening to hundreds of people over the
11 last few years, it's obvious that the people that are against
12 Amendment 40 have the luxury of not having the red snapper
13 fishery affect their livelihood or they are grossly misinformed
14 about the amendment.

15
16 A lot of recreational anglers still seem to think we're going to
17 be taking their fish, where nothing could be further from the
18 truth. What is the truth is that every minute the state water
19 fisheries are open, the charterboats and their customers are
20 losing their access and all we're asking for is our historical
21 access to these fish.

22
23 A no vote on 40 is a vote for status quo and that's
24 unacceptable. I am having a hard time understanding why someone
25 would vote no on 40.

26
27 Say your friend or neighbor asked you for help and this thing
28 your neighbor asks you is a small thing and it doesn't hurt
29 anybody and it doesn't take anything away from anybody, but it's
30 a big deal for your neighbor and it will help him fix a big
31 problem that he's been dealing with for years. There is nothing
32 else that's going to help him in the foreseeable future and you
33 just tell him no, but anyway, please pass Amendment 40.

34
35 I would love to see a thirty-six-inch amberjack size limit if
36 that would give us a longer season and let those fish spawn. On
37 a separate note, I am definitely opposed to intersector trading.
38 That seems to be a concern of some council members and some
39 other people and I would also like to see the council continue
40 looking at an opening for red drum in federal waters, because
41 that would help. Thank you, all.

42
43 **CHAIRMAN ANSON:** Thank you, Skipper. We have Tom Steber,
44 followed by Bobby Walker.

45
46 **MR. TOM STEBER:** Tom Steber, President of the Alabama Charter
47 Fishing Association. I would like to take the time to thank the
48 council for passing our exempted permit a few council meetings

1 back. I am sorry it got turned down later. I think we would
2 have been a great guinea pig for everything everybody seems to
3 want.

4
5 We are here today to talk about or I am here today to talk about
6 sector separation. I want to remind everyone that 100 percent
7 of the federally-permitted charterboats in the State of Alabama
8 that fish for a living are in favor of being accountable. They
9 are in favor of being separated from the private anglers and
10 they want to be able to manage their own business.

11
12 The hundreds of thousands of people that we take fishing every
13 year would like to have access to the fishery that do not have
14 access today.

15
16 Our fleet, in coordination with the State of Alabama, has built
17 the largest permitted reef zone in the world and we can't use
18 it. It amazes me. It really does amaze me that I hear so many
19 private anglers that are opposed to sector separation while
20 we're tied to the dock and they have all the access. It just
21 amazes me.

22
23 I would ask you please to quit, for lack of a better word,
24 kicking this can down the road. Please vote yes on Amendment 40
25 tomorrow and take out the last-minute sunset rule and have a
26 five-year review. Thank you.

27
28 **CHAIRMAN ANSON:** Thank you, Tom. Next we have Bobby Walker,
29 followed by Bill Staff.

30
31 **MR. BOBBY WALKER:** I am Captain Bobby Walker, owner and operator
32 of Summer Breeze Charters in Orange Beach, Alabama. I am kind
33 of going back in history here just a little bit, but the Walker
34 family was the first pioneers to start charter fishing out of
35 Orange Beach, Alabama. That was in the late 1930s and 1940s.

36
37 They mainly trolled for king mackerel and Spanish mackerel and
38 it was short trips. I remember one of my uncles talking about
39 catching the first cobia and he didn't know what it was and I'm
40 sure he found out and realized later exactly what he had, but
41 the red snapper fishing would get started a few years later down
42 the road.

43
44 I remember riding out on my dad's boat when the first reefs were
45 deployed off the coast, artificial reefs off the coast of
46 Alabama, and the state deployed about 300 car bodies in three
47 different locations about nine miles out and it was probably in
48 the late 1950s. The State of Alabama would deploy many more

1 reefs in the years to come.

2
3 I started charter fishing in 1968, when I was eighteen years
4 old. I had my dad's old boat and I had a compass, a Furuno
5 bottom machine, and a CB radio. That was all the equipment we
6 had and diesel fuel was thirteen-cents a gallon and the trip
7 cost for a full day was seventy-five-bucks and we targeted the
8 American red snapper.

9
10 In 1975, I had a thirty-eight-foot Busken boat built and we
11 started building a lot of our own reefs back in those days and I
12 mean the snapper fishery was starting to kick off and it was
13 really starting to kick in strong.

14
15 With those days back then, we was running 200 or 225 full-day
16 trips a year and mainly targeted the red snapper and amberjack,
17 but the red snapper was the number one. In 1983, I had the
18 Resmondo boat built, the Summer Breeze I. In 1994, I had the
19 Summer Breeze II built.

20
21 We started doing some of the offshore tuna fishing, but our
22 bread and butter was still the red snapper. They paid the bills
23 and paid for the boats and all the reef building that was going
24 on with red snapper. Everybody had money in their pockets and
25 didn't mind spending some money to build artificial reefs in the
26 Gulf. This is when things were really starting to kick in. I'm
27 not sure when it was, but the late 1980s or the early 1990s,
28 when the fishery regulations got started. We were battling --

29
30 **CHAIRMAN ANSON:** Bobby, your three minutes are up. Could you
31 wrap up your comments, please?

32
33 **MR. B. WALKER:** Okay. I didn't realize it went by that fast.
34 Okay. We are going to go to the last season, this season. The
35 nine-day fishery season we had this year, I mean it turned into
36 a total disaster for us. I had forty trips booked on the books
37 and twenty-five of them canceled and I already got deposits and
38 had to send them back.

39
40 **CHAIRMAN ANSON:** Bobby, if you can go ahead and just wrap up
41 real quick. Real quick.

42
43 **MR. B. WALKER:** All right. I am in support of Amendment 40 with
44 no sunset provisions and amberjack, whatever size limit gives us
45 a longer season and drop the red grouper from three fish to two
46 fish. Thank you.

47
48 **CHAIRMAN ANSON:** We have a question from Corky.

1
2 **MR. PERRET:** I just want to thank you for being here, Captain
3 Bobby Walker, and I will say that Captain Walker took the state
4 directors out on his boat many years ago and insofar as the only
5 ones that were on the boat, he and I are the only two that are
6 still left, but thank you for still being around and thank you
7 for testifying.

8
9 **MR. B. WALKER:** Thanks, Corky. I appreciate it.

10
11 **CHAIRMAN ANSON:** Thank you, Bobby. It's good to see you too,
12 Bobby, by the way. We have Bill Staff, followed by Brian Kelly.

13
14 **MR. BILL STAFF:** A little bit shorter than Bobby. Can you all
15 hear me, guys? Because I don't think for the last five years or
16 I know the last two you all haven't heard us. Is public comment
17 a dog-and-pony show or do you all hear what we're saying? It's
18 overwhelming for Amendment 40 and you've heard it and you've
19 heard it and you've heard it and it doesn't seem to matter.

20
21 I've been charter fishing thirty-four years, guys, and I've
22 accessed the snapper fishery for thirty-four years. Well,
23 thirty-three years and nine days and how about that?

24
25 I am afraid without Amendment 40 that I probably won't fish
26 again for red snapper and I am willing to bet that 99.99 percent
27 of you guys have had a successful career and have got a nice
28 retirement looking you in the face. Were you able to do it with
29 no product or no service to sell? I don't think so and without
30 40, that's where you're putting me and that's where you are
31 putting my industry.

32
33 Come into this for your open, capitalistic mind way of thinking.
34 I want everybody in this room to think about Washington, D.C. I
35 bet everybody has griped about politicians in Washington, D.C.
36 and have they not? If you have, put your politics aside
37 tomorrow and vote with your heart.

38
39 We are good stewards of the resource and we support sector
40 separation. That would give 75 percent of the fishery
41 accountability. We've got to have it and I support 40 with a
42 five-year review.

43
44 Guys, we've got to have something. It's just like Bobby said.
45 A forty-day season turns into nine days and you lose fifteen or
46 twenty days. The way the fishery has been done now with
47 everything closed, trigger, amberjack, snapper, you lose ten or
48 twelve days, you've lost a tenth of your season and it's huge.

1 It's past huge.

2
3 I am in support of a thirty-six-inch amberjack, if that will get
4 us through the fall. Like right now, we have nothing to fish
5 for. If the tunas don't bite, guys, we're screwed and it's just
6 that simple. I just ran a two-day trip this week and the tunas
7 didn't bite and I pulled my hair out and I was six hours late
8 getting home that afternoon and it just stinks. I support a
9 two-fish bag limit on the red grouper. Thank you for your time.

10
11 **CHAIRMAN ANSON:** Thank you, Bill. We have Brian Kelley,
12 followed by Melissa Thompson.

13
14 **MR. BRIAN KELLEY:** Hello. I am Captain Brian Kelley, owner and
15 operator of the Charterboat Scream and Drag from Destin,
16 Florida. I'm a dual permit holder without IFQs. As stated
17 before in Biloxi, I am for Amendment 40, Action 2.2, Alternative
18 2, with a five-year review.

19
20 There are several topics I would like to talk about. First if
21 the FWC and the lack of concern for the charter for-hire
22 industry. They have send a letter stating concerns only and
23 only for the private boat sector.

24
25 When talking to the FWC, they assured me that that was not the
26 case and that the letter did not mean that. It's interesting
27 how they never mentioned the charter for-hire sector.

28
29 They went on to say we would have to vote against Amendment 40
30 because the private boat sector would only get one to fourteen
31 days in federal waters, but will they still get a fifty-three-
32 day rogue season in state waters?

33
34 I, as a federally-licensed charterboat, do not get a fifty-
35 three-day state water season and voting against Amendment 40,
36 when the states have no plan set up for the regional management,
37 does not seem like a viable option. There is a statement on the
38 FWC website that fish and wildlife belong to all North American
39 citizens. Again, their letter only mentioned the private boat
40 sector access.

41
42 It was mentioned in Biloxi that we are rich and greedy and far
43 from the truth. I lost twenty-five guaranteed trips from June
44 10 to July 10 because of the emergency rule reduction of thirty-
45 one days of red snapper for the federally licensed. That's
46 twenty-five trips at an average of \$1,400 a trip. They were
47 replaced by eighteen trips at \$1,000 a trip and that's \$17,000
48 in reduction for my small business.

1
2 Stewardship, most every charter captain I have heard speak and
3 talk are looking for stewardship through consistency and
4 accountability, which is not present in any other plan except
5 for Amendment 40.

6
7 It was also mentioned that during my conversation that I needed
8 to look past 2015 for 2016, but you don't get it. There is no
9 2016 without 2015 for me. Believe me, consistency in my
10 business from now on is exactly what I am looking for.

11
12 Governor Scott is quoted as saying for every eighty-five
13 tourists there is support for one Florida job. Well, the 130 or
14 so that did not come on my boat with their families have not
15 only affected my boat, but also the marina, tackle shops,
16 grocery stores, restaurants, retail shops, and condos in the
17 Destin/Fort Walton Beach area. When the guys go fishing, the
18 moms and families go shopping.

19
20 Those fish in question are not mine. They are the North
21 American citizens' that vacation to the Destin/Fort Walton Beach
22 area and one more thing, the number three. The number three
23 represents my wife and two sons that rely on me to go to work.
24 Thank you.

25
26 **CHAIRMAN ANSON:** Thank you. We have Melissa Thompson, followed
27 by James Westbrook.

28
29 **MS. MELISSA THOMPSON:** Chairman Anson and council members, thank
30 you for your time and consideration of my comments on behalf of
31 Representative Steve Southerland. As you know, Congressman
32 Southerland represents 700,000 constituents in his district
33 alone.

34
35 However, serving on the Fisheries Subcommittee of the Natural
36 Resources Committee puts him in a position to represent millions
37 of Gulf Coast residents and visitors with regard to the
38 fisheries.

39
40 It is from this position that we make clear our opposition to
41 Amendment 40. In 2012, NOAA stated that their plans for fishery
42 management would include reducing overcapacity and rationalizing
43 effort. Reducing overcapacity means getting boats off the water
44 and rationalizing effort means fewer people fishing.

45
46 Sector separation and the IFQs to follow would certainly fall
47 right in line with that management plan. Let's take a hard look
48 at some facts before we adopt an amendment that does not

1 prohibit ownership of a resource, nor does it prohibit
2 intersector trading of our public resource.

3
4 These are options the council chose not to include, while at the
5 same time asking the Senate to remove the requirement for a
6 referendum from Magnuson-Stevens.

7
8 Since the year 2000, NOAA's data shows that the red snapper
9 fishery has increased by 100 percent, from fifteen-million to
10 thirty-million fish over the age of two. Since the year 2000,
11 access to the fishery has been reduced by 96 percent, from 194
12 days to nine days in federal waters.

13
14 Since the year 2003, the numbers of fish that recreational
15 anglers can catch has been reduced by nearly 50 percent and
16 during this time that the stock has doubled, the recreational
17 landings have decreased from 7 percent of the stock that's two
18 years old and up to 2.5 percent. In terms of percentage of the
19 stock, that's a decrease of 66 percent.

20
21 Everyone agrees that corrective measures need to be taken in the
22 fishery. However, the large majority of those that fish also
23 recognize that the management measures are punitive beyond
24 necessity and have offered nothing in the way of regarding
25 stakeholders for enduring the corrections.

26
27 Most of you were nominated by a governor to represent the
28 anglers of your respective states. You don't represent your own
29 interests or that of specific fleets, fishing organizations or
30 environmental groups. You represent the anglers in your state
31 and you are to take into consideration how they and the fishing
32 communities will be affected by your decisions.

33
34 Rather than looking for ways to reduce fishing, you should look
35 at ways to grow the fishery and access to it for the benefit of
36 fishermen and fishing communities.

37
38 **CHAIRMAN ANSON:** Melissa, I'm going to have to ask you to wrap
39 it up.

40
41 **MS. M. THOMPSON:** I've got one more sentence. Please take a
42 hard look at increasing the recreational quota, issuing the
43 quota in numbers of fish, regardless of weight, and correcting
44 the recreational data collection program, which is by all
45 accounts not the best available science.

46
47 **CHAIRMAN ANSON:** Thank you. Any questions? Thank you, Melissa.

48

1 **MS. M. THOMPSON:** I also have the original proclamation by the
2 Bay County Board of County Commissioners opposing Amendment 40
3 and who do I need to give that to?
4

5 **CHAIRMAN ANSON:** I think we have a copy of that.
6

7 **MS. M. THOMPSON:** You have a copy. I just happen to have the
8 original.
9

10 **CHAIRMAN ANSON:** If you want to give it to staff, we can file
11 it.
12

13 **MS. M. THOMPSON:** Sure. Thank you very much.
14

15 **CHAIRMAN ANSON:** James Westbrook, followed by Curt Gwin.
16

17 **MR. JAMES WESTBROOK:** Mr. Chairman and members of the council,
18 government dignitaries, law enforcement officers, ladies and
19 gentlemen, we are all in this situation together and it's called
20 accountability.
21

22 My name is Captain James Westbrook from Destin, Florida. I have
23 been a charter for-hire fisherman for thirty-two years, with
24 over 6,000 fishing trips logged in the Gulf fishery. I own --
25 Incorporated, which consists of five fishing vessels. Two are
26 headboats and one is charter for-hire and two private
27 recreational vessels.
28

29 I have an average of twenty full-time employees and many part-
30 time employees during peak season and my headboats collect and
31 pay Florida sales tax daily, along with federal payroll taxes
32 and Social Security taxes on all my employees.
33

34 I am 100 percent in favor of Amendment 40, splitting the
35 recreational for-hire and the private recreational fisherman. I
36 remember clearly when Amendment 25 was implemented in 2004.
37 There were 1,655 permitted issued vessels in the Gulf of Mexico
38 and just ten short years later, September 1, 2014, this number
39 has been reduced from 1,655 to just 1,167 federal reef permits
40 in the Gulf. This is an astounding 29 percent reduction in the
41 recreational for-hire fishing pressure.
42

43 Revisiting 2004, I remember quite a few private recreational
44 boats on the weekends, but nothing like today. With the advent
45 of cheap electronics and accuracy of GPS, it has made experts
46 out of everyone. The ten to the second power increase in the
47 number of private boats over this ten-year period and the amount
48 of state non-compliance made for a steep downhill slide for the

1 snapper fishery.

2
3 In my view, after years and years of headboat fishing, I believe
4 Amendment 40 is a must. Total accountability for all is the
5 only way forward. For years, the for-hire industry caught the
6 lion's share of the recreational quota, but recently, mainly due
7 to state non-compliance, the private sector has witnessed a
8 dramatic increase in landings.

9
10 A split of 50/50 or wherever those numbers land between the for-
11 hire and private deal would be the best way to go forward. Now,
12 the last issue is how to fairly divide up the fish and sector
13 separation in the for-hire is easy. It was determined by the
14 quotas in 2004 and VMS on the boats and number of fish divided
15 into your potential catch per boat is easy.

16
17 The private guys are having the hardest time. It's tricky to
18 divide up those fish. Start with non-boat-owners could not
19 apply for snapper tags. You must be a boat owner with a vessel
20 registration and a fishing license. To eliminate a rush on tags
21 like what happens anytime people think there will be a shortage,
22 there needs to be a ten or twenty tag limit per request.

23
24 After they fill their tags, they use the end portion to bring in
25 for renewal. Private boat guys usually go out with two or three
26 people a trip and so every three or four trips, they would need
27 to re-up their tags, until the tags are exhausted. This idea,
28 of course, like anything else, will need to be tweaked, but as
29 we know, we have to start somewhere.

30
31 **CHAIRMAN ANSON:** Mr. Westbrook, your time is up, if you can wrap
32 up your comments, please.

33
34 **MR. WESTBROOK:** Never shall there be any fish traded between
35 commercial and recreational fisheries. They need to stay
36 completely separate. Thank you.

37
38 **CHAIRMAN ANSON:** Thank you. I just want to give an update. We
39 have scheduled in the agenda a break or a recess during public
40 testimony and food has been provided for council members. It is
41 available over here and I have called Mr. Gwin and so I will go
42 ahead and allow Mr. Gwin to provide his public comments.

43
44 For the rest of the public who would like to speak, I want to
45 make sure, if you haven't already seen it, we do have a board in
46 the back, in the corner, that lists -- If you have registered
47 and provided a card for comment, your name should be up there
48 and you can kind of see where you would shake out. We will

1 start as close to 5:30 or reconvene as close to 5:30 as possible
2 and continue public testimony. Mr. Gwin, please.

3
4 **MR. CURT GWIN:** My name is Curt Gwin and I'm a federally-
5 permitted charterboat out of Destin, Florida. I am for
6 Amendment 40. I think we can give you some good numbers so you
7 can not have to guess on how many fish we're catching. I would
8 like to see a five-year review and that's about all.

9
10 **CHAIRMAN ANSON:** Thank you. We will reconvene at 5:30. Thank
11 you.

12
13 (Whereupon, a brief recess was taken.)

14
15 **CHAIRMAN ANSON:** We will restart public testimony and we have
16 Steve Shippee, followed by Scott Robson.

17
18 **MR. STEVE SHIPPEE:** Thank you, council members. I will try to
19 be brief. My name is Steve Shippee and I'm from northwest
20 Florida. I live near Destin, Florida. I'm a marine biologist
21 and I'm studying predator interactions with recreational fishing
22 with an eye towards mitigation and trying to find ways to reduce
23 the amount of discard mortality that occurs in the reef fishery.

24
25 I am going to speak in favor of passage of Amendment 40 using
26 the following preferred alternatives and I base that on the
27 support in the DEIS, which provides two main reasons. The first
28 one is that doing nothing -- The no action alternative will
29 result in an unsustainable trend in harvesting, with a
30 consequent increase, ultimately, in discard mortality, as more
31 fish are caught that can't be kept and then, secondly, that
32 sector separation will provide improved ability to adequately
33 collect data.

34
35 It provides for improved accountability and it likely will
36 decrease the amount of discard mortality, which will, of course,
37 then be a stock enhancement. I urge you to please take action
38 to improve red snapper management by passing Amendment 40 and I
39 would suggest that you do not attempt to do the sunset provision
40 and allow a five-year review. Thank you very much.

41
42 **CHAIRMAN ANSON:** Thank you, Steve. Next we have Scott Robson,
43 followed by Jim Green.

44
45 **MR. SCOTT ROBSON:** My name is Scott Robson and I run the
46 Charterboat Phoenix in Destin. I've been fishing for over
47 thirty-five years now. I am just here to ask for you to vote
48 for Amendment 40, just like at the last meeting we were at.

1 Obviously it was an overwhelming testimony in support of
2 Amendment 40 and I hear a lot about what we're representing will
3 -- That we are representing millions of recreational anglers.

4
5 We just ask you to give us a tool so we can be fair and
6 equitable and help design a platform that will work for the
7 charterboats for-hire and in line of that, when I'm talking fair
8 and equitable, I notice now that the council -- We have changed
9 our preferred alternative to a 44 percent and now I hear,
10 because of the new MRIP, that that's going to drop down to 40
11 percent.

12
13 I think in looking at all this and trying to be the most fair
14 and equitable for both sectors is more of a closer to
15 Alternative 2, closer to a 50/50 split on allocation of these
16 snapper and with that in line, I would also like for you to take
17 a look at gag groupers again.

18
19 Up in our area, we feel like they have not been rebuilt yet. Go
20 with the two red groupers and earlier, someone had made a
21 comment. When we talk about how important these red snapper are
22 to us, someone stood up here and said, well, we all fished this
23 summer and obviously red snapper must not have meant anything to
24 us.

25
26 Well, he didn't mention that that particular person had
27 transferred his federal permit off his boat so he could enjoy
28 the fifty-three-day state season and so I just want to bear that
29 in mind, that while they talk that snapper don't mean very much
30 to them, obviously it does when you're transferring permits and
31 so we would just like that chance to develop a program and a
32 plan that would help our for-hire industry. Thank you.

33
34 **CHAIRMAN ANSON:** Thank you, Scott. Next we have Jim Green,
35 followed by Nick Gutierrez.

36
37 **MR. JIM GREEN:** My name is Captain Jim Green and I'm the Vice
38 President of the Destin Charterboat Association and I'm speaking
39 on behalf of the DCBA. The DCBA strongly supports a red grouper
40 framework action that would reduce the bag limit in single fish
41 increments, or as the council deems necessary until the ACL is
42 reached or to extend the harvest season.

43
44 In regard to Amendment 40, I want to first call upon the council
45 to make a motion and vote for at least a ten-year moratorium or
46 to remove the chance of intersector trading. Please ease the
47 minds and remove this distraction from the excuse trail and why
48 not to pass this amendment. At this idea, the idea is toxic and

1 if desired in the future, allow it to stand on its own through
2 the amendment process.

3
4 Also, in light of what actions were taken in committee, we would
5 prefer to ask the council for Amendment 40 to be placed on a
6 five-year review instead of the sunset clause that has been
7 discussed.

8
9 Amendment 40 is the only action on the table that will protect
10 the access of the Americans that are not fortunate enough to own
11 their own vessels to access their resource and it also protects
12 the 1,100 federally-permitted vessels that were permitted by
13 this council to constrain and lock in access.

14
15 We accepted a level of access over a decade ago and its purpose
16 was to plateau effort and establish our access. Somewhere along
17 the way, our sacrifice to preserve the future of the Gulf has
18 succumbed to political pressure and uncertainty.

19
20 Our permits have evolved into an implosion of the original
21 purpose and are tools of destruction and that must change. We
22 are here today to testify for your vote on something that was
23 decided over a decade ago. We are a controlled number of access
24 points that are ready to move heaven and earth to provide the
25 accountability this council has been searching for.

26
27 We take millions of anglers fishing a year and unlike I would
28 like someone to admit that it's about preserving their access.
29 The states have enjoyed generous seasons and these states
30 justify this access by the rebuilding of the stock.

31
32 The red snapper fishery was not rebuilt in the state territorial
33 waters. It was rebuilt in the EEZ. It was rebuilt by the
34 burden that has been placed on the backs of federally-permitted
35 businesses, our anglers, and our constrained harvest rates.

36
37 We deserve the right to develop our EFP and our anglers have
38 suffered long enough from this inequity in the fishery. We are
39 asking for a chance to secure the access we levied on ourselves
40 over a decade ago. We are asking for a chance to develop a
41 management system that provides our industry with an
42 accountability that's never been seen.

43
44 We have too much to lose. Our life's work and investments are
45 tied into our businesses. Under the current system, we are
46 deluded into a massive group in which our anglers are counted
47 not as individuals, but only as permits.

48

1 This is about the betterment of the fishery, which can only be
2 truly done with accountability and the remove of uncertainty.
3 Plenty of people get up here and list reasons why it may not
4 work and option on why it might fail and claim that better data
5 is needed, but they will also be the ones to say keep it status
6 quo.

7
8 It's time we moved forward with a fishery for the 21st century
9 and the DCBA urges the council to call a vote on Amendment 40
10 tomorrow and we'll fully support and request that a minimum
11 Alternative 2, at face value, or 9, considering the MRIP
12 calibration on Action 2.2 on Amendment 40.

13
14 **CHAIRMAN ANSON:** Thank you. Nick Gutierrez, followed by Shannon
15 Williams.

16
17 **MR. NICK GUTIERREZ:** Hello. My name is Nicholas Gutierrez and
18 I'm from Galveston, Texas and I run my family's seafood company,
19 Katie's Seafood Market. I am in favor of Amendment 40 and I am
20 not in favor of the sunset clause.

21
22 I feel that the charter for-hire boats need to be able to run
23 their businesses and support their families and survive. If we
24 just shoot down Amendment 40, they will get what they have been
25 getting and things will stay the same.

26
27 I feel the charter for-hire businesses would want to control
28 their own destiny. They don't want to be punished for what the
29 recreational fishermen are not doing right. Please vote in
30 favor of Amendment 40 and shoot down the sunset clause. Thank
31 you.

32
33 **CHAIRMAN ANSON:** Thank you, Nick. Shannon Williams, followed by
34 Jillian Williams.

35
36 **MS. SHANNON WILLIAMS:** Good afternoon. My name is Shannon
37 Williams and I currently work for Williams Partyboats, a company
38 established in 1946 by my great-grandfather, Stack Williams. I
39 have a degree in maritime administration from Texas A&M
40 University at Galveston.

41
42 I am here today to speak in favor of Amendment 40. This is
43 something the for-hire fishing sector desperately needs. Red
44 snapper are, and always have been, the lifeline at Williams
45 Partyboats and many other charter and headboat companies along
46 the Gulf Coast.

47
48 The for-hire industry is dying due to current management

1 policies. The percentage of red snapper harvested by the for-
2 hire sector is at historical lows. This has resulted in about a
3 20 percent reduction of the fleet since 2003. I believe the
4 2014 red snapper season for the for-hire sector will only
5 intensify this.

6
7 We may have no red snapper season for 2015 for the for-hire
8 sector if Amendment 40 does not pass. At the same time, private
9 recreational fishermen will have access to red snapper for a
10 much longer period, many for 365 days. This does not seem fair.

11
12 The private recreational fishermen might harvest the entire
13 recreational quota and the for-hire sector may be shut out. Be
14 mindful that the red snapper resource belongs to all Americans
15 and not passing Amendment 40 will result in denying most
16 citizens the opportunity to enjoy catching red snapper. We are
17 the only avenue for the general public to do so. Please do the
18 right thing and vote for Amendment 40. Thank you.

19
20 **CHAIRMAN ANSON:** Thank you, Shannon. Jillian Williams, followed
21 by Johnny Williams.

22
23 **MS. JILLIAN WILLIAMS:** Good afternoon, everyone. My name is
24 Jillian Williams and I am from Williams Partyboats in Galveston,
25 Texas. I am a fourth generation captain for my family. We've
26 been in business since 1946 and red snapper is one of the main
27 fish that we have always counted on.

28
29 The system that we have right now is not working and it's
30 absolutely insane that we keep doing the same thing over and
31 over again and every year we get less and less days and people
32 are still sitting here expecting a different result.

33
34 You know it has not gotten better at all for anybody, the
35 recreational or the charterboat guys. We need a change. We
36 need to try something different. We need to not be afraid of
37 doing something. If we just sit here and do the same thing over
38 and over again, we are going to get the same results and it's
39 not going to magically change.

40
41 We need to be able to explore other options. If we get nine
42 days last year and what are we looking at, maybe zero or one
43 days? I don't know how the recreational guys say that this is
44 going to be so horrible, because right now we're all in the same
45 boat and nobody is getting any fish right now. We need to do
46 something different.

47
48 We need to stand up and make a change and try to do something.

1 Not everything is going to go flawlessly, but that's what change
2 is about, is seeing what will happen to benefit people.

3
4 We are in this country because people stood up and decided to
5 make a change. That's why we have the United States of America,
6 because people knew that things needed to be changed and now we
7 live in a great country that that's what we're supposed to be
8 able to do. We're supposed to be able to make changes to help
9 us and do better and right now, nothing is working and we need
10 to do something.

11
12 I am in fully support of Amendment 40 and like I said, nothing
13 is ever going to go flawlessly when you change things, but you
14 have to give us the opportunity to try, because right now, it is
15 absolutely failing and so, please, please, please. We need
16 Amendment 40 and we need to do something.

17
18 All of these people are coming up here against it and I don't
19 hear any of them with any good ideas of what else we should do.
20 We have to do something and so please vote for Amendment 40.
21 Thank you.

22
23 **CHAIRMAN ANSON:** Thank you. We have Johnny Williams, followed
24 by Mike Nugent.

25
26 **MR. JOHNNY WILLIAMS:** Good afternoon. I'm Johnny Williams with
27 Williams Partyboats, Incorporated, in Galveston, Texas. I have
28 been a proponent of sector separation for about twenty-five
29 years now. I remember the first letter I wrote to the Gulf of
30 Mexico Fishery Management Council and most of you all weren't
31 here then, but I thought that we should have three different
32 sectors and not two, the private recreational fishermen, the
33 for-hire sector, and the commercial sector.

34
35 Well, hopefully after twenty-five years this is going to finally
36 come to fruition for us and usually I get up here and argue
37 about the differences between the two groups, but today I am
38 going to do something a little different.

39
40 I want to talk about 1992. I was on the Reef Fish Committee in
41 1992 and one of my friends, Bob Spaeth, he told me that he
42 thought that maybe since the red snapper fishery was doing so
43 well over in the western Gulf that he might send some of his
44 commercial boats over there and fish for red snapper and I
45 thought that if Bobby had that idea, probably a lot of folks did
46 as well and I thought we needed to do something to protect the
47 commercial fishermen.

1 At one of the Reef Fish Advisory Committees, I recommended
2 coming up with some sort of tier system and the council
3 developed that and we ended up with a 2,000-pound permit and a
4 200-pound permit.

5
6 Even though this eliminated me from the current commercial
7 fishery, because I didn't qualify for the 2,000-pound permit,
8 because I didn't have 5,000 pounds of landings in two of the
9 three years, I supported it, because it was the right thing to
10 do.

11
12 We have a governor in Texas that -- I am a conservative and I
13 usually vote for the Republican, because they are usually the
14 most conservative person in the race, but we did have one
15 governor named Mark White that I had a great deal of admiration
16 for and when he got elected, the first thing he did was enacted
17 a plan to where you had to pass to play in sports in school.

18
19 This alienated a lot of his base and he also initiated a rule to
20 where the teachers had to pass a test and so we didn't have
21 people that couldn't read and write trying to teach people to
22 read and write. Half of the people in the teacher's union were
23 upset about it because they couldn't pass it and the other half
24 because they were insulted because it was too easy.

25
26 Basically, he did the right thing, even though it cost him his
27 political career and what I am asking you all to do is to do the
28 right thing. You all know that we had a nine-day season last
29 year and if Amendment 40 doesn't pass, there is a very good
30 possibility that we're going to have a zero-day season next
31 year.

32
33 I am asking you all tonight when you are in bed to think about
34 what's fair and what's right. I know a lot of you all are under
35 a lot of pressure, but just study your conscience and do the
36 fair thing and do the right thing. Thank you.

37
38 **CHAIRMAN ANSON:** Thank you, Johnny. We have Mike Nugent,
39 followed by Mike Whitfield.

40
41 **MR. MIKE NUGENT:** My name is Mike Nugent and I'm a charterboat
42 owner and operator from Aransas Pass, Texas. I am President of
43 the Port Aransas Boatmen Association. Our association and our
44 community has been against sector separation since the get-go in
45 its various incarnations of save ourselves and save our sector
46 and now sector separation.

47
48 The primary two reasons we were against it then and are still

1 against it is has always been a preamble to catch shares and
2 it's easy to indulge in semantics and a little word play and
3 it's perfectly accurate to say that Amendment 40 is not catch
4 shares and it's not intersector trading. It's also accurate for
5 me to say that on December 2 there is an AP convening for IFQs
6 for the charterboat fleet. Coincidence? I don't know.

7
8 I would also tell you that I was on the LAPP Advisory Panel here
9 a few years ago and if you will take the time and go back to the
10 oral records in the archives, I think you will see that it's not
11 misinformation when people are concerned about intersector
12 trading. I think you will see there was a great deal of
13 discussion in that AP about intersector trading and so that was
14 our biggest reasons then and it's our biggest reasons now.

15
16 If you all want to do like you did the sunset thing and if you
17 want to insert like an eight-year moratorium on catch shares and
18 a ten-year moratorium on intersector trading, well let me get a
19 vote and I bet you I can come back up here with a different
20 story, but that's where it is at the moment.

21
22 I want to take just a second and I'm going to verbally
23 plagiarize, if that's the correct term, a sentence from the
24 CFA's position paper. It's a quote from Shepherd Grimes from
25 NOAA General Counsel in June of 2013.

26
27 His quote was: You can have a subquota for private recreational
28 and for-hire recreational, but there needs to be an aggregate
29 recreational quota that results in no recreational fishing when
30 it's reached.

31
32 This was in regards to 407(d) and either I am not understanding
33 it or I'm not reading it right or no matter what happens with
34 Amendment 40, when the recreational quota is reached, all these
35 great things that we're saying that sector separation is going
36 to give us, I don't see it happening. I think it's something
37 that needs to be considered.

38
39 The other thing I would like to mention was I started coming to
40 council meetings in 1996 and so there's been three Regional
41 Directors and one interim since then and what I would like to
42 say was in my recollection, anytime it was an allocation issue,
43 the NMFS Director didn't vote and so if he deems to vote in this
44 tomorrow, I would like for it to be stated on the record at the
45 time as to why they are breaking from tradition and voting on
46 this occasion. Thank you very much and I appreciate your time.

47
48 **CHAIRMAN ANSON:** Thank you, Mike. We have Mike Whitfield,

1 followed by Chad Hanson. Mike Whitfield? No Mike Whitfield?
2 Okay, Chad, you're up, followed by Jason Delacruz.

3
4 **MR. CHAD HANSON:** Good evening, council members and staff. I am
5 Chad Hanson with the Pew Charitable Trust and thanks for the
6 opportunity to speak tonight on a couple of issues.

7
8 First off, on amberjack, we are encouraged the council is taking
9 positive steps to address the chronic overfishing of greater
10 amberjack and restore the population. The framework action
11 could be further improved by laying out potential rebuilding
12 plan schedules that include calculations of how likely it is
13 that various catch levels and other measures will successfully
14 end overfishing and rebuild the stock.

15
16 It is important to have that information laid out so the council
17 can select a plan that finally will put this fishery on the road
18 to recovery. To that end, we recommend a constant catch
19 strategy for amberjack set at a conservative level and an
20 increase in the recreational minimum size limit.

21
22 However, we also recommend that additional analysis be conducted
23 to evaluate the extent to which this may increase discard
24 mortality. Those combined actions better account for the
25 biology of the greater amberjack and should lead to increased
26 productivity and a healthier fishery.

27
28 Secondly, on gag, we wanted to take a moment to reflect on the
29 high uncertainty in the fishery. As detailed in our letter to
30 the council, there is ample reason to be concerned and thus, we
31 urge you to exercise caution when selecting catch limits and to
32 consider whether other steps are warranted to protect gag.

33
34 The assessment indicates that a combination of several years of
35 high recruitment in the mid-2000s, followed by the significant
36 reductions in fishing mortality, combine to successfully end
37 overfishing.

38
39 However, the SSC questioned how real and strong the biomass
40 increase really is and they also expressed concern over the
41 continued low proportion of males in the population. There is a
42 wide divergence in the results of the 2014 assessment, depending
43 on which of the two primary models were selected.

44
45 Each showed a very different picture of the population's health
46 and the assessment also showed record low recruitment in 2011
47 and 2012 and this is now compounded by the ongoing red tide over
48 the center of gag abundance. Also, your Reef Fish AP responded

1 to all this uncertainty by recommending that the council take a
2 precautionary approach in setting catch limits.

3
4 We recommend taking all of this information into account when
5 catch levels and management revisions of gag are discussed.
6 There is sufficient reason to proceed with caution in gag
7 management and we encourage you to consider other ways to
8 stabilize and sustain the population to prevent a boom and bust
9 cycle in this fishery.

10
11 Third, we urge final approval of Amendment 40 this week as an
12 important step to set up a management strategy specifically
13 tailored to the unique needs of the two components of the
14 recreational fishery. We see this action as mutually beneficial
15 for both components of the fishery, as it creates a system
16 favorable to improved accountability and reduced management
17 uncertainty.

18
19 This, in turn, should prevent quota overages in the recreational
20 fishery that could threaten the continued recovery of the
21 population. When this issue comes before the full council, we
22 recommend revising the sunset action to instead require a formal
23 review after five years, to allow for a more robust analysis of
24 this approach and for consistency with other council actions.

25
26 The long-term sustainability of the red snapper resource and the
27 viability of for-hire businesses and the future of the private
28 recreational fishery all hang in the balance and wait the
29 decision of council action.

30
31 Finally, we wanted to recognize and acknowledge the excellent
32 service of Mr. Phil Steele, who has provided fisheries and
33 stakeholders over the course of the years and we wish you very
34 well from Pew in your long-deserved retirement. Thank you.

35
36 **CHAIRMAN ANSON:** Thank you, Chad. All right. We have Jason
37 Delacruz, followed by Jack Wilhite.

38
39 **MR. JASON DELACRUZ:** How are you doing? I am Jason Delacruz and
40 thank you for your time and I would like to note that when I
41 started this process eight years ago that I didn't need these
42 and so I'm not saying it's you guys fault, but anyway.

43
44 I am the owner of Wild Seafood Company and also Don's Dock. I
45 have said it before and I will say it again, but I have feet in
46 both sectors here. Amendment 40 is the first time I have seen a
47 potential amendment that actually could help both sides of my
48 business.

1
2 One, I have a significant amount of charterboats that come to my
3 dock on a daily basis and to finally get these guys to develop a
4 management plan that might actually help them extend their time,
5 in which case I get to sell them more fuel and I get to sell
6 them more bait and ice and that works out good for both of us.
7
8 Also, from the commercial side of my business, it actually puts
9 more accountability in the fishery and it secures the resource.
10 The better the resource is, it actually does help both sides and
11 I think that's a great thing and I really hope that everybody
12 votes their conscience and not their political views tomorrow.
13
14 It's really a challenging thing to do, but I think Johnny
15 Williams did make a good point. Sometimes you've just got to do
16 the right thing no matter what and it's just the bottom line.
17
18 The next thing I would like to talk about a little bit is maybe
19 Amendment 36 and what the potentials of that are. You guys are
20 going to take what is arguably your best success story and begin
21 to undermine it by putting different caveats in that actually
22 are only going to cause us to act completely different and take
23 away the flexibility in our IFQ fishery.
24
25 We have what I feel is a great fishery and it has incredible
26 flexibility and I get three new boats starting this week. I
27 will have three new young kids coming in and running boats and I
28 have the same scenario with all of them. You know, you guys
29 want to fish it and I will sell you the boat. If you want to
30 move up in the fishery, you let me know and we'll grow together.
31
32 I think that's an incredible thing and everybody wants to talk
33 about the new entry side of the IFQ fishery and you know, it's
34 funny. It was a capacity reduction plan, but the reality of it
35 is that as everybody gets older, we need new guys to go catch
36 fish and that is exactly what's happening and it's stability
37 that is causing these guys to come to me, because now they can
38 see that they can make a consistent living by doing this and I
39 think that's a great success story and we've got to remember
40 that.
41
42 Greater amberjack, my commercial guys, they are happy to go to a
43 1,000-pound trip limit to try to keep this fishery open. They
44 hate it and they still think it's foolish and let's go to some
45 sort of system that actually gives these guys a chance to catch
46 these fish when they want and we obviously know that's an IFQ.
47
48 If we could ever start talking about that, that would be a

1 fabulous idea and I wish we would. I mean that's the only way
2 to make this whole fishery round out and agree.

3
4 The gag fishery, I would say when it comes to spearfishing that
5 I am a very good spear fisherman and I kill more gags than most
6 people and those fish aren't there. I don't care what anybody
7 else at this podium has said. I have some of the best gag
8 fishermen that fish for me and they are not there. We need to
9 be very careful what we do with that fishery. I do not want to
10 crush it and collapse it. Those are my favorite fish and they
11 deserve the respect. They just deserve it. They really are a
12 great fish.

13
14 As far as Amendment 28, I think one of the things that we need
15 to pay very close attention to is what your own SESSC said,
16 which is that even in the marginal net benefit of as much as 1
17 percent of an adjustment that they cannot see that as best
18 available science to make an adjustment and you guys really need
19 to keep that in mind. That's critically important. Thank you.

20
21 **CHAIRMAN ANSON:** Thank you, Jason. Next we have Jack Wilhite,
22 followed by Ricky McDuffie.

23
24 **MR. JACK WILHITE:** Hi and I'm Captain Jack Wilhite. I fish the
25 boat Summer Hunter. I bought it in January of 1989 and I've
26 been fishing ever since. It's a six-passenger vessel and most
27 of our trips are family trips, about 90 percent.

28
29 I support Amendment 40 and I think it should be passed because
30 it's the only avenue I can see going forward for the charter
31 fleet, especially Alabama and maybe the Pensacola area, where
32 the snapper are so prevalent.

33
34 Now, the sunset clause, you should never have an amendment
35 passed with a sunset clause on it, because you have an inception
36 and an end. I would be for a review, but I think it should be
37 at least a five-year period, because I understand the council
38 process and you need a couple of years to look at it before you
39 can start to make some changes. It takes two to three years to
40 make any changes and so I would ask for at least a five-year
41 period and then a review.

42
43 On the amberjack, I have fished amberjack for a pretty good bit
44 and I am for a thirty-six-inch. I would really like to see it a
45 lot like the snapper. An average sized amberjack is fifty-
46 pounds and we are nowhere near that. You can't catch those fish
47 now and so it might be good, over time, to even step them up in
48 two-inch increments, even beyond the thirty-six. Redfish, yes,

1 I would like to see some open in federal waters and that's all I
2 have and thank you.

3
4 **CHAIRMAN ANSON:** Thank you, Jack. Next we have Ricky McDuffie,
5 followed by George Eller.

6
7 **MR. RICKY MCDUFFIE:** I am Ricky McDuffie and I've been in
8 business for thirty-seven years and I have Sea Hunter Charters
9 and I have a headboat and a multi-passenger boat, both
10 federally-permitted boats.

11
12 Over the last three or four years with these uncertain
13 regulations -- I used to be booked a year in advance and seven
14 days a week all summer long for at least six solid months and
15 now, I bet I don't book twenty-five trips in advance, because no
16 one ever knows what is going to be open and what's not. It's
17 just terrible to run a business and guys have talked about we're
18 still here and we're still here and well, some of the little
19 boats that relied on the tourists and the little short trips,
20 they are still running, but our repeat customers aren't coming
21 back and they are just -- They have given up.

22
23 That's no way to run a business and Amendment 40 will
24 potentially give us a chance and I heard someone earlier say we
25 were -- Us wanting Amendment 40 and sector separation that we're
26 going to cause the communities not to -- We're not against the
27 recreational guys. We're not doing this because we have
28 anything against them.

29
30 We are just trying to be able to be accountable for what we do
31 and so I mean it's a no-brainer for you all to give us a chance
32 to try to get back what we've worked our whole lives for and so
33 we need Amendment 40 and we need it to go at least five years
34 before a review.

35
36 Amberjack, I would say you can go to thirty-six or whatever will
37 give us a longer season. Phone calls, when they call and you
38 tell them everything is closed and they are not going to book.
39 At least even if you can't catch thirty-six-inchers on the trip
40 they book, you can at least say it's open and we do have that
41 opportunity and that will help and red grouper, two per person
42 would be great. Thanks.

43
44 **CHAIRMAN ANSON:** Thank you, Ricky. We have George Eller,
45 followed by John Giesbrecht.

46
47 **MR. GEORGE ELLER:** Mr. Chairman and members of the council,
48 thank you for the opportunity to speak. Dr. Crabtree, thank you

1 for your continuing professional oversight on this matter. I am
2 George Eller from Destin, Florida and I have two charterboats
3 there. My family is a multigenerational fishing family in the
4 business for in excess of thirty-five years.

5
6 I am 150 percent in favor of Amendment 40. It makes sense and
7 it's the right thing to do and it's the smart thing to do. With
8 sector separation, we in the for-hire industry can get together
9 with the Gulf Council and figure out what's best for our
10 industry.

11
12 Now, I don't pretend to know what's best for the private
13 recreational sector, but it would make sense to me that they and
14 their leaders, if any, can get together with the Gulf Council
15 and figure out what's best for their sector.

16
17 I would prefer to see a five-year review. Any system that goes
18 in place needs time to work out any bugs, if any. I am 100
19 percent against intersector trading. Intersector trading is the
20 kiss of death to the charterboat industry as we know it.

21
22 I think that, with the Gulf Council's help, we can move forward
23 on this and maybe, with any luck, it will eventually come to the
24 point where we can institute an IFQ for charterboats, which
25 would be, in my opinion, the ultimate way to stop any kind of
26 overfishing. When you are done, you're done, but at least we
27 would be able to tell our customers when we can catch a fish and
28 when we can't catch a fish and this has always been one of the
29 big problems.

30
31 It was heartbreaking this year for people who scheduled fishing
32 trips on the 15th and I had to call them up and say, no, we can't
33 do it. I am confident that the council will vote in favor of
34 Amendment 40 and we can go on from there. Thank you.

35
36 **CHAIRMAN ANSON:** Thank you. John Giesbrecnt, followed by Cody
37 Carter.

38
39 **MR. JOHN GIESBRECNT:** My name is Captain John Giesbrecnt from
40 Destin, Florida. I'm a longtime charterboat captain and I rely
41 heavily on reef fishing, i.e., snapper fishing. I am in favor
42 of Amendment 40 and would ask you folks to vote accordingly.
43 Thank you.

44
45 **CHAIRMAN ANSON:** Thank you, sir. Cody Carter, followed by Candy
46 Hansard.

47
48 **MR. CODY CARTER:** I'm a partyboat captain down in Galveston,

1 Cody Carter, and I'm for Amendment 40, just for the fact that I
2 want more than nine days this year. I can't make a living off
3 of nine days for the rest of the months of the year and so I'm
4 really for it and thank you, all.

5
6 **CHAIRMAN ANSON:** Thank you. Candy Hansard, followed by Thad
7 Stewart.

8
9 **MS. CANDY HANSARD:** Amendment 40 will do nothing to conserve the
10 health and the sustainability of the fishery, protect fish
11 habitats, or develop underutilized fisheries as the MSA was
12 created to do.

13
14 The MSA published goals says that this council is to consider
15 the social and economic needs of states. Texas, Louisiana,
16 Mississippi, and Florida Fish and Wildlife regulatory agencies
17 have submitted letters of opposition to Amendment 40.

18
19 Nowhere in the MSA does it say that it's the goal of the MSA to
20 maximize the profit of individuals by denying access to the
21 public. This is exactly what privatizing three-quarters of the
22 fishery will accomplish.

23
24 The Gulf of Mexico is a public resource and creating situations
25 where the only way the public can enjoy red snapper is to buy a
26 spot on a charterboat or buy fish from the commercial industry
27 was never the intention of the Magnuson-Stevens Act and yet, if
28 you vote for sector separation, that is exactly what you will be
29 doing.

30
31 While I sympathize with the situation the charter industry is
32 in, due to the actions of this council, namely Amendment 30B, I
33 do not believe that the situation should be made worse by
34 creating a larger problem by disenfranchising millions of Gulf
35 Coast anglers by denying them access to the fishery and their
36 heritage.

37
38 Also, while this council has busied themselves with management
39 schemes to manage people, they have failed to address the
40 biggest threat our fishery has ever faced and that is the
41 invasion of the lionfish that has now invaded the entire Gulf of
42 Mexico.

43
44 Instead of passing more regulations to control people, how about
45 passing some measures to control the exploding populations of
46 the lionfish before all of these fishermen are excluded from the
47 fishery because the lionfish has decimated our native fish
48 populations? That is all I have to say and thank you very much.

1
2 **CHAIRMAN ANSON:** Thank you, Candy. We have Thad Stewart,
3 followed by Andy Driscoll.
4

5 **MR. THAD STEWART:** I am forfeiting what I wrote out of respect
6 for somebody that deserves everybody in this room's respect. I
7 think it was the early 1990s when the fishery regulations
8 started. Regulations were badly needed, because some of the
9 fish were being badly abused.

10
11 Around 2000, we went to a six-month, four-fish season and
12 amberjack were at three fish per person. We voluntarily asked
13 to have it reduced to one fish. We didn't need to catch that
14 many amberjack.

15
16 This season worked out perfectly. We fished nearly every day,
17 but we did not, by any means, hurt the snapper fishery. In the
18 years we had six-month seasons, these required us to build ten
19 reefs per season. Most of the charterboats, plus the State of
20 Alabama, were deploying reefs, which created more structure and
21 habitat for the growing red snapper population.

22
23 When the season was cut from six months and the bag limit went
24 to two snapper, things started going downhill. Boats that saw
25 175 trips a year were averaging a hundred and things got tight
26 and no one could afford to build new reefs.

27
28 This hurts, because you need new structure to replenish the
29 older reefs. Move ahead to this season, which was a total
30 disaster. We were told for the longest time we would have a
31 forty-day season and I booked all forty days with charters,
32 thinking they would have red snapper.

33
34 Just days before the season, we were told our season was nine
35 days and about half canceled and I mailed back their deposits.
36 Thank goodness we had the tuna to fall back on. Many boats
37 didn't have the range.

38
39 After surviving the season, I support Amendment 40. Our biggest
40 population of red snapper is ten to fifty miles off the coast
41 and so fishing at less than nine miles isn't an option. I
42 personally think the red snapper population is quadruple what it
43 has ever been. I know it is since I started fishing fifty years
44 ago.

45
46 I support Amendment 40 with no sunset provision and federal
47 redfish and amberjack at whatever size gives us the longest
48 season and drop red grouper to two per person. That's it and

1 thank you.

2
3 **CHAIRMAN ANSON:** Thank you, Thad. Andy Driscoll, followed by
4 Joe Tuck.

5
6 **MR. ANDY DRISCOLL:** My name is Andy Driscoll and I work on the
7 charterboats out of Orange Beach. I am here in support of
8 Amendment 40. That's the only way we're going to step forward
9 in making accountable measures for our fish stocks. As far as
10 the red grouper, two per person and an increase in the amberjack
11 size would be good. It would prolong our seasons and give our
12 customers more range of fish to be able to angle and that's all
13 I've got and thank you.

14
15 **CHAIRMAN ANSON:** Thank you. Joel Tuck followed by Mark Tryon.

16
17 **MR. JOEL TUCK:** I am a pretty bottom-line-type of guy and I'm a
18 recreational fisherman and I have a lot of buddies that fish
19 with me. I looked it up on Amendment 40 and I noticed that the
20 Amendment 40 was voted down by the Red Snapper Advisory Panel
21 and then it was also voted down by the Reef Fish Committee and I
22 was thinking, why are they even talking about it?

23
24 Because of that, I would say that I would ask you to vote no in
25 reference to Amendment 40. I mean I can go ahead and talk about
26 all of the stuff they talked about and the privatization of 75
27 percent and all that sort of stuff that scares me to death, but
28 that's all I have to say and thank you.

29
30 **CHAIRMAN ANSON:** Thank you. Mark Tryon and Janet Tuck.

31
32 **MR. MARK TRYON:** Mark Tryon and I'm a commercial fisherman, of
33 red snapper primarily, from Gulf Breeze, Florida. I used to
34 have the federal permits for charter fishing and I sold them a
35 couple of years ago and I kind of thought this didn't really
36 concern me, this whole process, with the sector separation, but
37 in reality it does.

38
39 I think that you should allow these federal for-hire people to
40 become accountable through sector separation and end the unfair
41 system where they are not allowed to fish in state waters when
42 the state guideboats and the private boats are fishing. It's
43 totally, totally unfair.

44
45 I favor the thirty-six-inch recreational amberjack limit.
46 Observations of fishing this year relating to grouper, I am
47 seeing few red grouper and few gag grouper in my area of
48 operation.

1
2 I don't see, particularly in our area, where there is not that
3 many grouper to begin with, where the folks would be negatively
4 impacted by the reduction in red grouper to two fish and so I
5 think that would be a good idea and I would be in favor for
6 allowing some sort of a limited recreational fishing opportunity
7 for the redfish out in federal waters and then just one final
8 note regarding this Amendment 36, the potential modifications to
9 the red snapper IFQ, I just think we've got a very good system
10 in place right now and perhaps it does have to be tweaked a
11 little bit, but I think you have to exercise caution in whatever
12 you do, because we do have a system that's been very successful
13 and it works and I was kind of disturbed at some of the things I
14 saw in there.

15
16 Some of the ideas I thought were very good, but some I don't
17 know about, but we are just at the beginning stage of that and
18 so I'm not going to make any comment on any specifics at this
19 time. Thank you.

20
21 **CHAIRMAN ANSON:** Thank you, Mark. We have Janet Tuck, followed
22 by Kristen McConnell.

23
24 **MS. JANET TUCK:** I am Janet Tuck and I live in Montgomery,
25 Alabama. I spent a lot of my growing-up years in Pensacola and
26 so I would say recreational angler would definitely apply here.
27 Before I even say anything, I want to thank each and every one
28 of you for your attention that you have given to both sides of
29 the issue and to listening to us, the citizens. It means more
30 than you may know.

31
32 I have heard repeatedly today that the charterboat business just
33 want equality and that sector separation would be equitable. It
34 seems to me that it's not equitable when it takes away from the
35 recreational fishermen.

36
37 Amendment 40 will have the end result of privatizing 75 percent
38 of the Gulf red snapper fishery. Commercial fishermen have 51
39 percent and the sector separation will give 24.5 percent to the
40 charters, which makes 75.5 percent of the fishery that will be
41 privately owned and the fish is a resource and it should be
42 available to the people that live here and not just the
43 businesses.

44
45 I respectfully request you vote no to Amendment 40 and increase
46 the quota, as the recent Gulf council presentations have shown
47 there are lots more red snapper than there used to be. Numerous
48 people have given different numbers, but it has gone up. I

1 would ask that you allow more quota and not more limitation and,
2 again, I ask that you respectfully vote no on the sector
3 separation. Thank you very much.

4
5 **CHAIRMAN ANSON:** Thank you. We have Kristen McConnell, followed
6 by Mike Eller.

7
8 **MS. KRISTEN MCCONNELL:** Hi. I am Kristen McConnell and I'm with
9 Environmental Defense Fund and thank you all for your attention
10 this evening. I think we're all here today not because we're
11 gluttons for punishment, but because we want to improve the ways
12 that our Gulf of Mexico fish are managed and so I wanted to talk
13 a little bit about what that means for EDF.

14
15 That means that we want to maximize fishing opportunities and we
16 want to avoid the waste of fish and we want to prevent
17 overharvest and we want to support healthy ecosystems. It also
18 means that we want to ensure that our fish are managed in a way
19 that gives everybody a chance to experience them, whether that's
20 on a plate, on their own boat, or on the back of a charterboat.

21
22 This council is charged with the task of balancing all of that
23 and this is never easy. It is particularly hard right now,
24 because recreational management for red snapper is not doing any
25 of the things that I just mentioned.

26
27 There have been years of huge overharvests that were only
28 prevented this year by a big buffer. Fishermen are furious
29 about unpredictable, ever-shorter seasons. States are not
30 working cooperatively with federal managers and people who fish
31 offshore from charterboats have almost completely lost the
32 opportunity to land these fish and so it's time for the council
33 to approve Amendment 40.

34
35 It's time to recognize that we must change our management in
36 order to do these things, in order to maximize fishing
37 opportunities in order to prevent overharvest and to continue
38 the rebuilding and to make sure that everyone can share in this
39 fishery.

40
41 You have heard from a lot of different stakeholders tonight,
42 from environmentalists, from local governments, commercial
43 fishermen and the seafood industry, and, of course, charter
44 captains and their crew and their customers, that it's time to
45 move past this political pressure and towards real solutions and
46 so I would encourage the council tomorrow to vote yes on
47 Amendment 40 so that we can move forward to actually fixing some
48 of these problems. Thank you.

1
2 **CHAIRMAN ANSON:** Thank you. Mike Eller, followed by Gordon
3 Burdette.

4
5 **MR. MIKE ELLER:** I am Captain Mike Eller from the world's
6 luckiest fishing village of Destin, Florida. Thanks for your
7 patience in hearing everybody this evening. I am here
8 representing the 1,400 people, recreational anglers, that I've
9 had on my boat so far this year and I hope to have a few more
10 before the year is over with.

11
12 I support Amendment 40. I believe that Amendment 40 will allow
13 us an opportunity to break out of the Catch-22 that we're in,
14 overfishing and losing quota off your next year's quota. I
15 believe it's an opportunity to finally move the ball forward, in
16 an effort to get real-time collection in both catch and effort
17 in the for-hire sector. I believe it will stop the loss of
18 federal fishing landings to state waters and I believe it will
19 also provide a catalyst to the private recreational sector.

20
21 Once the for-hire sector and all of the recreational anglers
22 that access the fishery in the for-hire sector -- Once we work
23 out and tweak and get a working plan, where we can count their
24 fish and we can show what they're catching in real time, I
25 believe that it will -- One, that we can provide a framework
26 that the private recreational groups can look at us and say,
27 hey, let's adapt some of what they've done or let's try to do
28 the same thing.

29
30 I believe it will provide a catalyst, since they'll be the only
31 ones that won't be in a system where their fish are counted very
32 accurately. It will allow us to spend our valuable time working
33 on other issues other than red snapper, which we've worked on
34 for a long time now.

35
36 What Amendment 40 will not do, Amendment 40 will not allow
37 intersector trading between the commercial and recreational
38 quotas and it will not take away any historical landings from
39 any other sector and it will not take away anyone's fishing
40 rights, nor will it be the end of the world.

41
42 Change is scary for a lot of people. We all know that change is
43 not only needed, but long overdue and let's not let the
44 naysayers and those of narrow focus stop our efforts to really
45 just come up with a better plan.

46
47 We have all been here for a long time and some a lot longer than
48 others and we've been beating this dead horse for a long time

1 and so I appreciate the opportunity to move it forward and while
2 I don't want to see a two or three-year sunset, I do believe
3 that a five-year, where we can go back and we look at it and if
4 it's working, let's keep it going and if it's not working, let's
5 fix it or scrap it, one of the two.

6
7 Anybody that has got good intentions has no problem agreeing to
8 no intersector trading and has no problems agreeing to a five-
9 year review. I think that's pretty simple.

10
11 I think that we all want to move forward and this is not a
12 silver bullet. This is only the beginning and the hard work is
13 still ahead of us and let's go ahead and get on with that hard
14 work. Thank you.

15
16 **CHAIRMAN ANSON:** Thank you, Mike. Gordon Burdette, followed by
17 John Hollingshead.

18
19 **MR. GORDON BURDETTE:** I am Gordon Burdette and I own and operate
20 a charterboat out of Orange Beach, Alabama. The way the year
21 started out, we had I believe forty-two days and about two weeks
22 before the season started, we are down to nine and we've already
23 booked our trips and we've got to call people and tell them they
24 can't go catch red snapper.

25
26 The first two days was rough and people that carried people
27 fishing, you were endangering them and everybody and so I
28 support Amendment 40 and leave it up for a full vote and I do
29 not support the sunset provision. What we really need is
30 accountability and we will keep up with the fish we catch that
31 way.

32
33 This year, I ain't saying the phone call was the best, but the
34 little computer deal they're going to give everybody or you're
35 going to have to buy to keep up with our fish is going to be
36 accountable for our fish and thank you.

37
38 **CHAIRMAN ANSON:** Thank you, Gordon. John Hollingshead is next,
39 followed by Jim Roberson.

40
41 **MR. JOHN HOLLINGSHEAD:** My name is John Hollingshead and I have
42 a federally-permitted charterboat fishing out of Orange Beach,
43 Alabama. I am also a member of the Alabama Charter Fishing
44 Association and I support Amendment 40, sector separation.
45 Please bring up Amendment 40 at the full council meeting
46 tomorrow and vote it in without the sunset provision. The
47 passing of this amendment would allow more flexibility in
48 planning out our seasons in the future. Thank you.

1
2 **CHAIRMAN ANSON:** Thank you, John. Jim Roberson, followed by
3 Buddy Guindon.

4
5 **MR. JIM ROBERSON:** Hello. I am Jim Roberson with the
6 International Game Fish Association. I want to thank the
7 commission for the opportunity to talk to you this evening on
8 Amendment 40.

9
10 The IGFA has been in -- This is its seventy-fifth year of
11 working to promote ethical angling and conservation through
12 education and good science. I once again would like to remind
13 the council that the IGFA has joined in a coalition with the
14 CCA, the ASA, the Marine Manufacturers Association, the Billfish
15 Foundation, the Center for Coastal Conservation, the Guy Harvey
16 Ocean Foundation, and the Congressional Sportsmen's Foundation.

17
18 This coalition is a broad spectrum of the economy and shows the
19 level of opposition to Amendment 40 is significant. I have seen
20 copies of letters sent to the council from three different
21 states opposing Amendment 40: Texas Parks and Wildlife,
22 Louisiana Wildlife and Fisheries, Florida Fish and Wildlife
23 Commission. All of these representatives of the people of the
24 respective states are in opposition to Amendment 40 in addition
25 to the letter from CCA's counsel, which points out numerous
26 legal hurdles that should be taken into consideration before
27 even considering Amendment 40.

28
29 It's for all these reasons that I ask you all to please table
30 Amendment 40 and to answer Dr. Pam Dana, the IGFA does not
31 support intersector trading and the amberjack thirty-six-inch
32 length we think is a good move to rebuild that stock and for red
33 grouper, we think the two-fish limit would be acceptable and
34 thank you very much.

35
36 **CHAIRMAN ANSON:** Thank you. Buddy Guindon, followed by Stan
37 Phillips.

38
39 **MR. BUDDY GUINDON:** I'm Buddy Guindon and I'm commercial
40 fisherman and a fish house owner and a recreational charterboat
41 owner and a recreational fisherman. I support Amendment 40, for
42 the obvious reasons.

43
44 Sector separation will offer a viable and justified solution to
45 the presently illegal management of the recreational red snapper
46 fishery. The U.S. District Court for the District of Columbia
47 declared, in *Guindon versus Pritzker*, that the current
48 management system of recreational red snapper violates the

1 Magnuson-Stevens Fishery Conservation and Management Act.

2
3 The court found that at a certain point National Marine
4 Fisheries Service was obligated to acknowledge that the strategy
5 of incrementally shortening the season was not working.
6 Administrative discretion is not a license to engage in
7 Einstein's definition of folly, doing the same thing over and
8 over and expecting different results.

9
10 Failing to approve sector separation will only reinforce the
11 flaws in the management system that the court identified. We
12 have a lot of work to do after we get sector separation to get
13 both sectors of the recreational fishery in an accountable
14 system that we're going to be able to use for fisheries managers
15 to properly manage the fishery and it can get the people to come
16 up to this podium and tell you how horrible your data is to
17 start to believe it.

18
19 I think this is a great first step and I think you've heard
20 enough people say to vote from your heart and get this out on
21 the table where we can start fixing these fisheries.

22
23 The Shareholder's Alliance strongly supports the status quo
24 alternative in Amendment 28. Reallocation will not prevent
25 overfishing or overharvesting. The SESSC has said that it's not
26 the way to go and it's not the time to do it and you don't have
27 the right justifications and I would like you to take some of
28 these people that are starting to think about selling their
29 quota and getting out of the business so they don't lose what
30 they have as an asset going into the future -- Take them off the
31 hot seat and let them know that they're secure in their
32 investments and in their holdings of their fishery.

33
34 Your gag grouper, I heard some talk about and let's see if we
35 can get more gag grouper. It's pretty simply to look at the
36 landings for gag grouper in the commercial fishery and these are
37 professional fishermen that know where those fish live at and
38 they're the most valuable fish in the fishery and why wouldn't
39 they be bringing them to the dock if they were running around
40 out there like crazy? Be careful on that. Thirty-six inches on
41 amberjack is probably a great idea. It gets it to a breeding
42 age. Thank you.

43
44 **CHAIRMAN ANSON:** Thank you, Buddy. We have Stan Phillips,
45 followed by Bill Murph.

46
47 **MR. STAN PHILLIPS:** My name is Stan Phillips and I run the
48 Charterboat Destination over in Destin, Florida and I will try

1 to keep this kind of short and sweet. I know you are probably
2 tired of hearing it.

3
4 I am definitely for sector separation. Status quo has not
5 worked for anybody, not the charter fishermen and not the
6 private fishermen. In fact, it's such a poor management system
7 that all five Gulf states have gone non-compliant and now do
8 their own thing, essentially giving everybody the finger.

9
10 What that's done obviously is made some anglers, some private
11 recreational anglers, get up here and speak against Amendment
12 40, as most of them stand to catch the entire quota in state
13 waters, while we're on the outside looking in with our federal
14 permits, which are supposed to be of some value and not a
15 punishment.

16
17 With that said, if you guys have the opportunity, which you do,
18 to pass a measure, pass an amendment, that will increase the
19 accountability in the red snapper fishery by 25 percent and you
20 do not do it, it's a slap in the face to anybody who has ever
21 been in the Gulf and put back a fish. Thank you for your time.

22
23 **CHAIRMAN ANSON:** Thank you, Stan. Bill Murph, followed by Gary
24 Goodwin.

25
26 **MR. BILL MURPH:** I want to thank you for the opportunity to
27 speak with you just very briefly. My name is Bill Murph and I
28 work on a charterboat in Orange Beach, Alabama and I'm just
29 going to respectfully ask each of you to bring before the full
30 council Amendment 40 and approve it, please.

31
32 I do want to ask you from the heart, as one who has recently
33 come to the fishing industry, to please let us prove our
34 accountability. We can manage ourselves. Thank you.

35
36 **CHAIRMAN ANSON:** Thank you. Gary Goodwin, followed by Reuben
37 Ware. Gary Goodwin? Reuben Ware.

38
39 **MR. REUBEN WARE:** Good afternoon. My name is Reuben Ware and I
40 have been in the charter fishing business for twenty years and I
41 am most definitely in favor of Amendment 40. I believe
42 accountability is what we're trying do here. We're trying to be
43 just everybody is accountable for what they catch.

44
45 I think thirty-six inches on amberjack would be a wonderful
46 thing. Let them get big and let them spawn. That's what we
47 need, more fish. Thank you for your time.

48

1 **CHAIRMAN ANSON:** Thank you. Eli Walls, followed by Grady
2 Sowards.

3
4 **MR. ELI WALLS:** Good afternoon. My name is Eli Walls and I'm a
5 deckhand on a charterboat in Orange Beach, Alabama. Guys, I
6 will make this short. I am very, very, very in support in
7 Amendment 40 and sector separation. No sunset clause, but a
8 five-year review would be good.

9
10 Guys, I spend hours and hours and hours on the deck with people
11 who come to Orange Beach to fish on a charterboat and I see them
12 have the time of their lives on a charterboat and please do not
13 take the rod and reel out of their hands, please.

14
15 Also, I am twenty-one years old and, guys, I plan on spending a
16 lot of time in this industry and please do not take that away
17 from me. Let me have a future in this industry, because I love
18 it and I would love to continue doing it. Thank you so much and
19 we appreciate it.

20
21 **CHAIRMAN ANSON:** Grady Sowards, followed by Derek Johnson.

22
23 **MR. GRADY SOWARDS:** Good afternoon. My name is Grady Sowards
24 and I'm a charterboat operator out of Orange Beach, Alabama. I
25 come here today to let the council know that I am for Amendment
26 40 and I just ask that you all be for it tomorrow when you go
27 with your vote. Thank you.

28
29 **CHAIRMAN ANSON:** Derek Johnson, followed by Mike Rowell.

30
31 **MR. DEREK JOHNSON:** Good evening. I am Derek Johnson and I'm a
32 deckhand out of Orange Beach, Alabama. I fully support
33 Amendment 40. It gives the charterboat industry a chance for a
34 clear voice. Sometimes it's really hard to get anything done
35 when your voice is muddled and it will also give us a chance to
36 give our piece of the pie to be accountable.

37
38 I am on the deck and I count every fish. I get in trouble if I
39 mess that up. I just don't have a fine as my consequences.
40 It's my livelihood and so I take enforcement very, very
41 seriously. Another point too is every fish that gets off our
42 boat goes with a recreational fishermen, every one, and so
43 that's something to consider. That's all I've got and thank
44 you.

45
46 **CHAIRMAN ANSON:** Thank you. Mike Rowell, followed by Chris
47 Schofield.

48

1 **MR. MIKE ROWELL:** Good afternoon. For the record, Mike Rowell
2 from the Charterboat Annie Girl from Orange Beach, Alabama. I
3 support Amendment 40 and no sunset clause. Let's look at in
4 five years and see what has happened. Nothing is perfect, but
5 we've got to try something and I think this is a great idea.

6
7 What I don't understand is why some of the folks that are
8 opposing this, recreationally, think that we're going to take
9 fish away from them. I am not seeing anywhere where we're going
10 to take fish away from recreational anglers with sector
11 separation.

12
13 Charter for-hire vessels, federally-permitted boats, have their
14 issues and recreational fishermen have their issues and I think
15 they should be looked at separately and I just don't understand.
16 If this goes through, the federal waters will be open and we'll
17 get to catch some fish in federal waters. If it doesn't go
18 through, the state waters are still going to be open in Florida
19 and Texas and it's not going to affect those recreational
20 fishermen if this goes through or doesn't. Actually, maybe they
21 can fish in federal waters some too, but I just don't understand
22 why there is opposition to it.

23
24 We take a lot of recreational fishermen fishing and I don't
25 know. I could go on and on and repeat. I am trying to think of
26 something that somebody hasn't already said, but I am all for
27 the thirty-six-inch amberjack and please pass this amendment
28 tomorrow.

29
30 To be honest with you, if it doesn't go through, you all
31 probably won't see me up here anymore. I am just sick of it. I
32 have been promised everything in the world and we have done
33 everything that everybody has asked us to do and we just keep
34 getting pushed out and it's just not worth it anymore. Thank
35 you.

36
37 **CHAIRMAN ANSON:** Thank you, Mike. Chris Scofield, followed by
38 Frank Kane. Is Chris Scofield out there? Frank Kane.

39
40 **MR. FRANK KANE:** Thank you. I am Frank Kane from the Fort
41 Walton Beach Sailfish Club. I am on the board of the directors
42 and I represent the about approximately hundred members in the
43 club.

44
45 I have been fishing in the Gulf for well over half a century and
46 the members of the club, in long conversations, have decided
47 that we object to Amendment 40. We are not in favor of it. I
48 read the data presented by Representative Southerland and was

1 interested in seeing how that data appeared to be more realistic
2 than other I have seen. He also seemed to have a plan that
3 addressed all three sectors. That's all I had and thank you for
4 your time.

5
6 **CHAIRMAN ANSON:** Thank you. John Dyer, followed by Marcus
7 Kennedy.

8
9 **MR. JOHN DYER:** Hi there and thanks for giving me an opportunity
10 to speak. I am also with the Fort Walton Beach Sailfish Club
11 and our seventy-five-plus members. We are a fifty-year-old
12 sportfishing club dedicated to conservation and good fishing,
13 family fishing things.

14
15 I am here to represent those families, children, grandchildren,
16 and future generations of sports fishermen, recreational
17 fishermen, who intend to catch red snapper once in a while in
18 the Gulf of Mexico and believe me, it's once in a while.

19
20 All the instruments in the world do not make me a good fishermen
21 and I have them. I've got a good boat and I've got good
22 instruments and I'm a lousy fisherman. The red snapper are safe
23 around me, but I'm being a little humorous here.

24
25 What bothers me the most is how uninformed the recreational
26 sector is about sector separation. I have gone around and
27 talked to neighbors who have boats and people don't have a clue
28 out there as to what sector separation really is. They are the
29 most uninformed people in the world, the recreational sector,
30 and I want to know why that is.

31
32 Why is it that 2.8 million licensed fishermen in the Gulf area
33 do not know, or a good portion do not know, what sector
34 separation is and how it affects them and how your rules affect
35 their lives and how your decisions affect their lives and their
36 fishing opportunities?

37
38 What really bothers me is these guys out here that are charter
39 fishermen are some of the best guys in the world and I have seen
40 what's happened to their industry based on your decisions and
41 the Magnuson-Stevens Act and I think it's dead wrong what you
42 have done to them. I have listened to them and, really, my
43 heart is in it for them.

44
45 We are opposed to this and we will stay opposed until we are
46 truly informed. We are not informed and I can't get it through
47 my head. I talk to people all the time and ask them if they
48 know what sector separation is? They say no and I say, do you

1 know why you could only fish nine a days a year last year? They
2 say, I don't know, but they said we couldn't and that's all we
3 know and it's wrong.

4
5 I went out the days we could go out in the nine days and believe
6 me, I have a twenty-one-foot boat and the few days that I could
7 get out, I couldn't get on spots and it was tough fishing and I
8 had my son up here and a friend from south Florida and we were
9 going to get some red snapper and they were safe. We fished for
10 three days and we couldn't get on marks and it was too heavy.
11 The rest of those days, we simply couldn't get out and that goes
12 for a lot of the small fishing boats that you claim take a lot
13 of fish out of the Gulf.

14
15 We can't go out the days those guys go out. They have to go
16 out. They are paid to go out and we can't do it and so our
17 boats sit at home. I think your numbers are wrong. Thank you
18 for giving me an opportunity.

19
20 **CHAIRMAN ANSON:** Thank you. Marcus Kennedy, followed by Justin
21 Destin.

22
23 **MR. MARCUS KENNEDY:** My name is Marcus Kennedy and I am a
24 private boat recreational angler and I have fished and dove the
25 Gulf for over forty years. I am against Amendment 40 for the
26 same reason I am against every red snapper proposal you all have
27 had and that's because everything you all have passed has
28 resulted in me having less access to the fishery.

29
30 Not one thing that you all have done has given me more access to
31 the fishery over the past twenty-five or so years. Yesterday,
32 as I listened to the red grouper and amberjack discussions, I
33 see us heading down the same boat with those fish as we are red
34 snapper. I dread that, but I see that happening by the nature
35 of the discussion and what was going on.

36
37 Any time reality contradicts the projections of your models,
38 don't discount it as meaningless anecdotal observations. Fix
39 your model to better reflect reality.

40
41 Your models indicated that the recreational sector went over
42 quota for five of the last six years and in some cases, two
43 times what your quota was. Look at the fishery. That didn't
44 hurt the fishery and that ought to tell you something. Your
45 models obviously overstated how many we caught and even if we
46 did catch that many, it did absolutely nothing to the fishery.

47
48 All it did, by listening to what your assessment of the

1 situation was, was to make the commercial fishermen and the
2 environmentalists mad and they carried you to court and you
3 wound up in Washington before a judge that has absolutely no
4 clue about the biology of our fishery here.

5
6 The only overfishing going on is localized overfishing within
7 about forty miles or so of the high-pressure areas around Destin
8 and Orange Beach. There is already de facto limits and
9 sanctuaries in place, just due to the nature of recreational
10 fishing.

11
12 As the gentleman right before me said, we don't go every day and
13 we have to pick a day that we and our buddies can get off work
14 and hope that that day coincides when the weather is good. We
15 also use a very inefficient means to fish. You know we're all
16 out there with a rod and reel with only one or two or three
17 hooks on each one. The fish can bite or not bite if the current
18 is bad and that's another story.

19
20 You know, listening yesterday and looking at the sheets you get
21 to help you with your decisions, you know it scares me to listen
22 to comments like Luiz made that, hey, if you all want your most
23 bang for your buck, close the fishery from July 1 to July 31.
24 Yes, that will give you the most bang for your buck and that
25 will cause the most possible economic and social damage to the
26 recreational fishing community.

27
28 In any of your fisheries management plans, I urge you to pick
29 the closure window or pick the size limits or whatever criteria
30 it is. Pick the ones that maximizes our access to the fishery
31 between May and October. If a size limit increasing a little
32 bit helps, hey, that's great and do that, but whatever you do,
33 don't get the most bang for your buck, okay? I realize that our
34 only long-term solution is probably through legislation or
35 litigation to relieve you guys of this burden.

36
37 **CHAIRMAN ANSON:** Marcus, I'm going to have to ask you to wrap it
38 up. You're over your time.

39
40 **MR. KENNEDY:** That's about all I've got to say. I just wish you
41 guys would get off our back and let us fish. The fishery is not
42 in bad shape. Thank you.

43
44 **CHAIRMAN ANSON:** Thank you, Marcus. Justin Destin, followed by
45 Trey Windes. Is Justin out there? No? Trey Windes, followed
46 by T.J. George. All right. No T.J. George and how about Ted
47 Venker, followed by Shane Cantrell.

48

1 **MR. TED VENKER:** Thank you, Mr. Chairman. My name is Ted Venker
2 and I'm with the Coastal Conservation Association. We are
3 opposed to Amendment 40. We have concerns about the impacts to
4 the rest of the recreational sector and we have concerns about
5 some of the legal uncertainties associated with that amendment
6 and to tell you quite honestly, we're concerned that if this is
7 approved that the private boat recreational angler will be
8 allowed to become an afterthought, not just in the red snapper
9 fishery, but in other fisheries if this kind of management
10 becomes the norm.

11
12 Disparities have been created between the commercial and
13 recreational sectors and that are now looming with the
14 recreational sector itself are real and I don't think they are
15 sustainable.

16
17 It should not be minimized or discounted that three state
18 commissions have sent letters in opposition to this amendment
19 and the Congressional Sportsmen's Caucus and the National
20 Association of Sportsmen's Caucuses have sent letters in
21 opposition.

22
23 There have been thousands of comments online and in the public
24 hearings opposed to this. In 2009, four governors signed a
25 letter asking the council to move away from sector separation
26 and so there is a great deal of concern out there on many levels
27 for where this direction of management is headed and what it
28 might mean.

29
30 The sunset provision is not anything that would cause CCA to
31 support Amendment 40. There has been nothing in the federal
32 management, from the commercial catch share program to the red
33 snapper allocation, that indicates a sunset provision will prove
34 meaningful.

35
36 Once a program like this is implemented and gravitates towards
37 ownership of shares that are concentrated in the hands of a
38 relative few charterboat operators, it will be impossible to
39 change.

40
41 I want to stress again, as I've been stressing in the bar every
42 night since I've been here, that our position on Amendment 40
43 should not be interpreted as any kind of bias against the
44 charter for-hire industry itself. The industry is an important
45 part of the recreational sector and with things like 30B in
46 place, they have been put in an impossible position, which is
47 why this council once rescinded 30B and maybe should consider
48 doing it again, but the entire recreational sector has been put

1 in an impossible position and what we're asking for, all we're
2 asking for, is this council to work towards a solution that
3 encompasses the entire recreational sector.

4
5 The discussions yesterday on regional management were the most
6 promising yet and we would encourage the council to continue to
7 move down that path rather than pursuing Amendment 40 and
8 perhaps removing what little flexibility still remains within
9 this fishery. Thank you.

10
11 **CHAIRMAN ANSON:** Thank you, Ted. Shane Cantrell, followed by
12 Bryan Reavis.

13
14 **MR. SHANE CANTRELL:** Good evening. I am Shane Cantrell and I'm
15 the Executive Director of the Charter Fishermen's Association
16 and first off, I would like to thank Phil Steele for his great
17 service to the agency and to putting up with all of these
18 different council meetings all across the Gulf. We appreciate
19 you being here and thank you for your service.

20
21 The charter for-hire industry is suffering undue economic harm
22 due to the current management system. We urge the Gulf Council
23 to bring up Amendment 40 in full council and finalize the
24 document with its preferred alternatives as written in the
25 public hearing draft that came out to the public.

26
27 By moving Amendment 40 forward, we would be taking a step in the
28 right direction to address the issue at hand and lay the
29 foundation in solving issues facing the recreational fishery and
30 that would be the entire recreational fishery.

31
32 In contrast, the idea there is a lack of support for Amendment
33 40, our letter to the council, which all of you have gotten a
34 copy of, demonstrates support from the charterboat industry
35 across the Gulf.

36
37 This includes the Mississippi Charterboat Captains Association,
38 the Alabama Charter Fishing Association, the Destin Charterboat
39 Association, Clearwater Marine Association, and Charter
40 Fishermen's Association. We heard today, once again, that the
41 Panama City Boatmen's Association is no longer opposed to
42 Amendment 40 and although they do not support it, it is being
43 considered a viable solution by enough members to arrive at a
44 neutral position.

45
46 You will find significant support in Amendment 40 online
47 comments, as well as in the poll conducted by the Congressional
48 Sportsmen's Caucus and put out in a nice letter to the council.

1 If you look at the poll, they are polling a lot of people online
2 and you will find significant support for it and not
3 overwhelming support, but there is plenty of support there by
4 people in Gulf states and as well as outside of Gulf states.

5
6 Currently, the council has added a sunset provision and provided
7 little to no rationale for adding it to the document. The
8 actions by the Reef Fish Committee seem disingenuous rather than
9 additive to bringing the document closer to meeting its stated
10 purpose in the council.

11
12 In its current form, the timeline for Amendment 39 is too long
13 to be of assistance to suffering charter for-hire businesses.
14 The details remain unclear and we would like to see state plans
15 in a public hearing draft before we move forward. The council
16 is being given a false choice between Amendment 39 and Amendment
17 40 and we encourage the council to continue exploration of
18 regional management. However, the council needs to pass
19 Amendment 40 now.

20
21 We support the charterboat industry having the ability to
22 harvest red drum in federal waters and we would look forward to
23 working with our fishermen in Mississippi as well as the council
24 to address this issue.

25
26 I've got a little bit of time left. Be cautious moving forward
27 with gag grouper. Red grouper, I would support a two-fish bag
28 limit and I would be more than happy to entertain any questions
29 the council may have.

30
31 **CHAIRMAN ANSON:** Thank you, Shane. We have Bryan Reavis,
32 followed by Randy Boggs. No Bryan? Randy, I think you're up.

33
34 **MR. RANDY BOGGS:** I am tired and I don't know about you all, but
35 this has been a long day. Phil, thank you for everything you've
36 done for us. What a great guy and we appreciate you a bunch and
37 you will be sorely missed.

38
39 Guys, the charter for-hire industry, our fish box has been open
40 and I am utterly amazed that there's not more recreational
41 fishermen here. If I were a recreational fisherman, I would be
42 jumping up and down and screaming no to Amendment 40. Every
43 time the states open their waters, it's more fish that come out
44 of the charter for-hire box.

45
46 We used to catch 50 to 67 percent of these fish and we're down
47 to 22 percent and we have got two marinas in our town that are
48 in bankruptcy now. We are losing two of our biggest marinas,

1 which is a horrible shame. We had five more boats go out of
2 business this year in Orange Beach and we need this.
3
4 Guys, I know each and every one of you. I have been here
5 forever and I just realized today that I have been doing this
6 for somewhere between seventeen and nineteen years and that's a
7 long, long time and we've been beating on snapper and reef fish.
8 Support 40 and get it down. Right or wrong or indifferent, just
9 do it and let's try it.
10
11 Go back and do a five-year review. A sunset provision on it is
12 not going to do anything. Guys, it's really not going to hurt
13 the recreational anglers. These fish, whether it goes to an IFQ
14 fishery or a derby fishery or whatever, these fish will
15 ultimately end up going home in the hands of a recreational
16 fisherman that comes on a charterboat.
17
18 It doesn't matter how they get distributed among the boats. We
19 have got a panel that's coming up to set this up and put people
20 on that panel that will make sure that if the fish gets
21 allocated to Alabama that it stays on a boat in Alabama. Make
22 it where you use it or lose it.
23
24 We can set this fishery up where this plan will work and it will
25 work for everybody. Do regional management for the recreational
26 anglers. Guys, when I bought my first boat, an older captain
27 gave me some advice. He told me, he said, Randy, you've got a
28 big giant headboat and you have to catch a lot of fish to feed
29 that boat every day and to keep those people happy.
30
31 I have to fish in deep water. I am a federal boat, guys. I am
32 managed by the federal managers and that's where I'm going to
33 be. I am not going to be in state waters. You are not going to
34 see me in Florida waters fishing. I can't do that. Leave that
35 for the recreational guys and step up and give us 40 and, guys,
36 seventeen years here and we've seen the headboat plan come out
37 and the commercial plan come out and we've seen the moratorium
38 come out and let's do something.
39
40 All of you, we're all tired of being here and let's do
41 something. Support 40 and get it done and how it plays out in
42 the end, make sure that the advisory panel that's doing this
43 gets it done and take the sunset provision out and put in a
44 five-year review.
45
46 The charterboats are going to have to spend several thousand
47 dollars for the VMS and the monitoring and with the headboat
48 program, it took us a while to get things up and running. Your

1 first year in the program is going to be a cluster. I mean it's
2 just terrible trying to get everything up and going and then you
3 work the details out.

4
5 Five years is not that long of a time. I mean we've been here
6 for a long time doing this and the crazy part of it is that Phil
7 has been here and Corky's been here and Roy has been here. A
8 lot of the guys are new here and let's do something, guys. Give
9 us 40 and let's see where it goes. Thank you.

10
11 **CHAIRMAN ANSON:** Thank you, Randy. Chris Horton, followed by
12 Edwin Lamberth.

13
14 **MR. CHRIS HORTON:** Thank you, Mr. Chairman and members of the
15 council. My name is Chris Horton and I'm with the Congressional
16 Sportsmen's Foundation. CSF was founded in 1989 to provide
17 support for the newly formed Congressional Sportsmen's Caucus
18 and in 2004, the National Assembly of Sportsmen's Caucuses was
19 launched, with twenty-one initial states that organized the
20 Sportsmen's Caucuses.

21
22 Today, we're at forty-four states that have states Sportsmen's
23 Caucuses and in 2009, the governors didn't want to be left out
24 and so they organized a Governor's Sportsmen's Caucus and we've
25 got twenty-nine governors that are members of the Governor's
26 Sportsmen's Caucus.

27
28 We at CSF provide support for the caucuses, for their events and
29 their organization, as well as an information and education
30 venue or nexus for issues that are important to America's
31 sportsmen and women.

32
33 Similar to what the House co-chairs recently wrote, I would just
34 urge you to table Amendment 40 until there are other more
35 inclusive, holistic management approaches that are explored.
36 The shortest rec season ever, on top of the healthiest red
37 snapper population in history, is management that's simply
38 upside down. It's completely upside down.

39
40 Dividing the rec sector in half isn't a solution. It's a Band-
41 Aid to a symptom of a larger management problem and that is the
42 inefficiency of the current federal model of fisheries
43 management to effectively manage the recreational sector. It
44 has worked well for commercial, but it doesn't work well for
45 recreational.

46
47 For this reason, the states who are better at managing the rec
48 sector must play a larger role and take the lead. We all agree

1 that management must be fair and equitable and regional
2 management I think gets us there much better than sector
3 separation. Thank you.

4
5 **CHAIRMAN ANSON:** Thank you. Edwin Lamberth, followed by Ben
6 Fairey.

7
8 **MR. EDWIN LAMBERTH:** Good evening. My name is Edwin Lamberth
9 and I thank each of you for giving us the opportunity to speak
10 tonight. I am a private recreational angler from here in
11 Mobile, Alabama. I grew up fishing in the Gulf of Mexico and I
12 also grew up working on charterboats. Some of the same
13 charterboat captains you've heard here tonight, I have worked on
14 some of their boats.

15
16 The private recreational sector and the charter for-hire sector
17 always used to be on the same side. We worked together and we
18 built reefs together and we did everything together and now, as
19 a result of this council's, or the federal government really,
20 broken management system we are forced to take sides on an issue
21 we shouldn't have to take sides on.

22
23 We are left fighting over scraps when we should not be left
24 fighting over scraps. There are more red snapper in the Gulf of
25 Mexico than there have ever been. With the policy that's in
26 place, some special interest groups want us to fight over scraps
27 and instead of doing that, all we have to do is address other
28 far less draconian -- Take far less draconian measures like
29 addressing regional management or reallocations, things that
30 this continues to put off.

31
32 This council can move at lightning speed and it was said that
33 would take two to three years to develop what has now become
34 Amendment 40 and it is moving at lightning speed to ram this
35 thing through, but yet the council still will not address
36 regional management, turning management back over to the states,
37 or addressing reallocation. That's what needs to be fixed.

38
39 Amendment 40 needs to be put off until we address the main
40 problem, which is reallocation and state and regional
41 management.

42
43 A sunset provision, a review provision, will do nothing. If
44 history is any judge, this council will put those reviews off
45 forever. We have had -- There used to be -- It also won't be
46 good for the charter for-hire industry. There used to be 1,300
47 commercial fishermen and now there are less than 400. There are
48 1,200 or 1,300 permits now and, guys, look left and look right.

1 Two of you won't be here after this is put in place. It will be
2 consolidated in the hands of a few.

3
4 I will close with this. Amendment 40 is the equivalent to
5 taking one of our national parks, Yellowstone National Park or
6 the Smokey Mountain National Park, any federal national park
7 that you have been to enjoy, and saying you, the private
8 citizen, have one day to enjoy it, one day, because that's what
9 we've been told the projections for Amendment 40 are.

10
11 The rest of the 364 days of the year, if we want access to it,
12 you must pay someone thousands upon thousands of dollars to have
13 them take you into that park, that park that was established for
14 the private citizen on the backs of taxpayer dollars and that's
15 why Amendment 40 should be put off. I am out of time and I
16 thank you for your consideration.

17
18 **CHAIRMAN ANSON:** Thank you, Edwin. That brings us to Ben
19 Fairey, followed by Joe Garris.

20
21 **MR. BEN FAIREY:** I am Ben Fairey from the Charterboat Necessity.
22 I want to thank Phil for all your hard work over the years.
23 It's been a pleasure to be around you. I have been sitting back
24 there and I kind of noticed something that we could think about.
25 The further we got past cocktail hour, did you all notice how
26 all the testimony really got short? I was just thinking about
27 that. I know you all have been suffering through all this and
28 so I'm going to keep mine very short.

29
30 You know we started on this six-and-a-half years ago and we're
31 talking about a five-year review and we could have been already
32 done, if you think about it. We have been talking about it and
33 hashing it out and fighting amongst ourselves and all that, but
34 as I end my career, and I may become a private angler here
35 before long, we need to fix all of it.

36
37 The commercial guys, they've got their house in order and we are
38 asking that the charterboat guys have the opportunity to get
39 their house in order and then I agree with Captain Eller that
40 this is going to be the opportunity for the private rec guys to
41 get their house in order so we can fix this thing together and
42 that's about all I have to say. You know, I support Amendment
43 40. Thank you.

44
45 **CHAIRMAN ANSON:** Thank you, Ben. Joe Garris, followed by Donny
46 Ward.

47
48 **MR. JOE GARRIS:** I am Joe Garris and I got my license in 1976

1 and I've been at this a while and I will keep this brief. I
2 wear two hats. I am a charter fisherman and I sit on the City
3 Council for Gulf Shores for ten years now.

4
5 When you have Herb Malone and the City of Orange Beach and the
6 City of Gulf Shores backing this amendment, that's pretty
7 strong. That's because our cities are based off of tourism and
8 we have expanded our tourism with states like Arkansas and
9 Missouri and now Texas is coming over and spending weeks fishing
10 and everyone that calls me asks if red snapper season is in and
11 I will have to say, no, it's not and they get all depressed,
12 kind of sort of, but we end up fishing anyway, but everybody
13 wants red snapper.

14
15 I understand we've got to have management and I understand all
16 of that. The management has done fairly well and if you talk to
17 anybody on the City Council in Gulf Shores, they say I am a
18 commonsense guy and so I will appeal to you all to use your
19 commonsense and vote for Amendment 40, because it will work and
20 it will help us.

21
22 It will do what we need to do and I think we need a five-year
23 review on this and you all just need to use your commonsense. I
24 have to do it every -- I know what you all go through and I sit
25 on public hearings all the time and I know your backsides are
26 getting tired from today and they are getting numb and so I know
27 everybody is ready to go home.

28
29 But anyway, long story short, I am for Amendment 40 and not for
30 the sunset provision and for a five-year review at the end of
31 this and so I appreciate you using your commonsense and vote for
32 Amendment 40, because that's what the charter fleet needs,
33 sector separation, to make it to where we can go on living and
34 make a life fishing. That's what I grew up doing and that's
35 what I like to do and I appreciate you all's vote, all of you.
36 Thank you very much.

37
38 **CHAIRMAN ANSON:** Thank you, Joe. Donny Ward, followed by Keith
39 Andrews.

40
41 **MR. DONNY WARD:** I am Captain Donny Ward and I make my living in
42 Orange Beach. I started in 1983 as a deckhand. I just wanted
43 to say that I support Amendment 40 and this thing that happened
44 this year with the nine days of snapper season was a slap in the
45 face for people that spend as much time in conservation and to
46 protecting the red snapper. We were building reefs in the 1980s
47 when nobody even knew what we were doing and then that got
48 regulated also to doing it somebody else's way.

1
2 I made a living out of this and I raised a good family and I
3 don't want to take too much of your time, but I want you to
4 understand the seriousness of the effect on people's lives that
5 you have affected and you people that are able to go home and
6 lay your head down at night, I don't understand, but I have
7 struggled for a long time and it's not been a good thing for me
8 and my family, which I no longer have, because of a lot of
9 financial stress that's been put on my life, but I do say one
10 thing. There is a Good Lord and for those people that don't
11 believe in Him, I pray for you too and you all have a good
12 evening.

13
14 **CHAIRMAN ANSON:** Thank you, Donny. Keith Andrews, followed by
15 Jimmy Waller.

16
17 **MR. KEITH ANDREWS:** It's not by design that I'm next to last. I
18 was an hour late and I was actually getting my card. I am
19 Captain Keith Andrews from Orange Beach and I own and operate a
20 charterboat there, a six-passenger charterboat.

21
22 I have kind of been in the dark in all of this. I think I can
23 say that I'm probably new, although I've been in it for eight
24 years, but I haven't done it for generations and my family
25 hasn't done it, but me and my son have been doing it for a long
26 time and he plans to continue.

27
28 I hope that I can be some fresh eyes. I support sector
29 separation. I think that sector separation is this council's
30 best tool to manage the fisheries. As a matter of a fact, I had
31 to Google the council last night to really get a good
32 understanding of what your job is and I realize that your job is
33 to manage the fisheries.

34
35 My comments are pretty simple. I read yesterday in a document
36 that you guys wanted to discuss the Alabama -- Were discussing
37 the Alabama fisheries, our reef program. Let me mention this
38 and I want the council to understand this.

39
40 95 percent of my trips in the Gulf of Mexico are six-hour trips
41 and those six-hour trips are two hours out and two hours fishing
42 and two hours back. That's fishing in ninety-foot of water and
43 that's anywhere between twelve and twenty miles and that's going
44 to be common in all of the charter for-hire industry.

45
46 What we're looking at is actually two separate fisheries.
47 Inside the twenty miles, the manmade reefs, that fishery is
48 totally different than what I will call the wild fish. I will

1 call those inside the recreational fish, so to speak, but my
2 concern about that area is that single fish harvest that we do,
3 these small reefs are fragile.

4
5 Although there are plenty of them, they are fragile. That
6 single reef fish harvest that we do will damage those reefs and
7 I can show you that with video documentation. Drop a Go-Pro
8 Camera down and you will see.

9
10 Another issue I want to mention is this release mortality rate.
11 My release mortality rate is nothing like the mortality rate
12 that you guys use. 90 percent of our first mates and deckhands
13 on our charterboats, these guys are professionals. If you don't
14 think it's a profession, take a boat ride and you will see these
15 guys are professionals. They are very, very proficient in
16 releasing healthy fish.

17
18 **CHAIRMAN ANSON:** Keith, your time is up, if you can wrap it up.

19
20 **MR. ANDREWS:** I can wrap it up. I want to challenge -- I am
21 going to present a challenge to you guys to take three trips a
22 year and two of them on a charterboat and make sure the first
23 one is on opening day of snapper season and bring your pens and
24 bring your computers and I will take the Go-Pro and we can get
25 some very, very valuable data. Thanks.

26
27 **CHAIRMAN ANSON:** Thank you. Jimmy Waller. Then I am going to
28 go back and call on some folks that were a no show earlier.

29
30 **MR. JIMMY WALLER:** I am Jimmy Waller and I'm a charterboat owner
31 and operator in Orange Beach, Alabama. I am for Amendment 40.
32 We do need this. We need to be accountable. Without this, my
33 business will suffer. Snapper is a very big part of my
34 business.

35
36 Pretty much everything has been said. The sunset provision, I'm
37 against. I would like to see a review after five years and
38 amberjack, thirty-six inches. If that will give us a longer
39 season, I am all for it and thank you very much.

40
41 **CHAIRMAN ANSON:** Thank you, Jimmy. These are the folks that
42 were called earlier and I just want to go through them to see if
43 they are here now. Mike Whitfield. Gary Goodwin. Chris
44 Scofield. Justin Destin. Trey Windes. T.J. George. Bryan
45 Reavis.

46
47 **MR. BRYAN REAVIS:** My name is Bryan Reavis and I am the owner
48 and operator of Wild Orange Charters. This is my second year of

1 business as a boat owner. I have been in the industry as a
2 deckhand and captain for seventeen years.

3
4 I am for Amendment 40. We have got to have accountable data for
5 these fish that we're catching. The system we have now is not
6 working. Every year, the federal government is saying that we
7 have and we are catching way more fish than we are actually
8 catching.

9
10 This year, with the program that Alabama has stated, when we
11 actually called in and documented the fish that we caught every
12 day, it proves that the system that you guys in the federal
13 government is doing is failing. The actual numbers that we
14 actually caught were almost three times less than what the
15 federal government said we caught.

16
17 Over the years, the season has been shortened and shortened and
18 shortened and shortened and what that has done is put an
19 imbalance on the fish that we actually go out there and target.
20 Back when we had a longer season and we could go out there and
21 fish for everything, our fishing was balanced.

22
23 Some days, we would go out and we wouldn't catch a limit of
24 snapper, but we would have a balance of fish. We wouldn't go
25 out there and specifically target one species of fish. We would
26 go out there and target all the species of fish and now, we are
27 being forced to fish for whatever we can fish for and so what
28 that is doing, that is putting more stress on certain types of
29 species of fish other than a red snapper and so what I'm saying
30 -- The bottom line of what I'm saying is we need to be
31 accountable for every fish that we catch and not just the red
32 snapper.

33
34 We need to balance this out and it needs to be -- When it's all
35 said and done, we need to be accountable for red snapper,
36 vermilion snapper, king mackerel, grouper, amberjack.
37 Everything needs to be recorded of what is actually caught so
38 therefore we can, in the long term, manage our fishery. We are
39 about managing our fishery, because this is our livelihood.
40 This is our business and this is how we make our living.

41
42 We, and I am speaking for all the charter fishermen and all the
43 guys that do it for a living, the last thing we want to do is
44 deplete our resource. I mean it would be insane for us to go
45 out there and say, okay, we're just going to go catch all this
46 just so we can make a dollar. That's not how it works. We want
47 to be in this for the long haul. We want to be able to manage
48 each fish and be accountable for each fish that we can catch out

1 there in the Gulf of Mexico, because that is the best way to
2 manage the fish.

3
4 **CHAIRMAN ANSON:** Bryan, your time is up. Can you wrap it up?
5

6 **MR. REAVIS:** The last thing that I want to say is if this
7 amendment passes, Amendment 40, we will be accountable for 75
8 percent of the red snapper that is caught in the Gulf of Mexico.
9 75 percent of those fish, you guys will know exactly how many
10 fish are caught and we have got to figure out how to manage that
11 other 25 percent. That's all I have to say and thank you.
12

13 **CHAIRMAN ANSON:** Thank you. Someone just told me that T.J.
14 George is in the audience and, T.J., are you here? Come on up,
15 please.
16

17 **MR. T.J. GEORGE:** I am T.J. George and I'm a captain in Destin,
18 Florida. I have a federally-permitted charterboat and I support
19 Amendment 40. I support Action 2.2 with Alternative 2 or 9. I
20 support a ten-year moratorium on the intersector trading and I
21 also support the five-year review instead of the sunset
22 provision.
23

24 You know a lot of guys have been up here, federal charterboat
25 captains, and they have asked for help with the fisheries and
26 you haven't really heard that from the private sector. We are
27 in it to win it and we're concerned with the future of the
28 fishery and so I would please ask you all to recognize that and
29 that's all.
30

31 **CHAIRMAN ANSON:** Thank you, T.J., and thank you to everyone who
32 came and provided testimony today. As always, the council
33 appreciates your comments and your participation in the process.
34 Mr. Riechers, we have ten minutes and do you want to start Admin
35 Policy? I am just kidding. We will be back here tomorrow at
36 8:30 in the morning and finish up committee reports. Thank you,
37 everyone.
38

39 (Whereupon, the meeting recessed at 7:30 p.m., October 22,
40 2014.)
41

42 - - -
43

44 October 23, 2014
45

46 THURSDAY MORNING SESSION
47

48 - - -

1
2 The Full Council of the Gulf of Mexico Fishery Management
3 Council reconvened at the Battle House Renaissance Mobile,
4 Mobile, Alabama, Thursday morning, October 23, 2014, and was
5 called to order at 8:30 a.m. by Chairman Kevin Anson.
6

7 **CHAIRMAN ANSON:** Good morning, everyone. I think we will go
8 ahead and continue where we left off yesterday and so the next
9 agenda item after Public Testimony is Committee Reports. We
10 have completed some committee reports yesterday and so we're
11 going to continue where we left off in the order that they're
12 currently listed and so that puts us with the Reef Fish
13 Committee and Mr. Riechers.
14

15 **COMMITTEE REPORTS (CONTINUED)**
16 **REEF FISH COMMITTEE REPORT**
17

18 **MR. RIECHERS:** Thank you, Mr. Chairman. To begin the Reef Fish
19 Committee Report, the committee meeting was called to order on
20 October 21, 2014 and all committee members were present.
21

22 The agenda was adopted with the addition of a presentation on
23 the MRIP Calibration Workshop. The minutes of the August 26 and
24 27, 2014 Reef Fish Committee meeting were approved with several
25 corrections and then we moved into a presentation regarding
26 Estimates of Red Snapper Abundance on Alabama's Offshore Reefs
27

28 Dr. Sean Powers of the University of South Alabama gave the
29 presentation on a method he is developing to estimate red
30 snapper abundance in Alabama's reef permit zones and that
31 presentation is included under Tab B, Number 4(a) and (b). The
32 method uses side-scan sonar to detect artificial reefs, natural
33 reefs, and unstructured bottom.
34

35 Various gears are used to sample populations within two-
36 kilometer grids and ROVs are used to observe indices of fish
37 abundance before and after sampling. A depletion ratio method
38 is then used to estimate the number of fish in a reef.
39 Preliminary results indicate that Alabama's reefs account for 30
40 percent to 50 percent of the red snapper in the eastern Gulf of
41 Mexico.
42

43 The SSC felt that the project was still a work in progress and
44 it needed fine tuning. They identified several issues with the
45 application of the depletion ratio estimation procedure and
46 noted that a detailed written report was not provided. However,
47 they felt that the method had credibility and potential to
48 provide independent estimates of red snapper abundance off

1 Alabama. I will pause there in case someone wants to have a
2 question or wants to have an action for that item.

3
4 **CHAIRMAN ANSON:** I would like to address something. In the
5 context of -- Well, I apologize, Robin, but do you have a
6 section on here -- We received the Reef Fish Committee late
7 yesterday afternoon and do you have a section on here that's
8 going to summarize the conversation regarding the Southeast
9 Science Center response to Ms. Thompson's graph?

10
11 **MR. RIECHERS:** Yes, we do. It's a couple sections down, yes.

12
13 **CHAIRMAN ANSON:** I am sorry. I am trying to get there and so I
14 will wait then until that section. Sorry. Thank you.

15
16 **MR. RIECHERS:** I will move on then. The next discussion topic
17 was Summary of MRIP Calibration Workshop. Mr. Andy Strelcheck
18 presented a review of the MRIP Calibration Workshop that was
19 held September 8 to 10 in Charlotte, North Carolina and was
20 included as Tab E, Number 3.

21
22 The purpose of this workshop was to review the Angler Point
23 Access Intercept Survey design, evaluate potential effects of
24 the 2013 change in sampling design, and recommend appropriate
25 calibration methods to adjust catch statistics for years prior
26 to 2013.

27
28 The working group developed three potential approaches, a simple
29 ratio adjustment, a complex ratio adjustment, and a model-based
30 approach. The first two methods are interim approaches that can
31 be developed over the short-term, while the third method is a
32 longer-term approach.

33
34 The first two methods are being used to develop calibration
35 adjustments for Gulf of Mexico red snapper and red grouper
36 recreational catches for 2004 to 2012, which will be available
37 in a few weeks for the upcoming assessments. Calibrations for
38 other stocks will be available early next year. I will pause
39 there as well.

40
41 Seeing no hands, next we move on to a discussion regarding the
42 red snapper abundance graph that was presented in a previous
43 testimony and Dr. Ponwith presented a response to that graph
44 that was, again, presented at the last meeting's public
45 testimony regarding the abundance of age two-plus red snapper
46 versus catches in numbers of fish for 2001 through 2014.

47
48 She noted that the original graph only included recreational

1 catches, not total removals. In addition, from 2000 to 2006,
2 while the number of age two red snapper increased, the number of
3 age three-plus fish remained flat, indicating that rebuilding
4 was not occurring.

5
6 Once the rebuilding plan was revised in 2006, the number of age
7 three-plus fish began increasing in abundance. The stock status
8 has gone from 4.4 percent SPR in 2006 to 14.8 percent SPR in
9 2014, with a rebuilding target of 26 percent SPR.

10
11 Dr. Ponwith noted older fish are more valuable to the
12 population, because they produce more and higher quality eggs
13 and provided examples in her presentation. Under the rebuilding
14 plan, the proportion of older fish is increasing as expected.

15
16 Dr. Barbieri added that the SSC was already aware of the
17 information in the NMFS response and nothing new was presented.
18 He noted that red snapper are long lived and therefore,
19 depending upon the younger age classes to maintain the stock,
20 could result in higher volatility for stock recovery.
21 Therefore, any decision to switch the management target to a
22 lower SPR would be exchanging long-term stability for short-term
23 benefits. I will pause there.

24
25 **CHAIRMAN ANSON:** Any council discussion? Okay. This is where I
26 was going to bring up -- We had some discussion with Dr.
27 Barbieri present regarding the SPR and, again, in regards to the
28 data and how the data was presented in relationship to the
29 recovery of the red snapper population and the current
30 trajectory related to SPR.

31
32 I know we're currently starting the process for a red snapper
33 update and so we had some discussion about the potential or
34 possibilities of changing some of the terms of reference in
35 relationship to using different SPR reference points than have
36 currently been issued and so I wanted to see if we can go ahead
37 and -- Well, I will make a -- I just want to see if someone
38 would be interested in directing the Science Center to include
39 some different SPR reference points in the current assessment.

40
41 I have been told that, at least from one SSC member, it's
42 relatively easy to do, from his perspective, in regards to just
43 assigning the reference points. It's a relatively easy fix and
44 then you rerun the program after the model has been adjusted and
45 so I just wanted to see if there was any interest from any of
46 the other council members to give some direction and have a
47 letter written to instruct that.

48

1 **DR. CRABTREE:** I think the real issue here is whether SPR is the
2 appropriate metric to use and the discussion last time around
3 had centered around SPR and one of the other alternatives that
4 was looked at in the things we got out of the last assessment
5 was Fmax and there are other things like F 0.1 and so there are
6 other ways to look at reference points other than SPR and I
7 think that would be fine to ask the Center to include some of
8 those and then we can have a discussion about the merit of those
9 various ways of looking at it.

10
11 I think it's a little broader than just alternative SPRs. I
12 think it's more alternative reference points and bear in mind
13 too the other thing I think that it's important for us, and I
14 think we passed a motion at the last meeting, but it's to
15 revisit the minimum stock size threshold as we come at this,
16 too.

17
18 **DR. PONWITH:** A couple of things. The council asked us to
19 evaluate projections under Fmax and so that has been done
20 already. The council has asked the SSC to comment on the merits
21 of using Fmax as a reference point for this stock assessment and
22 it's in the record that the SSC advised against doing that.

23
24 I am concerned about that and I think the logic behind that is
25 that Fmax is fairly well understood in the stock assessment
26 world as not being a strong proxy for FMSY, because it's often
27 larger than FMSY and that causes some concerns.

28
29 There are some other issues with using Fmax with respect to some
30 of the selectivities that we take into consideration in those
31 stock assessments and so the work on the projections is done
32 already, as I understand it, and has gone to the SSC.

33
34 The question on using Fmax as a proxy for FMSY for the reference
35 points has been asked and answered and so I guess I would need
36 more clarity on what the council is discussing and what the
37 council is suggesting, just because those terms of reference
38 have been established and approved already and we want to be
39 careful about requirements creep in the update and have some
40 real clarity on what your intent is.

41
42 **DR. CRABTREE:** I guess just to be clear, Bonnie, yes, with the
43 last assessment those projections are done, but we're talking
44 about outputs from the new assessment, which has not been done,
45 because the new assessment has not been updated yet.

46
47 I understand the SSC had concerns about that, but the fact is
48 the way the assessment is configured at the moment, it equates

1 Fmax with FMSY and so I don't think it's an unreasonable thing
2 for the council to want to look at.

3

4 We are not making any determination now about what we would do
5 and whether we would change the reference points or not, but I
6 think it's clear we're going to want to see the outputs from
7 this assessment, just as we did from the last assessment. We
8 are going to want to see those include a look at Fmax and some
9 other possible reference points that we'll evaluate and then we
10 will get the SSC's advice and the Center's advice on the merits
11 of all of those and make a decision.

12

13 **DR. PONWITH:** So my question is if you're going to revisit
14 reference points, wouldn't the technical approach, the best
15 technical approach, for doing that be to look at the reference
16 point in terms of how robust it is as an approximation for FMSY,
17 as opposed to doing the stock assessment with as many different
18 reference points as you can and then choosing which reference
19 points you want based on how it performs in the assessment?

20

21 **DR. CRABTREE:** That's fine and I am happy to have that
22 discussion, but the problem is we're in the last day of our
23 council meeting and by the next time we're able to have that
24 discussion, we're going to have the update presented to us and
25 we don't know what the structure of the update is.

26

27 We don't know if the stock recruitment relationship is going to
28 be configured exactly as it has been before or in some other way
29 and so it's difficult to know how you're going to choose a
30 reference point until you see what comes out of the assessment.

31

32 It may be that a few more years and there's more certainty about
33 the stock recruitment relationship and we can actually have more
34 confidence in it or we can get a real estimate out of it.
35 There's just no way of knowing, but from a practical standpoint,
36 I don't see how we're going to be able to have that discussion
37 until the assessment is completed.

38

39 **EXECUTIVE DIRECTOR GREGORY:** The thing the council I don't think
40 has heard is kind of a history, a description, of what SPR is,
41 spawning stock biomass per recruit, and where it came from and
42 the way it was originally used and intended and nothing is
43 perfect. That is not a perfect measure.

44

45 We had trouble with it in king mackerel at one time. MSY is not
46 a perfect measure and the stock recruit curve is not perfect and
47 so the SSC is going to have to weigh all of that, but I think we
48 can have a more in-depth discussion of how SPR relates to 20

1 percent, 26 percent, 35 percent, to MSY and minimum stock size
2 threshold. When the stock assessment comes back, we can make it
3 a broader discussion.

4
5 **MR. RIECHERS:** I certainly appreciate the conversation between
6 the Science Center and the Regional Office. I think what Kevin
7 was attempting to get at here was the notion that Luiz discussed
8 a change in the SPR is not necessarily hurting the stocks at
9 this moment in time, but also recognizing that it obviously is
10 about benefits now versus benefits later.

11
12 I think what I believe Kevin was trying to get at as he brought
13 this up was are we going to see that in the current runs that
14 come forward and are we going to be able to have that in the
15 assessment or do we have to ask for it now?

16
17 **DR. CRABTREE:** Bonnie, in my experience, both in the Gulf and in
18 the South Atlantic, it is standard practice in these assessments
19 to estimate a variety of reference points. They usually give us
20 F30 and F40 and F this and F -- I mean I think we normally get
21 those kinds of things. No intent. That just slipped out.

22
23 **CHAIRMAN ANSON:** Robin, I am jumping in here. Was that a
24 question to anyone specifically, your last --

25
26 **MR. RIECHERS:** It was a question to Bonnie.

27
28 **DR. PONWITH:** So what we're expecting to do is what's in the
29 terms of reference right now and I don't have that terms of
30 reference in front of me, but that's what the plan was to do.
31 So if there's something more you want and it doesn't fly in the
32 face of your process to change those terms of reference now, I
33 imagine knowing what you want now is probably more expedient
34 than adding something after the assessment is done.

35
36 **CHAIRMAN ANSON:** I guess we would -- To ensure, as Dr. Crabtree
37 pointed out, a -- I guess I am trying to get my train of thought
38 in here and my line of thought going, but Dr. Crabtree had
39 stated that in the last assessment there was a variety of those
40 Fmax and FMSY and F30 and such.

41
42 I don't recall that and so if there is that flexibility -- I
43 guess, in terms of the graphics that were supplied, it appears
44 that, relative to SPR, that it was a 20 and a 26 and so I was
45 looking -- 20, we've heard from the SSC and they are pretty much
46 unanimous in that they don't feel that it should go to 20.

47
48 There is some debate on 26 and I don't think it's unanimous, but

1 that's what they have suggested and that's what the council has
2 been looking at in terms of this stock. Again, in terms of the
3 discussion that was held during Reef Fish about this issue of
4 shooting toward our ultimate rebuilding plan and the 2032 end
5 date and it appears we're on a very good schedule to meet that
6 and there is lots of discussion to say we're going to meet that
7 well before 2032 and so I was looking at something more in the
8 lines of a softer landing, if you will, and trying to realize
9 some of those benefits earlier than later.

10
11 That might -- I am not a stock assessment expert and so I'm
12 having some difficulty relating the Fmax and such, but an SPR
13 somewhere in the middle, if that's possible, between 20 and 26,
14 maybe 24 -- Again, it's just something to look at, if that's
15 possible, and, again, I've been given some indication that that
16 could be relatively easy to do at this point of the process.

17
18 **DR. STUNZ:** Mr. Chairman, if I may, maybe I can move this along
19 with a motion and I would be willing to take some help in
20 crafting it, but essentially that we would like to see, as a
21 committee, the full range of Fs to help out in that decision.
22 That wouldn't be the exact motion and I'm not sure how to craft
23 that in light of the terms of reference, Bonnie, because I don't
24 have those in front of me here, but do you want me to start?
25 Okay.

26
27 **Then I move that the SSC provides the council with a full range**
28 **of Fs for the next update assessment and I'm not sure. Do we**
29 **need anything else beyond that? Sorry. It's the Southeast**
30 **Science Center.**

31
32 **CHAIRMAN ANSON:** Is that your motion, Dr. Stunz?

33
34 **DR. STUNZ:** Yes.

35
36 **CHAIRMAN ANSON:** There's a motion on the board and is there a
37 second?

38
39 **MR. DIAZ:** I would like to ask if I could -- **I am not a stock**
40 **assessment scientist either, but based on what Kevin is asking**
41 **for, would you be amenable to modifying the motion to a full**
42 **range of Fs to include SPRs of 20, 22, and 24?**

43
44 **DR. STUNZ:** Yes, that would be fine.

45
46 **MS. LEVY:** I know this is obvious from the conversation, but can
47 we put "red snapper" in there?

48

1 **DR. STUNZ:** Yes, I probably should have said that. Certainly
2 red snapper.
3
4 **CHAIRMAN ANSON:** We've got a motion that has not been seconded.
5
6 **MR. DIAZ:** Second.
7
8 **CHAIRMAN ANSON:** Now it's been seconded and so is there any
9 discussion on the motion? Dr. Simmons, you had your hand
10 raised?
11
12 **DR. SIMMONS:** Go ahead, Steven.
13
14 **MR. STEVEN ATRAN:** You partially responded to what I was going
15 to ask, which is exactly what is it that you're asking for, but
16 you might to include Fmax in there also as one of the items, but
17 what exactly are you looking for? Just what is the value of F
18 going to be at these various proxies or do you want projections
19 for each of these proxies? Remember this is an update
20 assessment and so in terms of the assessment itself, they are
21 locked into using our current proxy. This would be for
22 information only.
23
24 **DR. SIMMONS:** We could say to include various SPR proxies and
25 you could just say, for example, 20, 22, and 24 percent and
26 Fmax.
27
28 **MS. BOSARGE:** Just to be sure, since we spelled those out, we
29 will still get the SPR of 26, right? Because that's already
30 built in and that's the trajectory we were on and I just want to
31 make sure that is still going to be there. Okay.
32
33 **EXECUTIVE DIRECTOR GREGORY:** To me here, the important point is
34 if Dr. Ponwith understands what the council is asking for. A
35 whole lot more wordsmithing probably is not needed as long as
36 it's clear here, because this will not be clear to somebody who
37 is not at this meeting and hearing this in context.
38
39 **DR. PONWITH:** That's correct. This is pretty thin and not
40 really technically correct and what I would request is if I
41 could have the analysts consult with council staff, so that if
42 we iteratively need to go back and forth just to make sure that
43 there is complete understanding, that would be good.
44
45 **CHAIRMAN ANSON:** Any other discussion on the motion? **All those**
46 **in favor of the motion signify by saying aye; all those opposed**
47 **same sign. The motion carries.** Thank you, Mr. Riechers.
48

1 **MR. RIECHERS:** I believe that then takes us to the section of
2 the report that deals with Red Snapper Regional Management,
3 Amendment 39. Staff reviewed the actions and alternatives in
4 the document, Tab B, Number 5(a), nothing where updates are
5 needed since the council last discussed the amendment at the
6 February 2014 meeting.

7
8 Under Action 1, Dr. Crabtree briefly described a possible
9 alternative structure for regional management which would be
10 modeled after the summer flounder management plan in the Mid-
11 Atlantic Fishery Management Council's area. The committee then
12 passed the following motion.

13
14 **The committee recommends, and I so move, to add an Alternative 4**
15 **in Action 1, Regional Management, which says to establish a**
16 **regional management program in which the regions submit**
17 **proposals to National Marine Fisheries Service describing the**
18 **conservation equivalent measures each region will adopt for the**
19 **management of its portion of the red snapper quota.**

20
21 **CHAIRMAN ANSON:** We have a committee motion.

22
23 **MR. PERRET:** I've got a question. Dr. Crabtree or Mara or
24 somebody, we are going to have regions and the regions, it
25 appears, from what I understand, we may have five regions or
26 five state areas. These five regions are going to submit their
27 plans and they are going to have season and bag and size limits
28 and management measures to stay within their allocation for
29 their region.

30
31 The track record for some of the states has not been good for
32 following federal regulations. Now, what will be the penalty,
33 other than the following year they are going to be cut by X
34 percent of fish if they go over or something like that? What is
35 the Service or what is this council or what is the agency going
36 to do to a region that doesn't follow the regulations that they
37 say that they're going to follow at the beginning of this
38 process?

39
40 **DR. CRABTREE:** That's going to have to be part of this amendment
41 and laid out to it and the delegation part of it that's what is
42 fleshed out now, one, there is a payback provision, but also if
43 the agency determines a state is out of compliance with the
44 fishery management plan or the Magnuson Act, I think the way the
45 delegation goes is they would notify the state that they are out
46 of compliance and ask what steps they're going to take to remedy
47 it.

1 If the state then doesn't remedy it, the delegation would be
2 withdrawn and a default set of regulations would then apply off
3 of that state. Now, that's in the delegation. In the
4 Alternative 3 I think it is, it's the one which draws lines in
5 the Gulf, and presumably if a state's state water catches were
6 going to be in excess of their allocation, the EEZ would be
7 closed off of that state.

8
9 Now, if the state water catches were still high, then we would
10 have problems and it could spill over and affect the amount of
11 fish the other states, I guess, get.

12
13 Now, in this alternative that we're adding based on I think kind
14 of the summer flounder model, there wouldn't be lines drawn out
15 in the Gulf. It would be based on the state submits a plan and
16 it's approved and then the regulations that are approved for
17 that state would be codified in the Federal Register and then
18 vessels landing in that state would have to adhere to that set
19 of regulations.

20
21 If the plan submitted by the state was not approved, then some
22 default set of regulations would apply to vessels landing in
23 that state, but this kind of alternative is not very well
24 fleshed out.

25
26 I think one of the things that's missing in the delegation
27 action in this now and one of the things that, in my discussions
28 with Headquarters, I think the Fisheries Service is going to
29 need, is to set up somewhere where the states, before the season
30 begins, transmit their proposed regulations for that season to
31 the Fisheries Service and the council, so that we have an
32 opportunity to look at them and if we see problems or issues
33 with them, we have a chance to work those out and resolve them
34 with the state before the fishery opens. I don't think that's
35 really in there yet, but I think that's something that we're
36 probably going to add to it if we're going to go down the
37 delegation route.

38
39 **MR. PERRET:** Some of you have heard me make this comparison in
40 the past and I will do it again. I am supportive of regional
41 management if we have the right safeguards and I compare
42 regional management to what happened with the Federal Migratory
43 Bird Act many years ago.

44
45 With the Federal Migratory Bird Act, the federal government,
46 Fish and Wildlife, sets a framework of November through January
47 and sets a bag limit for migratory water fowl and so on and so
48 forth and the states within that flyway has to follow those

1 rules.

2
3 I see that as very similar to regional management. The federal
4 government would accept the plans and there would be a start and
5 stop date and a max number of fish that could be taken and a
6 size limit range and I'm sure other management measures.

7
8 I still am not sure about just what would happen. Although you
9 have described it pretty well, I still don't know what we or the
10 government would do to a state in state waters that still
11 doesn't follow the rules and that's where I am having some
12 problems.

13
14 **MR. RIECHERS:** I think part of the whole issue, Corky, and I am
15 glad you used the water fowl example. Part of the issue is
16 that's then putting that state in localized control with options
17 to have seasons and bag limits and however that is set, but
18 obviously within the target range of what their allowable take
19 is and we really aren't all that worried then about EEZ and
20 state waters.

21
22 If it's coming in our state, we're going to count it and we're
23 going to be accountable for it and so I think the whole notion
24 here -- While I understand it's difficult for some to get to
25 that point, but the whole notion is the states are all agreeable
26 to this.

27
28 The states have now reached an agreement and we finally got past
29 an MRIP calibration workshop that was occurring and we have now
30 established a preferred alternative for allocations and we think
31 we are ready to move forward with this document.

32
33 Now, obviously we were much closer to doing that last fall or
34 the beginning of the year and then when those MRIP estimates
35 came out that had a lot of states questioning what those
36 percentages really were, it stalled that and, of course, we had
37 been promised a workshop earlier, but it took this long.

38
39 I think it's no small feat that we now have this document with a
40 preferred alternative on the allocation moving forward and
41 certainly you have seen letters from several commissions
42 suggesting that this is a much preferred alternative and they
43 would like to have this opportunity to see if we can't manage at
44 that level. Now, those assurances you're talking about, Corky,
45 we are trying to build them into the document. If you have
46 other ways to help us do that, we will certainly accept them.

47
48 **DR. CRABTREE:** To your concerns, I mean it is more difficult

1 than with summer flounder, because we don't have the Atlantic
2 States Coastal Fisheries Act and we don't have the ASMFC board
3 and their ability to find a state out of compliance and have
4 actions taken there.

5
6 In this sense, this works if all the states participate in good
7 faith and all that, but it's going to hinge on everybody's
8 willingness to work together and a commitment to make this work,
9 because we don't have as many tools at our disposal as they have
10 on the east coast.

11
12 **CHAIRMAN ANSON:** Dr. Crabtree, I just want to make sure that I
13 understand. You said that if we go down the path of delegation
14 that the states would have to submit a plan that would then be
15 reviewed by the council and give an ultimate stamp of approval,
16 to see if it means the conservation efforts and stays within
17 their quota and all that stuff and is that correct?

18
19 **DR. CRABTREE:** Well, I think we're going to have to -- I think
20 we need to add some language and it's my recommendation that we
21 would add some language to the document so that this isn't all
22 after the fact and so that we know what's coming in advance and
23 that we have an opportunity to review the analysis and the basis
24 for the decision the state reached and how the state determined
25 that their season they are going forward with is going to
26 constrain the catch with a reasonable probability of staying
27 within the quota.

28
29 I think for me to have the people I answer to comfortable with
30 this and get this through, we would need something along those
31 lines, but I don't think that's in there now and I think we are
32 going to need to ask staff to add something like that.

33
34 **CHAIRMAN ANSON:** Again, thinking of that, so that it's in the
35 document, the plan would come forward and is it just a review?
36 Is it a courtesy to put it through the council and would the
37 council then be voting on the individual region plans as well,
38 in addition to the National Marine Fisheries Service doing the
39 review? I am just trying to, again, sort that out and it might
40 provide some more comfort to folks to know that not only do we
41 have the delegation vote, with the verbiage that's in there, but
42 also another chance to review these individual plans, per the
43 council.

44
45 **DR. CRABTREE:** It's the council's plan and so you need to decide
46 what you want in there and if you want to have the council have
47 an opportunity to look at this, then we can put that in there.
48 We just need to work it out from a logistics sense, so that the

1 timing works out and we can do that.

2
3 You could reasonably ask to have the states submit the
4 analytical basis for their season and ask the SSC to have a look
5 at it and advise you, if you wanted to do that. It's just a
6 matter of figuring that out.

7
8 **CHAIRMAN ANSON:** Then so from the legal standpoint, since the
9 three-quarters vote would be a majority, a plan would also have
10 to have the three-quarters vote or just a majority vote at that
11 point? Again, for having those details worked out and such.

12
13 **MS. LEVY:** Whatever process is going to happen, it's going to be
14 put into Amendment 39 and that would be my recommendation. You
15 outline when plans need to be submitted and what happens to them
16 and who looks at them and when you need to get a response by, so
17 everybody knows what is going to happen, and then you pass
18 Amendment 39, the delegation, by the three-quarter majority vote
19 and the process is incorporated into that.

20
21 **CHAIRMAN ANSON:** Do we have any further committee discussion?

22
23 **MS. BOSARGE:** The part that I really liked about this motion was
24 that we were going to get to see beforehand the plans from the
25 state and what their plan was to manage on an individual basis
26 these red snapper.

27
28 With this motion in there, before, every year before we turn it
29 over, we will have some idea of what's going on. The part that
30 came up I guess Monday or Tuesday that I have an issue with is
31 the fact that the only way that this can be enforced is upon
32 landing. That's where the enforcement is going to be.

33
34 We have already had this discussion, when we look with the
35 surveys that the states have done, trying to capture what their
36 landings are on an individual state-by-state basis, that there
37 is a significant portion of the private angler fishery that
38 land, and I guess this would include charter for-hire, if it
39 went that way, that land at private docks.

40
41 So the enforcement end of this is a little scary to me. I mean
42 I bet all fishermen would love to know that they could go out
43 and fish and the only way that you could ticket them was if you
44 caught them coming into the dock, because you can't do anything
45 in federal waters, because the lines -- On some of this, the
46 lines are going to be drawn and you're going to have different
47 regulations in all different parts of federal waters and so you
48 would have to do it at landing. That's what we were told. I

1 would like some discussion on that and how we really think that
2 we can enforce these plans.

3
4 **MR. RIECHERS:** I won't speak for the Coast Guard, but I believe
5 the Coast Guard would tell you now that there is different
6 shrimp regulations between Texas waters when we open and
7 Louisiana and they certainly understand when those openings are
8 and they know when they cross that line. It can be done through
9 education and they can get up to speed to do that.

10
11 As far as it being just done at the dock, obviously enforcement
12 often happens at the dock anyhow, because that's a choke point.
13 That's where you're going to get a lot of people and that
14 doesn't mean all the enforcement is done there, Leann, but
15 certainly a lot of it is done there today, for that reason, but
16 certainly I would suggest that all these states who are in JEA
17 agreements are putting a lot of enforcement on the water right
18 now and we are probably -- I am not going to count hours and I
19 don't know what the hour differences are, but I would suggest
20 that there's a lot of enforcement going on on the water by the
21 states and certainly some by federal agents and a lot by the
22 Coast Guard as well.

23
24 I don't think it's changing the enforcement picture out there at
25 all, though obviously it changes the training of that
26 enforcement picture, but it doesn't really change the
27 enforcement picture.

28
29 **MS. BOSARGE:** I guess I need some clarification then, because
30 the difference between Alternative 3 and Alternative 4, what Dr.
31 Crabtree was mentioning a minute ago, depending on whether you
32 draw the lines out or whether you don't -- If you don't draw
33 those lines out into federal waters and every state has a
34 different bag limit or this or that or whatever, but the states
35 are still managing -- The only way that you can catch them is
36 when they land them, when they come back into state waters,
37 because it's all dependent on where you're going with that fish
38 as to what rule applies to you. Is that right, Dr. Crabtree?
39 Is that what you were saying?

40
41 **DR. CRABTREE:** Yes and I think the way this is laid out, because
42 things depend on where you're landing, enforcement would need to
43 be at the dock. Now, most of the enforcement of bag limits and
44 things is done through the JEAs and I guess Tracy can comment on
45 this, but most of the enforcement of those kinds of things I
46 believe are done through the JEAs by state folks and so most of
47 it is done at the dock now.

48

1 What has created a need for at-sea enforcement are these
2 dividing lines and inconsistent regulations that we have right
3 now between the state and the federal government and so if you
4 go three miles off of Louisiana, you have one set of rules and
5 inside of three, you have a different one and that's put a lot
6 of pressure on NOAA and the Coast Guard to do at-sea enforcement
7 of these recreational fish regulations.

8
9 I guess a down side of this is it makes at-sea enforcement
10 difficult, but you have to weigh that against the plus side of
11 this, which is there won't be any of those differences anymore
12 between state and federal regulations and it will be clear if
13 you meet a vessel at the dock in a particular state -- If he is
14 over, he's in violation.

15
16 That's a real benefit to enforcement on it and I don't know,
17 Tracy, if you want to comment on it, but it's like everything
18 else and it has pluses or minuses, but the way I'm looking at
19 it, where we are right now is a huge enforcement problem and
20 moving to something where an enforcement officer can meet a
21 vessel at the dock and there is no question about whether he is
22 in violation or not seems, to me, to be a big plus and a step
23 forward and I would be interested in hearing your views.

24
25 **MR. DUNN:** The explanation is good. Right now, in the current
26 management plan, we have the issue of jurisdiction. We have to
27 show those fish came from the EEZ. If we're in the EEZ and we
28 board a boat, that's clear. If we're in state waters, then
29 that's not as clear and so we're going to have the same problem
30 we currently have with this regional problem and only at the
31 lines, where the fish came from, but still, at-sea -- If we
32 board a boat stopped in a particular zone, then they're going to
33 be held to those regulatory standards and so there still can be
34 at-sea enforcement.

35
36 Clearly if a boat -- If we meet a boat at a dock, then that's
37 going to be just like the problem we have now. Where did the
38 fish come from? If the management plan sets it up that wherever
39 they land it, that's where they are going to have to follow
40 those regulations, then it will be a little bit more clear. I
41 don't know if that helps.

42
43 **MR. FISCHER:** I have a few points, but one might go right back
44 to what Tracy just said. I believe the system we're looking at
45 wouldn't differentiate the EEZ versus the state waters. Once
46 you leave the dock, you are fishing under those regulations.

47
48 To back up to what I was going to originally say, the majority

1 of the enforcement we have is at the choke points, at the pass
2 coming in and in route to the marina, the recreational
3 enforcement. It's more convenient and it's easier and it's
4 timely and it's a lot more bang for the buck where all the boats
5 are converging in the pass and that's all in state waters.

6
7 We wouldn't be -- Under the management plan, the bag limit
8 offshore would be the same as the bag limit inshore and there
9 would be no more state line to cross and so that should actually
10 make the enforcement easier, but also, the range of size limits
11 and the range of bag limits from each region, keeping in mind
12 there will only be five regions and so there's only four
13 boundaries, it's not going to be gravely different.

14
15 I think we are all operating under a fifteen to sixteen-inch
16 size limit and we're all operating somewhere between a two and
17 four-fish bag limit and so it's not like someone has ten fish at
18 sea and they think they can get away and find a port to go into
19 and the range may get tighter under regional management when
20 states want to maximize their days. They may find that the
21 conservative way to approach it maximizes their days at sea.

22
23 **MR. PEARCE:** I really believe -- I understand Leann's concerns,
24 but I think this makes enforcement easier. If you have a
25 Louisiana license and you have all the Louisiana permits and you
26 know what that particular law is and say if it's fifteen inches
27 for snapper in Louisiana and thirteen inches in another state
28 and twelve in another, it's really irrelevant.

29
30 When you're in the EEZ, you are fishing with a Louisiana license
31 and so you must adhere to Louisiana law anywhere in the EEZ. If
32 you are fishing with a Texas license, you must adhere to the
33 terms of the Texas agreement and all the other states are the
34 same.

35
36 I think that enforcement at-sea, once they figure out what state
37 you are licensed in, those are the rules you had better be
38 following. If you've got a two-snapper limit and you've got
39 ten, you have a problem. If the sizes are too small, you've got
40 a problem, based on your state's rules in the EEZ and within the
41 state and so I think that this kind of -- It simplifies it a
42 little bit. You don't have to worry about the lines. You've
43 got an EEZ and you've got state plans and those state plans must
44 be followed.

45
46 **MR. PERRET:** I hope I am wrong. We have got to be kidding
47 ourselves if anybody in this room truly thinks it's going to
48 make enforcement easier. It may make enforcement easier at the

1 dock, but it darned sure is not going to make enforcement easier
2 on the water.

3
4 We have got a 200-mile Texas closure and some of the rationale
5 for that closure was for ease of enforcement. Texas could not
6 enforce the nine-mile line. Now, they are enforcing it now on
7 red snapper, I guess, but they couldn't for shrimp.

8
9 We are going to draw four lines in the Gulf and Myron says
10 they're going to come in at the Pass and I sure as hell would
11 like to be -- I don't want to be the poor agent that's going to
12 be at the mouth of that Pass when they come in either from the
13 east or the west and you stop them and you say, well, you've got
14 the wrong size and they say, oh, I was on the east side and not
15 the west side. It's going to complicate enforcement and let's
16 not kid ourselves. Thank you.

17
18 **DR. CRABTREE:** I think hang on a minute, Corky. I mean there is
19 one alternative in there, and I think it's 3, that draws the
20 lines, but the other ones don't draw those lines.

21
22 Now, I am going to tell you my personal opinion. I don't think
23 anyone is going to be happy if we go down a regional management
24 path that draws lines out in the EEZ and those probably are
25 going to be problematic, but I think if we go down the summer
26 flounder or the delegation route, where there aren't lines and
27 if you intercept a vessel inside state waters in the Pass, it's
28 going to be clear then what rules he is supposed to be abiding
29 by.

30
31 I think, in that sense, that kind of approach is better than
32 where we are now. We don't normally -- The Coast Guard or Tracy
33 can tell me, but in the last few years, because we've had these
34 conflicts between state and federal waters, we have put more of
35 an emphasis on at-sea enforcement of some of these things, but
36 outside of that, in red snapper, I think the vast majority of
37 our enforcement of recreational rules is at the dock and is that
38 not the case, Mr. Dunn? I mean if you set aside the last few
39 years with red snapper, where we've had all these issues with
40 the disparities?

41
42 **MR. DUNN:** Well, it has presented a problem for us, because at
43 the dockside, I have to prove jurisdiction.

44
45 **DR. CRABTREE:** But if you didn't have to prove jurisdiction and
46 before we had these --

47
48 **MR. DUNN:** If we didn't have to prove jurisdiction and we were

1 in a state and I knew that wherever that boat had fished,
2 wherever it landed, it had to follow those regulations, clearly
3 that is a much simpler management scheme for enforcement. Near
4 the line -- If you start saying, well, they caught them across
5 the line and they can have that bag limit and then we're back to
6 the same complexity.

7
8 **CHAIRMAN ANSON:** I will just add real quick -- I will jump in.
9 I mean these are issues that the state and federal enforcement,
10 or at least the state enforcement, deals with anyways on the
11 lines adjoining their state waters. I mean they have to make
12 those judgment calls.

13
14 If you're in state waters and you don't have a fishing license
15 in Alabama and you're in possession of fish and fishing gear,
16 you are going to be in violation and potentially receive a
17 citation. I mean there is going to be some at-sea enforcement,
18 as I see it, off of those states under this particular plan.

19
20 **MR. DIAZ:** Kevin, you kind of touched on exactly what I was
21 going to say. I don't know if this is easier or harder for
22 enforcement, but I don't think it's very much different than
23 what our enforcement guys are dealing with on a daily basis.

24
25 We have different regulations compared to our neighboring states
26 and people are coming in our state and they have fish that don't
27 meet our regulations, but they meet another state's regulations
28 and they have to have that state's license onboard and I think
29 our enforcement officers deal with this type of situation and I
30 do think this is enforceable.

31
32 **MR. FISCHER:** I just want to correct a statement or at least
33 give my viewpoint, my side, made a few speakers ago. An
34 enforcement agent doesn't have to ask where they come from,
35 because it's based on the point of landing.

36
37 He's in Louisiana, in Barataria Pass, and the agents are in the
38 Pass, he is in Louisiana waters and has to abide by Louisiana
39 regulations and there is no more state territorial sea versus
40 EEZ and so Tracy's situation is also rectified in that fact that
41 if he comes in, he's in state waters and it's the same
42 regulations from the beach out under this scenario.

43
44 I would feel enforcement is quite simple. If you are landing at
45 this port in Louisiana, you have to follow the Louisiana plan
46 and similar, if you're landing at this port in Alabama, you have
47 to follow the Alabama plan. I just see simplicity in it and it
48 makes the enforcement simple, because there is no lines.

1
2 **CHAIRMAN ANSON:** Anyone else? We have the motion, committee
3 motion, on the board. I will read it. It's to add an
4 Alternative 4 in Action 1, Regional Management, to establish a
5 regional management program in which the regions submit
6 proposals to National Marine Fisheries Service describing the
7 conservation equivalent measures each region will adopt for the
8 management of its portion of the red snapper quota. All those
9 in -- Go ahead.

10
11 **LCDR BRAND:** I think one thing for at-sea enforcement that would
12 make things more complex than all the things that have already
13 been discussed is closing zones within each region. It seems
14 like that hasn't really been discussed yet, but if you have
15 multiple zones per region that you want to close off, that
16 hasn't been addressed yet or hasn't been talked about, but I
17 think that is something that would be very complex, because
18 there could be no limits to how many zones you make and close
19 per region and so I don't know if that could be something added
20 to the amendment, some kind of limit or -- Because it seems like
21 if every region had an unlimited amount of ability to close
22 different portions of their region that that would make at-sea
23 enforcement more complex.

24
25 **MS. LEVY:** Are you referring to the action that says what the
26 states are going to be able to? Like because we have the action
27 about what the plan is going to be and is it going to be
28 delegation and is it going to be potentially this and then we
29 have the action that talks about what the states would be able
30 to do under any type of plan, which included, at this time,
31 closed areas. Is that what you're referring to?

32
33 **LCDR BRAND:** Yes, I am referring to that action, but I am
34 wondering if this plan that the regions provide would somehow
35 include that.

36
37 **MS. LEVY:** So that's what the council would have to decide, what
38 types of things are they saying the state is going to have in
39 their plans.

40
41 **LCDR BRAND:** Okay and so that's addressed in a different action
42 then and we'll bring that up.

43
44 **CHAIRMAN ANSON:** I have read the motion. **All those in favor of**
45 **the motion that's on the board please signify by saying aye; all**
46 **those opposed same sign. The motion is carried.** Mr. Riechers.

47
48 **MR. RIECHERS:** Also in Action 1, committee members discussed the

1 sunset options provided under Preferred Alternative 2, noting
2 that it would provide the opportunity to review the regional
3 allocations.

4
5 **The committee then passed the following motion. The committee**
6 **recommends, and I so move, that in Action 1, Alternative 2, add**
7 **an Option c that would allow delegation to sunset after two**
8 **calendar years of the program and an Option d that would allow**
9 **delegation to sunset after three calendar years of the program.**
10 **In Action 1, select Alternative 2, Option d as the preferred**
11 **alternative.** So it was both adding two and three years and
12 selecting a preferred.

13
14 **CHAIRMAN ANSON:** There is a committee motion on the board.

15
16 **MR. PERRET:** Robin, we heard a lot yesterday about sunset versus
17 review and is that something we want to consider, making that a
18 review, or are we more comfortable with the sunset in there? Or
19 Roy or Mara?

20
21 **MR. RIECHERS:** Maybe Martha wants to speak to this or another
22 state person as well, but I think the notion here is for a
23 sunset. There are so many uncertainties regarding the landings
24 information that we are now reviewing.

25
26 All five states have added additional landings programs, which
27 seem to have at least some variance from the MRIP estimates. We
28 don't know how much that variance is at this point. We don't
29 know if it's significantly different or not, because many of
30 those programs have only undergone one year of testing, as well
31 as MRIP is only in the second year. I think the notion is to
32 have this for a short period of time, so that we can then review
33 those estimates and see where those percentage allocations
34 really are in terms of that.

35
36 **MS. BADEMAN:** The sunset provides a little more motivation than
37 just a review and so if the program is going great after when
38 we're getting up to the three years, perfect. We can renew it
39 and everything is cool. If there are problems, the sunset
40 forces everybody to come together and come to a solution and so
41 that's why I proposed a sunset here of three years.

42
43 **MR. PEARCE:** I think the key words here are "would allow
44 delegation". In other words, if it's working, like she said,
45 you don't have to sunset it and so I think there's no definite
46 sunset in this. It says, hey, if the state likes it, they keep
47 it and if they don't, then they can get rid of it. I think
48 those are two important words, "would allow".

1
2 **CHAIRMAN ANSON:** Any other council discussion?
3
4 **MR. FISCHER:** Mr. Chair, this could occur after, because the
5 language would have to be reworded, but the motion that was
6 previously passed, we should have the same language, with a
7 sunset with alternatives under it also.
8
9 **CHAIRMAN ANSON:** You are meaning the previous motion that we
10 just voted on that should have that as well?
11
12 **MR. FISCHER:** Right, which is in Alternative 4. All this refers
13 to is Alternative 2.
14
15 **CHAIRMAN ANSON:** Unless you want to include that here and make a
16 change here and we'll read it as a new motion -- Would you like
17 to offer that?
18
19 **MR. FISCHER:** I could do a substitute motion if you do the
20 verbiage, but for Action 1, Alternative 2 and Alternative 4, but
21 we have to incorporate the existing language in Preferred Option
22 a for Alternative 2, because here we're just talking about the
23 option of three years and I think we would like to give it as an
24 option, three or five years. To get it to read correctly, we
25 would have to incorporate an additional sentence.
26
27 **CHAIRMAN ANSON:** I think there's an attempt to try to do that
28 right now and so the substitute motion is being crafted, Myron,
29 and if you could review that and see if that fits what you're
30 attempting to do.
31
32 **MR. FISCHER:** It is difficult to see the board at this time, Mr.
33 Chair, and we probably need to remove the word "delegation" or
34 find a synonym, because this would not be delegation.
35 Alternative 4 would not be delegation. It may be cleaner to do
36 it in a second motion, but it's your call, Mr. Chairman.
37
38 **CHAIRMAN ANSON:** That's what I was just going to suggest, yes.
39
40 **MR. FISCHER:** I just was bringing it up for discussion that we
41 should add it.
42
43 **CHAIRMAN ANSON:** All right and so you are going to withdraw your
44 substitute motion then, Myron?
45
46 **MR. FISCHER:** Sure and they can keep the verbiage handy, the
47 wordsmithing handy, and we will just go with it as a second
48 motion.

1
2 **CHAIRMAN ANSON:** Charlotte and staff, keep -- I think this is
3 the committee motion. I will read it. Is there any other
4 discussion on this motion, the committee motion? The motion is
5 that in Action 1, Alternative 2, add an Option c that would
6 allow delegation to sunset after two calendar years of the
7 program and an Option d that would allow delegation to sunset
8 after three calendar years of the program. In Action 1, select
9 Alternative 2, Option d, delegation with a sunset after three
10 calendar years, as the preferred alternative. **All those in**
11 **favor of the motion please signify by saying aye; all those**
12 **opposed like sign. The motion carries.** Myron, do you want to
13 attempt an additional --

14
15 **MR. FISCHER:** Sure. I am just trying to figure out what the
16 title would be, instead of delegation and it's an equivalent
17 format and if we could -- I was hoping we could just paste the
18 original and --

19
20 **CHAIRMAN ANSON:** I think this might be it right here.

21
22 **MR. FISCHER:** Now we are just speaking of Alternative 4.

23
24 **CHAIRMAN ANSON:** Okay.

25
26 **MR. FISCHER:** Possibly the last sentence. I am trying to see
27 what changes have to be made there. The part about Alternative
28 2 and I just want to make sure we capture the two, three, and
29 five years. I think we need five years to mirror the previous
30 motion and then, after that's over, probably give staff license
31 to change the order, to put them in two, three, and five. I
32 think in the previous motion that it would read five, two,
33 three.

34
35 **CHAIRMAN ANSON:** Myron, for simplicity, can we just say to add
36 the same sunset provisions that are listed in Alternative 2?

37
38 **MR. FISCHER:** That would be simpler.

39
40 **EXECUTIVE DIRECTOR GREGORY:** Charlotte, from -- Take out all the
41 way down the second "add". Right there.

42
43 **CHAIRMAN ANSON:** Are you good with that, Myron?

44
45 **MR. FISCHER:** Yes.

46
47 **CHAIRMAN ANSON:** Is there a second to the motion? It's been
48 seconded. Any council discussion? **All those in favor of the**

1 motion on the board, which reads that in Action 1, in
2 Alternative 4, add the same sunset provisions that are in
3 Alternative 2, all those in favor of the motion signify by
4 saying aye; all those opposed like sign. The motion carries.
5

6 **EXECUTIVE DIRECTOR GREGORY:** That's with the implication of the
7 same preferred or do you want to make that a separate motion?
8

9 **MR. FISCHER:** I don't think we could create a preferred at this
10 time. We didn't create the management plan. We have to now
11 create this entire plan that Alternative 4 is about and so I
12 think a preferred may be premature. Although I would feel it's
13 our preferred, I think it's premature.
14

15 **DR. CRABTREE:** I mean we already have a preferred, right? It's
16 Alternative 2. The question is do you want to de-select
17 Alternative 2 as your preferred?
18

19 **MR. FISCHER:** Myself and Mr. Matens have spoke about that just
20 now and we're waiting to clear everything off the board.
21

22 **DR. LASSETER:** I wanted to point out in the previous motion that
23 you carried that it does specify that preferreds are in there,
24 including the new -- It switched the preferred from Option a to
25 Option d.
26

27 **CHAIRMAN ANSON:** So, Myron, is everyone clear to what we've just
28 done and is everyone happy with it?
29

30 **MR. FISCHER:** No, sir, Mr. Chair. I don't know how we got an
31 Option d. We added an alternative for two years, three years,
32 and five years, unless there was a status quo, Alternative a. I
33 am not certain, but I think if we want a sunset, then we
34 wouldn't -- I think Ava will clarify this.
35

36 **MR. RIECHERS:** Can I help?
37

38 **CHAIRMAN ANSON:** Go ahead, Robin.
39

40 **MR. RIECHERS:** What happened, folks, is we had an a and a b that
41 was a five and a ten-year sunset and we added a sunset that
42 would be of closer duration, two and three years, and we
43 selected the two-year option as a preferred in committee, which
44 you adopted. It was three. I'm sorry.
45

46 What Myron was trying to do was restructuring the whole Action
47 1, I believe, that would basically -- If you restructured it in
48 a way where the options were underneath all of those, that's

1 what he was trying to get done, but what we ended up doing was
2 just putting them under 4 right now.

3
4 I think what we should do is leave the preferreds, at least in
5 my opinion, as is and we still could think about the
6 restructuring that would help the readability of that whole
7 action, but, really, what you're doing is here are my options
8 for action and here are the sunset options.

9
10 **CHAIRMAN ANSON:** Any other discussion?

11
12 **MR. FISCHER:** I would bring this up for discussion and a motion
13 would follow. On Alternative 2, and not the sunset portion, but
14 Alternative 2, do we de-select, is Roy's term, do we remove the
15 preferred? Would this -- I don't want it to give a message that
16 while we're working on Alternative 4 it's what is the motivation
17 to put a lot of energy in Alternative 4 if Alternative 2 is
18 still our preferred and if someone else feels the same way, we
19 can -- If everyone feels that no, they understand, from
20 conversations, what the record states, we will leave it as is.

21
22 **MS. BADEMAN:** We just passed a motion to make Alternative 2,
23 Option d the preferred. I think another motion to choose
24 another preferred in this action is out of order.

25
26 **CHAIRMAN ANSON:** All right and so Myron explained that we will
27 still have the Alternative 2 as the preferred alternative and
28 the option of the three calendar years would be now selected as
29 the preferred alternative. Yet, the new Alternative 4 would be
30 put in there and some text would go towards that to describe it.
31 I think we are ready to continue on, Mr. Riechers.

32
33 **MR. RIECHERS:** For Action 3, apportioning the quota, council
34 staff noted that the no action, Alternative 1, would be updated
35 to reflect the recently adopted recreational red snapper ACT.
36 Also, the time series will be updated to incorporate 2013
37 landings data, which will likely affect the resulting regional
38 allocations. The committee then passed the following motion.

39
40 **The committee recommends, and I so move, that under Action 3,**
41 **apportion the recreational red snapper allocation as shown in**
42 **Table 2.3.5. Select as preferred Alternative 2, Option d and**
43 **Alternative 3, Options a and b.** The table is shown in the
44 committee report that shows what those selections give you from
45 a resulting percentage standpoint.

46
47 **CHAIRMAN ANSON:** It's a committee motion. Any discussion on the
48 motion? **All those in favor of the motion signify by saying aye;**

1 all those opposed like sign. The motion is carried.
2
3 **DR. CRABTREE:** Let the record show that I abstained.
4
5 **CHAIRMAN ANSON:** We will make sure that the record is noted.
6 All right, Mr. Riechers.
7
8 **MR. RIECHERS:** In discussion of Action 4, Dr. Crabtree noted
9 that the establishment of different minimum size limits would
10 create problems for the stock assessment. He also noted that
11 the preferred alternatives to allow regions to establish closed
12 areas in the EEZ adjacent to their region and to establish sub-
13 allocations for private and for-hire sub-sectors are unworkable
14 and recommended further consideration by council members.
15
16 For Action 6, council staff noted that the no action,
17 Alternative 1, would be updated to reflect the overage
18 adjustment adopted in the Recreational Red Snapper
19 Accountability Measures Framework Action. The committee then
20 passed the following motion.
21
22 **The committee recommends, and I so move, that in Action 6, Post-**
23 **Season Accountability Measures Adjusting for Regional Overages,**
24 **remove Options a and b in Alternatives 2, 3, and 4 and put them**
25 **in the considered but rejected section.**
26
27 **CHAIRMAN ANSON:** We have a committee motion. Any discussion on
28 the motion? **All those in favor of the motion signify by saying**
29 **aye; all those opposed like sign. The motion is carried.** Mr.
30 Riechers, I was wondering if we could just take a short recess,
31 if you could provide that for me, please. Let's say ten
32 minutes.
33
34 **MR. RIECHERS:** Okay.
35
36 **CHAIRMAN ANSON:** Thank you.
37
38 (Whereupon, a brief recess was taken.)
39
40 **CHAIRMAN ANSON:** Mr. Riechers, are you prepared to continue the
41 Reef Fish Committee report?
42
43 **MR. RIECHERS:** I would be happy to, Mr. Chairman.
44
45 **CHAIRMAN ANSON:** All right. If everyone could take their seat
46 and the council members come on back to the table, please.
47
48 **MR. RIECHERS:** All right. That moves us into the transition to

1 Amendment 40, Recreational Red Snapper Sector Separation. I
2 guess, Mr. Chair, I think you kind of paused, but should we
3 pause one moment to make sure no one has anything to do with
4 Amendment 39, anything further?

5
6 **CHAIRMAN ANSON:** Certainly we can. Does anyone want to -- Mara.

7
8 **MS. LEVY:** I just wanted to ask you -- With adding the new
9 Alternative in Action 1 to create that conservation equivalency
10 type thing, so we're going to really have to look at how to
11 restructure the document and one of the things I wanted to know
12 was in doing that conservation equivalency, are you thinking
13 about limited types of things that you would have the states do?

14
15 Like in order to meet that, they would set the size, bag,
16 season, or are you still considering things like allowing closed
17 seasons and sector separation, which doesn't really seem to fit
18 in that conservation equivalency type of model?

19
20 **CHAIRMAN ANSON:** Go ahead, Robin.

21
22 **MR. RIECHERS:** I would just suggest that since we don't, and it
23 really hasn't been clarified what that conservation equivalency
24 model is, that we would see what that looks like. I mean you
25 all were going to go back and look at that and bring more
26 information about that.

27
28 That's just my suggestion, is that we not remove anything from
29 the document at this point, until we see what -- I mean as Myron
30 put it, I think in committee, he put that in there to try to get
31 some discussion about it. We weren't, obviously, as prepared as
32 maybe he thought we were to have that discussion in describing
33 that and so I think there's at least some of us still wondering
34 what that looks like.

35
36 **MS. LEVY:** Okay and so I will just take from that that staff has
37 some discretion to sort of set the document up in a way that's
38 conducive to considering all these things and potentially making
39 some suggestions about what types of things would be in a
40 conservation equivalency action.

41
42 **CHAIRMAN RIECHERS:** Yes and I think what we want to know is
43 what's inclusive in that action, but not to pull anything out of
44 the possible actions that we have in there for other ways of
45 delegation.

46
47 **CHAIRMAN ANSON:** Any other council deliberation on Amendment 39?
48 All right, Mr. Riechers.

1
2 **MR. RIECHERS:** Council staff summarized the actions in the
3 amendment, Tab B, Number 6, and highlighted the preferred
4 alternatives previously selected by the council. Andy
5 Strelcheck discussed the MRIP calibration of recreational red
6 snapper landings between 2004 and 2012 and indicated that
7 percentages of the recreational quota allocated to the private
8 and for-hire components would be adjusted.
9
10 Mr. Strelcheck provided preliminary estimated changes to the
11 percentages allocated to each component based on two methods
12 developed during the calibration workshop.
13
14 Committee members discussed the addition of a sunset provision
15 to the amendment and made the following motion. **The committee**
16 **recommends, and I so move, to add a new action to create a**
17 **sunset provision on sector separation with options a, b, and c**
18 **for sunset after two, three, and five years of the program.**
19
20 **CHAIRMAN ANSON:** We have a committee motion. Is there any
21 discussion on the motion?
22
23 **MR. GREENE:** I would like to make a substitute motion to add a
24 **mandatory five-year review to Amendment 40.**
25
26 **MR. PERRET:** I second.
27
28 **CHAIRMAN ANSON:** All right. I am just waiting for the motion to
29 be put on the board. The substitute motion is to add a
30 mandatory five-year review to Amendment 40 and it's been
31 seconded. Is there any council discussion?
32
33 **DR. CRABTREE:** I guess my -- I would like to see us come
34 together more on this and try to come to a little more
35 consensus. I guess my question is, are there any here who if a
36 sunset were included would support the amendment with a sunset,
37 whereas they might not if there was no sunset?
38
39 **DR. DANA:** In the substitute motion, if we had "to add a
40 mandatory five-year review with an option to sunset" suffice?
41
42 **DR. CRABTREE:** I don't know what an option to sunset means. You
43 either have a sunset or you don't. An option to sunset means
44 the council just eliminates it, I think.
45
46 **CHAIRMAN ANSON:** Back to Dr. Crabtree's question. I think I
47 have voted and will vote not to support this amendment if there
48 is not a sunset. If there is a sunset provision in there, I

1 think that might be taken into consideration and certainly the
2 vote could change.

3
4 You know from our perspective in Alabama, we're in a little bit
5 of a spot and we're trying to look out for as many people as
6 possible and to provide some stability to both subsectors and so
7 the potential for regional management to continue on, if that's
8 in fact what happens, is a real viable option from our state's
9 perspective.

10
11 So with the notion that a sunset option is in there, I think it
12 provides some time to work on a plan, a regional management
13 plan, that would, as best possible, try to satisfy and give some
14 security to all the anglers to have access to the federal
15 fishery and so I think that's something that we could, if a
16 sunset provision were included -- Right now, the preferred is --
17 Well, we'll be talking about it here in a minute, but I think if
18 a sunset provision is there, that's something that we could
19 consider in our final vote for 40.

20
21 **DR. CRABTREE:** If I could, I appreciate that, Mr. Chairman,
22 because I think at least it is important to me to try and build
23 a little more consensus around this and that certainly will
24 influence how I vote on this motion.

25
26 **MR. GREENE:** Well, we just went through Amendment 39 and in that
27 previous motion, talking about a subset, I think Harlon hit on
28 it when he said in part of the motion that it would allow a
29 subset. Now would allow, would, should, could, does not put
30 anything definitive other than it is optional.

31
32 Now, if it was something that could be worked out to where it
33 would allow a sunset, as it is stated in 39 for 40, that's a
34 little bit different read than what I got just a few minutes ago
35 and so that's kind of where we're at, I think. You're going to
36 have to think about that, because in 39 we did would allow a
37 sunset and here, I'm trying to make a mandatory five-year
38 review, but, you know, nothing is set in stone at this point in
39 my mind.

40
41 **MR. MATENS:** This is not a surprise to anyone here. This is a
42 difficult subject. From my personal perspective and my
43 perception of the people in Louisiana that I've talked to about
44 this, if Amendment 40 passes, if there was a sunset provision,
45 it would be a lot more palatable for the people of Louisiana.
46 Thank you.

47
48 **MR. WALKER:** I would speak in favor of Johnny's motion. You

1 know if you've got a sunset clause and say you're one of these
2 charter for-hires providing access for the public anglers and
3 you've got a new -- You hear people talk about new people
4 getting into the industry and say there's someone new that comes
5 up and he wants to go and get into the industry and he goes to
6 the bank and he's talking to the banker and he's telling him
7 about I want to buy this boat and I'm probably going to need to
8 finance it for twenty years or ten years or whatever number of
9 time and then he tells him we're in this program and he tells me
10 well, tell me a little bit about your program.

11
12 He says, well, you know we've got a three-year sunset clause and
13 so that just doesn't -- You know I don't think the banker would
14 approve a loan like that or something like that and we ran into
15 the same thing on the commercial side.

16
17 We talked about sunsets and reviews and I just think that a
18 review makes much more sense to me. They can discuss it in five
19 years. Of course, in the commercial case, it could be eight or
20 nine years, I guess, before your review is finished, but I think
21 that the review makes more sense to me, especially when you take
22 into consideration of someone going to have to finance it.

23
24 **MR. PEARCE:** I appreciate the discussion you just led from
25 Alabama and I appreciate your thought processes and really
26 thinking this through, because this is an issue that we really
27 need to think through.

28
29 I think from day one I have been wanting, particularly my state,
30 to be able to manage its fishery regionally and I don't think
31 I've hidden that fact. I really like it, but I also from day
32 one have told my state, and everyone else, that I would not do
33 anything unless we protect the charter industry.

34
35 They need to have -- There is three components to this fishery
36 in the Gulf. There is no doubt about that. There is the
37 harvesting component and the charter component and the private
38 component and they all prosecute their fisheries differently.
39 They all need to be managed differently for them to survive and
40 to grow.

41
42 We have seen how we've hurt the charter guys in the past with
43 them obeying the law and it really, really put them at a
44 disadvantage. I am in the middle on this. I really am. I
45 think that a sunset is going to -- It's hard to have a program
46 that's working and you sunset it and, boom, it's gone.

47
48 It's no different than a regional management plan. If they have

1 the option to sunset it because it's not working, I understand
2 that, but if Louisiana would come in with a plan that's great
3 and we would have to kill it, I would be upset, too. I am
4 trying to -- I want to hear some more discussion on how we can
5 work out that situation, to where maybe there is an option to
6 sunset, much more than just a definite closed door. Again, I
7 respect Kevin's comments just now and I am really wanting to
8 work with him and working with the states to get this done.
9 Thank you.

10

11 **CHAIRMAN ANSON:** Dr. Crabtree, to that point.

12

13 **DR. CRABTREE:** Well, and Mara can correct me if she disagrees,
14 but I don't know what an option to sunset really means. Now, a
15 sunset just means that if we don't do anything that the program
16 will end.

17

18 My read on this is if we approve the sunset, then we will,
19 somewhere on the order of two years from now, need to do a plan
20 amendment to remove the sunset and if all we're doing is
21 removing the sunset, it will be a real simple amendment with an
22 environmental assessment and an easy thing to do or somewhere
23 along the way we work on some grander management shakeup that
24 includes everybody and everybody comes together and we replace
25 it with a whole new management regime, but a sunset doesn't mean
26 it has to go away. It just means that we're going to have to
27 take an action and keep it in place, but I really don't know
28 what an option to sunset would mean or how -- I know Johnny is
29 right in regional management we said that, but I think in
30 regional management, the way that will read is that it will be a
31 sunset.

32

33 **MR. PEARCE:** To that point, Mr. Chairman. This body has the
34 ability to kill anything at any time. I mean if we want to walk
35 in next week and kill what we did this week, we can. I mean we
36 can manage this fishery differently any time we want you know
37 and so why would we put a sunset in? If we see it needs change,
38 we change it and we can.

39

40 We have that ability. Any plan. If the regional management is
41 not working, this body can kill that and change it too and so we
42 already have the ability, without a sunset, to do our job. We
43 already have the ability to say, hey, this is not what we want
44 and let's come back in and revisit this and change it. So a lot
45 of those abilities are there you know and so with a review or
46 with an option that would allow a sunset if we need it, it just
47 maybe strengthens the fact that this body can change that if
48 they want.

1
2 **MR. FISCHER:** Harlon, don't go off. I am going to speak to
3 that. You will appreciate this, but because he wants to work
4 with speed and efficiency and that's what sunseting does. We
5 have established a sunset and it forces the council to work on
6 it prior to the sunset to get it ready.

7
8 We are still working on the five-year review of the IFQ program
9 and that could drag on for quite a while more. What the sunset
10 does is it accelerates it.

11
12 It forces the council to do their due diligence and sit down and
13 get it ready and make the corrections and move forward and
14 that's why I'm in favor of the sunset, because you have a clock
15 running, rather than just a review that seems to get put off and
16 some day in the future -- A five-year review, we will probably
17 tend to it nine years after the program is established.

18
19 **MR. WILLIAMS:** Just hypothetically, if 40 is approved today, 39
20 is going to continue to be worked on and perhaps in two years 39
21 will replace 40 and is that not right? I mean we can withdraw
22 40 as part of the approval on regional management if that occurs
23 and can we not? I will ask Roy or Mara, if I might.

24
25 **DR. CRABTREE:** You could and clearly if we pass Amendment 40,
26 that means we're going to have to make some decisions in
27 Amendment 39, because there's nothing in Amendment 39 right now
28 that discusses or contemplates Amendment 40 and so, yes, you
29 could do Amendment 39 and have it supersede or you could have
30 Amendment 39 just be applied to the private vessels and I don't
31 know what we would do with that and I am not a great fan of
32 sunsets, but I am also not a fan of -- I don't know where people
33 are on this and I think we need to get something done today.

34
35 I think we've got to start coming together on some of these
36 things and we have, in the Gulf, gotten into a very difficult
37 posture, where people are at odds and there is not a lot of
38 cooperation on it and sometimes you have to give a little bit to
39 pick up a little bit of support and try to start bringing people
40 together.

41
42 Ultimately, we have got to come together more as a group and
43 come to more of a consensus on where we're going if we're going
44 to get anything done and so I think all of us have to think
45 about compromises and those kinds of things, but how this puts
46 together with Amendment 39 has yet to be figured out.

47
48 **MR. WILLIAMS:** If I can just follow up. I mean the problem that

1 a number of us have is that we're not sure -- The council was
2 working on Amendment 39 when I was sworn in in August of 2013
3 and the best I can determine, no progress was made until last
4 week and so an awful lot of us are sitting here worried.

5
6 I mean your backs are against the wall now for those people that
7 oppose Amendment 40 and so now we're seeing some negotiation on
8 39, but we're afraid that's all going to fall apart again and
9 the charterboat fishermen and the fishermen that they represent
10 are going to be unprotected and so we want to make sure they're
11 protected.

12
13 Like you, I would like to see a lot more consensus in here. I
14 was intrigued with what Ken Haddad was talking about. I was
15 pleased to see that he had taken a step and they would support
16 40 as long as it would be replaced by something down the road,
17 39. I would pledge that I would help to work on that.

18
19 I mean I'm prepared to vote for 40, but I would also help the
20 states replace it with something more to their liking, but I
21 think we have to -- We've come a long way and we have to move on
22 with approving Amendment 40 today and so that's it.

23
24 **CHAIRMAN ANSON:** Myron, to that point and make it brief, please.
25 I have a lot of people.

26
27 **MR. FISCHER:** Very brief. Roy, regional management didn't like
28 slow down or it didn't -- What was stated was it would be put
29 off until the calibration workshop was complete, which is this
30 meeting now and so it wasn't put on the back burner. We were
31 waiting and then it's in that timeframe in between that sector
32 separation took off.

33
34 **DR. DANA:** I think Captain Mike Eller yesterday said it very
35 well when he was discussing the five-year review versus the
36 sunset. In a lot of the -- He stated that in the review or
37 anyone that does not want the ability to terminate this program,
38 if it goes awry, is not going in for the right reasons.

39
40 So we would -- The sentiment, from what I heard at least from
41 public testimony, in the five-year review they would like to
42 have -- They would like to be allowed to sunset or to terminate
43 the program if it's not working or if the states come up with
44 another alternative that works for the betterment of everyone in
45 the regional management.

46
47 So I would have no problem with -- I absolutely think there has
48 to be a five-year review, because we need to -- If this does

1 pass, there needs to be checks and balances and tweaks to make
2 it work properly, but I would have no problem in adding
3 something within that motion to add a mandatory five-year review
4 and to allow -- That would allow program or delegation to
5 sunset. I mean that's probably not the proper language, but
6 whatever we used before with the regional management, since,
7 Roy, you didn't like the "option" term.

8
9 **MR. PERRET:** What are we speaking on now, the sunset in the
10 substitute motion or not?

11
12 **CHAIRMAN ANSON:** Yes, that was Johnny Greene's and, Johnny, do
13 you want that language to be included as a friendly amendment?

14
15 **MR. GREENE:** I believe if she wants to make a substitute motion
16 that she should at this point. She can make a second substitute
17 and put it in there.

18
19 **CHAIRMAN ANSON:** All right and so, Corky, we are back to this
20 one.

21
22 **MR. PERRET:** Okay and so we are discussing the mandatory five-
23 year review. It seems, to me, there have been some good points
24 brought out, but David Walker, to me, brought out the most
25 important point and that is for the charterboat industry and
26 their business plan and being able to have a plan to work with
27 bankers and loan officers and so on and so forth.

28
29 Now, Myron says -- Where is he? He left like Harlon does.
30 Myron says a two, three, and five-year sunset would make us do
31 something and sure, but how would Myron, if he were here and he
32 was still at -- There he is.

33
34 **MR. FISCHER:** I am listening.

35
36 **MR. PERRET:** If you were still a charterboat operator and you
37 had a plan that you bought into and it went away in two years or
38 three years, I don't think you would be very comfortable with
39 that and that's why I support this mandatory five-year review
40 and, like Mr. Pearce says, a review.

41
42 In five years, if the council decides, hey, it needs to go away,
43 it's gone and recommend to NMFS, if NMFS goes along with it,
44 because they always have the final say, but given this segment
45 of the industry, if 40 passes, only a two-year period, I don't
46 think we're giving them anything, a possible two or three-year
47 period for the sunset.

48

1 **MR. RIECHERS:** Just a couple of points. One is to Roy
2 Williams's point about unprotected recreational anglers.
3 Obviously the anglers, whether they be in this program or
4 fishing on a charterboat or fishing on their own boat, they are
5 the same recreational angler as we heard at the podium many
6 times yesterday in public testimony. They are the same angler
7 and so I think both of them are in that boat of having some
8 unprotection, if you will, regarding changing seasons and
9 shortened seasons, as we've seen through the last years,
10 resulting in nine days last year.

11
12 My other comments that I was truly going to make at the
13 beginning was really the mirror comments of Mr. Fischer. You
14 know we've just not been good, as a council body, in
15 deliberating over the big issues. We seem to put those off and
16 whether that's reallocation or whether that's regional
17 management and our ability to really get our arms around it.
18 Even this morning, we are struggling trying to get it moving
19 again and we're finding every reason not to do it, as opposed to
20 reasons and how to figure it out.

21
22 So I think we need to have a sunset. I think we need to be able
23 to look towards a sunset that will transition into a better and
24 more -- A system that encompasses and equates to taking
25 protection for a larger group, or the whole entire group, of
26 those private recreational anglers.

27
28 **MS. LEVY:** So I just wanted to clarify the idea of a sunset
29 provision and what's in Amendment 39 and I think when we go back
30 and restructure Amendment 39 that we'll make this language more
31 clear, but the "allow the program to sunset" language is a
32 sunset, meaning it's not discretionary.

33
34 After five years or whatever time period you pick, that program
35 will be over, unless the council takes further action to extend
36 it or get rid of the sunset provision and so the "allow"
37 language may be confusing and imprecise and we're going to
38 change that, because when you looked at the regs that came out
39 when we were looking at Amendment 39, it clearly said the
40 delegation is effective for this many years and so it would go
41 away and when you look at the regulations, the codified text
42 that I believe got sent to you recently on Amendment 40 with a
43 sunset provision added based on the committee action, it
44 basically says that the two separate subquotas for those sectors
45 are effective for these three years.

46
47 Again, it's not a discretionary thing. I think, like we've said
48 before, the council always has discretion to get rid of

1 something, but a sunset provision makes it happen unless the
2 council takes further action to stop it.
3
4 **MR. PERRET:** I would like to call the question.
5
6 **CHAIRMAN ANSON:** So do you want them to speak? Okay. You
7 called the question away and so --
8
9 **MR. PERRET:** After the two that were on your list.
10
11 **CHAIRMAN ANSON:** All right. Very good. So we have Martha and
12 then Doug Boyd.
13
14 **MS. BADEMAN:** I will be quick. So to follow up on what Mara
15 said about a sunset in Amendment 39, my intention certainly was
16 an actual sunset and not maybe we have a sunset later and that
17 would certainly be my intention here.
18
19 As Myron explained and Robin followed up, this forces action,
20 basically, and makes us get together as a group, which has been
21 hard for us, and sit down and figure out a solution that's going
22 to work for everyone.
23
24 **MR. BOYD:** I am going to speak against the substitute motion. I
25 think Dr. Crabtree is correct in his wish to have greater buy-in
26 to the Amendment 40 and I think that a sunset in here will bring
27 all parties together. It has to. When you get a summons from
28 Congress to go testify, which I had, it was not optional and I
29 decided that going deer hunting would be better, but I was
30 advised by counsel not to do that.
31
32 I think this does the same thing. It brings all parties
33 together and all parties can come with the attitude that they
34 have to make some decisions, rather than kick a can down the
35 road. Thank you.
36
37 **CHAIRMAN ANSON:** Corky, I was wondering if you could provide
38 some leeway for Dr. Crabtree to provide some comment before we
39 go to --
40
41 **MR. PERRET:** I have heard enough from Crabtree.
42
43 **CHAIRMAN ANSON:** You have heard enough from Crabtree?
44
45 **MR. PERRET:** Let Dr. Crabtree go.
46
47 **CHAIRMAN ANSON:** Okay. Let him go. You have got permission,
48 Roy.

1
2 **DR. CRABTREE:** Just to Mr. Boyd, and I appreciate your comments,
3 Doug, and does that mean you conceivably would support this
4 amendment if we add the sunset in?
5
6 **MR. BOYD:** I could conceivably support this amendment with
7 another motion I am going to make in a few minutes.
8
9 **CHAIRMAN ANSON:** Now we're at the call-the-question point and so
10 we have a substitute motion on the board and it reads: To add a
11 mandatory five-year review to Amendment 40. All those in favor
12 signify by saying aye; all those opposed like sign. All right.
13 Let's do a show of hands. **All those in favor, raise your hand,**
14 **please.**
15
16 **EXECUTIVE DIRECTOR GREGORY:** We've got one, two, three, four,
17 five, six, seven. Is that right? Seven for?
18
19 **CHAIRMAN ANSON:** We've got an eight and a seven. We are going
20 to recount, please. Raise your hand again if you are in favor
21 of this motion.
22
23 **EXECUTIVE DIRECTOR GREGORY:** One, two, three, four, five, six,
24 seven, eight.
25
26 **CHAIRMAN ANSON:** All right and so it was eight in favor and all
27 those that are not in favor of the motion on the board, please
28 raise your hand. **The vote was eight in favor and nine against**
29 **and the substitute motion fails. The substitute motion fails.**
30
31 That brings us back to the committee motion and that motion is
32 to add a new action to create a sunset provision on sector
33 separation with Options a, b, and c for sunset after two, three,
34 and five years of the program. I think we've all had enough
35 discussion, but anyone -- Roy Williams.
36
37 **MR. WILLIAMS:** Well this is a final hearing and don't we have to
38 choose one of those?
39
40 **MR. PERRET:** That's next.
41
42 **MR. WILLIAMS:** Oh, that's next?
43
44 **MS. BOSARGE:** Dr. Crabtree asked for some compromise and to get
45 more people on the same page. What I've seen today is that we
46 know right now, before we vote on this, that all five states
47 have voted against Amendment 40 in committee and that they're
48 against it.

1
2 After that happened, all the states were supportive of putting a
3 sunset into regional management and a sunset into sector
4 separation and so I have to look at that on the whole and say,
5 well, so where exactly are the states wanting us to head, back
6 to status quo where we are right now, with no regional
7 management and no sector separation? Is that the ultimate game
8 plan?

9
10 Maybe not. Maybe we are going to work on something and we will
11 come up with a new plan and we won't sunset something and who
12 knows, but the way it stands right now, that's what was put in
13 and that's what is going to be mandatory, is for it to go away.

14
15 So now we're playing chicken with each other with this sunset
16 clause right here and it's a question of are we going to come
17 together or are we not? In other words, if we put this in
18 there, because it looks like there's enough votes to pass sector
19 separation and so if the people that are going to vote to pass
20 sector separation will compromise and put this sunset in there,
21 are the states, which is what people are concerned about, going
22 to vote for sector separation?

23
24 That question was asked and we're just sitting here playing
25 chicken and nobody has flinched yet. I have not yet heard a
26 state yet say for sure yes, if this sunset is in there and I
27 know that it's going to end after two, three, five years, I will
28 support it. Not I contemplate it and I appreciate that, Kevin.
29 You came the closest to answering the question, but what is it
30 going to be?

31
32 **CHAIRMAN ANSON:** Well, I possibly will come back to talk about
33 that, but I have a few folks. Pam, you had your hand raised and
34 so Pam, Martha, and John Sanchez.

35
36 **DR. DANA:** Thank you, Chairman Anson. Once again, as I said
37 before, anyone that does not want the ability to terminate this
38 program if it's going awry is not going into it for the right
39 reasons.

40
41 I know, from speaking to folks in the industry and those that
42 commented on it yesterday in public testimony, the reason --
43 They're not necessarily opposed to a sunset if the program
44 shouldn't exist. What they are afraid of is that this council
45 may look or act differently in a couple of years and it may be
46 hostile towards the charterboat industry and just let it go
47 away, even if it is working well.

48

1 So it's a fear factor, because, as we saw with 30B -- We put 30B
2 on the charterboat industry and then we took it off and then we
3 put it back on at like the next meeting. They don't trust the
4 council process and so they're worried and that's why they
5 wanted a review with an ability to terminate versus a sunset and
6 so it's not a question and it's not -- It's just a statement.

7
8 **MS. BADEMAN:** So to answer Leann's question, our agency's
9 position on sector separation is very clear. We have written
10 letters to the council opposing sector separation, but let me
11 say this about this sunset provision and the sunset provision in
12 Amendment 39.

13
14 The reasons why I supported both of those are the same. It's
15 going to force us to take a hard look at this and take action if
16 we need to and it's going to force us to. With the IFQ review,
17 year five rolled by and we're on year like eight now and we just
18 now got around to approving that stuff to go out to scoping and
19 so we're looking at at least another year before anything
20 happens with that. I just think this is the way to go. If
21 we're going to do this, I think a sunset is a good thing to add
22 in here.

23
24 **MR. SANCHEZ:** A lot of excellent points brought up. It's very
25 clear the sunset and non-sunset is very politically motivated.
26 In the meantime, you have business entities, charterboats, that
27 have to operate and have to get loans and have to make payrolls
28 and have to do things that business people in the real world
29 have to do and not politically motivated.

30
31 This sunset kind of eviscerates some of the spirit of this. Now
32 there is the sudden urgency for compromise and what in the hell
33 have we been doing for the last several years? We have been
34 coming to these meetings and hundreds of people coming and
35 testifying and now that it's not going the way you want it to,
36 let's compromise.

37
38 I am totally against that. This has been sailing along and
39 taking shape and form and direction for a long time. It's not
40 their fault that we take seven or eight years to do a five-year
41 review. Review is what is called for. If you don't like the
42 plan, they don't like the plan, they will probably come here in
43 equal numbers and say, please, get rid of this and you're
44 killing me again. So, to me, sunset, review, let's do something
45 for these people. If you like sunsets, go to Key West. There
46 is one every afternoon.

47
48 **CHAIRMAN ANSON:** Well, Leann, you asked the question and I will

1 talk about it a little bit more and you know I didn't come right
2 out and say it, because we haven't gotten to that motion that
3 will explicitly identify a specific sunset range, but, again,
4 from speaking for Alabama, Mississippi, and, to some extent,
5 Louisiana might have similar concerns and I don't know if they
6 want to comment on it or not. They are certainly able to, but
7 you know you look at what regional management can provide and of
8 what has been requested amongst the stakeholders on the for-hire
9 side.

10
11 I mean 30B goes away and you look at it from the perspective of
12 the private anglers and the private anglers, there is some
13 security for the private anglers because there is an allocation
14 that's been given to a region now and so there is some -- It
15 affords some protection for those anglers that as a whole or
16 individually will have some guarantee, some protection, moving
17 forward that their seasons will stay intact and don't have to
18 worry about maybe states that are going noncompliant.

19
20 So as far as the total benefits, you know again from the State
21 of Alabama and our perspective, is that we feel like a plan
22 that, to this point, has been identified and crafted under
23 regional management and our concept of how regional management
24 could work, that provides the best opportunities for as many of
25 our anglers as possible.

26
27 Now, I understand that you have, under sector separation, you
28 have an option or a table that's provided with status quo of
29 here we are today, based on this year's management, and this is
30 what the for-hire guys get and private and I don't know what
31 it's going to be in 2016 or 2017 or 2018 with regional
32 management, but those are some of the things that we would work
33 on as a council.

34
35 You know a sunset provision doesn't provide a security.
36 Obviously it doesn't, but it does offer in good faith, I think,
37 to those that they have a number of years, yet to be identified
38 potentially, that they have some guarantee as to what their
39 season will look like.

40
41 That short-term fix, if you will, as Martha had indicated and as
42 Roy had stated, is something that we should try to work toward,
43 is to come together so that we can come to consensus and
44 consensus building usually means everybody has to give up
45 something.

46
47 So I understand, from the position that you're looking at now,
48 you might want not to give up anything or somebody might not

1 want to give up a little bit and so, from our perspective, again
2 with the goal -- And you know we'll be working diligently, as we
3 have in the past, with our sister states here in the Gulf to
4 come up with a plan that is going to be satisfactory.

5
6 We will certainly work hard to do that and you know from our
7 perspective, we have supported the EFP that our guys wanted to
8 do and we will certainly work with them whatever happens here,
9 whether 40 goes along or it's temporarily in place or we go into
10 looking at regional management.

11
12 We will certainly include them, but that's -- Again, I can't say
13 specifically, because we haven't gotten there, but in the spirit
14 of trying to build consensus and trying to get to a better place
15 for fisheries management, for red snapper, in the entire Gulf of
16 Mexico, we are certainly willing to consider, potentially, using
17 a sunset option in this document and we could support 40.

18
19 **MR. PERRET:** Leann brings up an interesting point and mentioned
20 states and state directors and I have been a state director in
21 two states and they're in a difficult position. They have got
22 commissions and they've got boards and they've got people
23 telling them what to do from all directions, but I think this is
24 an amendment to a federal fishery management plan and not a
25 state plan, a federal plan, and the states are our partners.

26
27 We've got three letters from state commissioners asking us or
28 suggesting to us that we do certain things and so forth and so
29 on and I have all the respect in the world for those
30 commissions, but we send a letter every year to those same
31 commissions and they don't necessarily follow what we request.

32
33 Eleven of us raise our hand and take that federal oath, benefit
34 to the nation. The Chairman earlier said in Alabama, and I
35 quote, they want to help as many people as possible. Each
36 state's agency has a totally different mandate than we take when
37 we take that oath, benefit to the nation, and in Alabama, help
38 the most people and Louisiana and Mississippi and so on and so
39 forth and that's all well and good.

40
41 Their mandates are different than the mandate we have at this
42 council. Now, we have those five state partners and I think if
43 the states would have been in compliance with red snapper rules
44 and regulations that we probably wouldn't have as big a mess as
45 we've got right now, but this is a federal council, a federal
46 amendment to a federal plan, and that's what we have to work on.
47 Thank you.

1
2 **MR. WALKER:** That's what I was going to agree with Corky on.
3 You know you kind of ask yourself what has all this state
4 noncompliance -- What has it done for the charter industry and
5 you know I mean the public angler? They are part of this
6 recreational fishery, too.
7
8 **MR. PERRET:** Call the question.
9
10 **CHAIRMAN ANSON:** Mr. Williams first.
11
12 **MR. WILLIAMS:** I am going to say, like John, I am going to vote
13 against this. I went around last night and I know Harlon went
14 around last night talking to people to see if we were to support
15 this sunset provision would you reconsider your opposition to
16 Amendment 40 and I never found any person that would and so, for
17 that reason, I am voting against this.
18
19 **CHAIRMAN ANSON:** Corky, you called the question?
20
21 **MR. PERRET:** Call the question.
22
23 **CHAIRMAN ANSON:** All right. Called the question and so the
24 motion on the board is to add a new action to create a sunset
25 provision on sector separation with Options a, b, and c for a
26 sunset after two, three, and five years of the program. **All**
27 **those in favor of the motion please raise your hand.**
28
29 **EXECUTIVE DIRECTOR GREGORY:** One, two, three, four, five, six,
30 seven, eight, nine.
31
32 **CHAIRMAN ANSON:** All those opposed.
33
34 **EXECUTIVE DIRECTOR GREGORY:** That was on calling the question.
35
36 **CHAIRMAN ANSON:** I'm sorry?
37
38 **EXECUTIVE DIRECTOR GREGORY:** That vote was on calling the
39 question or that vote was on the motion itself?
40
41 **CHAIRMAN ANSON:** No, I read the motion and so that was the
42 intent. I am sorry. **The motion carries.**
43
44 **MS. LEVY:** I just want to note that the motion says to add a new
45 action, but how we're going to reflect this in the document is
46 to add a new alternative to Action 1 that has the different
47 options to sunset in it, so that we don't have a whole new
48 action, but we are looking at sunsetting anything that you --

1 The preferred in Alternative 1. It will be the same effect, but
2 it will just be an alternative instead of a new action.

3
4 **CHAIRMAN ANSON:** All right and so I guess we're ready to
5 continue on with your report. One question from Mr. Boyd.

6
7 **MR. BOYD:** Thank you and no, I have a motion I would like to
8 make at this point. One of the things that I have heard in
9 public testimony for the last two years on this amendment is
10 that a lot of people are uncertain about what this amendment
11 means and we heard yesterday about what it didn't mean.

12
13 It didn't mean an IFQ system and it did not mean an intersector
14 trading system and so I would like to put on the board a motion
15 that would clarify that, in no uncertain terms, and hopefully
16 give some comfort to some of the charter for-hire people who do
17 not know what this amendment will lead to.

18
19 **My motion is in Action 2 to add an Alternative 10 to establish a**
20 **moratorium on the creation of intersector trading of IFQ shares**
21 **and an individual fishing quota program in the charter for-hire**
22 **sector and if I could get a second.**

23
24 **CHAIRMAN ANSON:** Yes, do we have a second for the motion? It's
25 seconded by Camp. Okay. Any council discussion on the motion?
26 Mr. Boyd, do you want to clarify any more or --

27
28 **MR. BOYD:** Well, I think I said it. We've got a lot of
29 opposition to sector separation because of the uncertainty in it
30 and we manage uncertainty all the time and I'm trying to manage
31 this uncertainty and give people a certain outcome on what
32 sector separation does not do.

33
34 **MR. PEARCE:** Doug, I appreciate your comments and intersector
35 trading is one thing I'm with you on, but I don't think we need
36 to take any option off the -- This is not an IFQ amendment, 40,
37 and so we'll start with that.

38
39 In fact, I hate the damn name "sector separation" and I wish it
40 was something different than that, but I think that we have an
41 amendment -- We have another program rolling already that's
42 going to try to develop some sort of a program that will help
43 manage these fishermen and it doesn't have to be IFQs. It
44 doesn't have to be that and it could be anything, but I don't
45 think we should take anything off the table as we move down this
46 path. I think we need to let these guys look at it and see what
47 they've got to do, but I am -- In no way am I saying I want IFQs
48 for the charterboats. That's not what I am saying now. I am

1 just saying we shouldn't take any tools out of the toolbox for
2 those guys that are on that AP to do their job.

3
4 This amendment shouldn't even be -- We shouldn't even bring up
5 IFQs in what we're doing in 40, because that's not what 40 is
6 all about and that's not what it's going to be about. That's a
7 separate thought process for a separate world that we live in.

8
9 **MS. LEVY:** So I understand what you're getting at, but I just
10 want to make clear that from a legal perspective this really
11 doesn't have any impact, meaning you can say that you want to
12 put a moratorium on the creation of something, but you could
13 come back at the next meeting and say you want to do what you
14 just put a moratorium on.

15
16 So this is different than saying you're going to put a
17 moratorium on permits and we're not going to issue them anymore,
18 but that moratorium would expire in five years unless you extend
19 it and that -- You are putting a moratorium on your own decision
20 making and that decision can be revisited at any time.

21
22 **MR. PERRET:** I am kind of leaning in Mr. Boyd's direction
23 supporting this, but my comment is, Doug, it seems to me the
24 timing is not right. I think we should take it up after. The
25 next thing is whether or not we have a preferred alternative on
26 this sunset thing. That's my only comment. It seems like we
27 should get that out of the way and then certainly we can
28 consider that.

29
30 **MR. BOYD:** I would be happy with that and maybe we even tie this
31 to the sunset.

32
33 **MR. PERRET:** But if I'm not mistaken, Robin, the next thing was
34 relative to have a preferred on the sunset thing and I think it
35 would be appropriate to take that up first.

36
37 **MR. RIECHERS:** You are correct, but I will let Mr. Anson decide
38 what's most appropriate to take up when.

39
40 **CHAIRMAN ANSON:** Seeing there might be some fruitful discussion
41 to bring it up at that time, if you wouldn't mind postponing --

42
43 **MR. BOYD:** I would be happy to move it to after that discussion.

44
45 **CHAIRMAN ANSON:** Okay. Thank you.

46
47 **MR. BOYD:** So do you want me to withdraw the motion and then
48 I'll bring it back up again?

1
2 **CHAIRMAN ANSON:** Yes, withdraw it and I think we have to --
3
4 **MR. BOYD:** I will withdraw the motion.
5
6 **CHAIRMAN ANSON:** Withdraw the motion and you can bring it up
7 again, but just have Charlotte go ahead and save it. Thank you.
8 All right, Robin. I think we're ready to continue.
9
10 **MR. RIECHERS:** Okay. Fortunately, this won't take long. One
11 sentence before we get there. The committee considered
12 preferred options for a sunset provision. A motion to sunset
13 sector separation after five years failed. The committee
14 approved the following motion.
15
16 **The committee recommends, and I so move, that in Amendment 40 a**
17 **new action be added. The preferred sunset option be the three-**
18 **year Option b.**
19
20 **CHAIRMAN ANSON:** All right. We have a committee motion and it's
21 been read and it's up on the board.
22
23 **MR. PEARCE:** I want to make a substitute motion that the
24 preferred option be the five-year option.
25
26 **MR. SANCHEZ:** Second.
27
28 **CHAIRMAN ANSON:** Motion that the preferred option be the five-
29 year option and it's been seconded by Mr. Sanchez.
30
31 **MR. SANCHEZ:** To that point, five years, let's see some
32 compromise.
33
34 **MR. FISCHER:** I was in the fuel retail business and I did not
35 buy from Mr. Sanchez, but I think a compromise between two and
36 five would be three.
37
38 **MR. WALKER:** I think he meant between a five-year review and a
39 sunset. I think that's what he's referring to.
40
41 **MR. SANCHEZ:** That's correct.
42
43 **CHAIRMAN ANSON:** I am sorry, David, a five-year review? I mean
44 we're talking about a sunset action right here.
45
46 **MR. WALKER:** You were talking about options for the sunset and
47 it was two, three, and five years and is that correct? I think
48 what John was referring to was five years on the sunset. There

1 was—were people that wanted a five-year review and I think
2 that's what he was referring to and he agreed.

3
4 **CHAIRMAN ANSON:** Thank you. Any other council discussion?

5
6 **DR. CRABTREE:** I would be interested in hearing Alabama's
7 position on the duration of the sunset, Kevin, and where that
8 would put you. Not to put you on the spot or anything.

9
10 **CHAIRMAN ANSON:** Well, I am -- That's where I'm a little
11 confused, I guess. I hear a five-year review, unless that's a
12 separate action we can bring that up, but you know obviously if
13 you have a three-year option on the sunset and you have a five-
14 year review, I mean that might give somebody the inclination
15 that it's going to be beyond three years and year four and five
16 would still operate as normal and so -- I might be just
17 overthinking it, but relative to this motion, we are in support
18 of the preferred that was recommended or brought forward from
19 the committee.

20
21 **MR. SANCHEZ:** To that, it seems like we've made the crossover
22 from review to sunset and that's kind of where we're at and so
23 what I was suggesting is that in doing that, in the spirit of
24 compromising and moving this forward, going from review and
25 everything to sunset, let's do five-year instead of three-year,
26 only because, hell, we can't hardly get anything done in three
27 years and so let's do five.

28
29 **MS. BOSARGE:** I agree with John on the five years. We have a
30 shrimp amendment that has an expiration on a moratorium, which
31 is somewhat similar to what we're looking at here. I mean if it
32 expires, it goes away. If this sunsets, it goes away and we
33 heard when we were in the Shrimp Committee that we're on a
34 pretty tight timeframe to get this done. We've got two years
35 and it's a tight timeframe to get it done and so essentially, if
36 we go with that three-year option, we can look at how it works
37 for one year and then we've got to start working on something if
38 we don't want it to go away and be done in two years.

39
40 Regional management, we've been working on for how many years
41 now? So I have an issue with three years and having to start
42 working on something after one year of seeing how something
43 goes.

44
45 **CHAIRMAN ANSON:** Well, I think Martha had brought this up
46 earlier, but you know the three-year idea is the time certain
47 and so, yes, you want to make sure that you have enough time to
48 go through the process and really flesh out a document, as we're

1 trying to interrelate the 39 and 40 documents here.

2
3 So one year is not realistic and two is probably not realistic
4 and so the next year available would be the three, in order to
5 make sure that there is enough discussion and it's brought
6 through for the council and so I think relative to Mr. Sanchez's
7 question, I am leaning still towards the three-year sunset
8 option as the preferred.

9
10 **MR. FISCHER:** Also, one reason you have to work on this sooner
11 is you basically have no management regime in here. It's just
12 this activity and this document does two things. It creates a
13 sector and it allocates a percent and that's it. Somewhere, you
14 are going to have to add other managerial items to govern this
15 fishery by and the sooner, the better.

16
17 **MR. PEARCE:** I think I know the answer to this question, but
18 I've got something to follow up. If none of these motions that
19 we're making today will not -- Will it stop us from going to
20 final today if we pass this, Mara?

21
22 **MS. LEVY:** No. If you put in the sunset provision, you can
23 still take final action.

24
25 **MR. PEARCE:** That's fine. I will be opposed to anything that
26 slows this document down. Any other amendments that would slow
27 it down, Mara, I would like to know from you if it will, because
28 I will oppose any other motion that will not let us pass this
29 today.

30
31 **CHAIRMAN ANSON:** Any other council discussion? All right. The
32 motion on the board is that in Amendment 40, new action, the
33 preferred sunset option be the three-year option. That would be
34 Option b. I'm sorry. The substitute. We have a substitute
35 motion that the preferred option be the five-year option. I
36 apologize. **All those in favor of the substitute motion please**
37 **raise your hand.**

38
39 **EXECUTIVE DIRECTOR GREGORY:** Okay. Starting here. One, two,
40 three, four, five, six, seven, eight. Did you get eight? Okay.

41
42 **CHAIRMAN ANSON:** I think you got confirmation on eight. **All**
43 **those opposed to the motion please raise your hand. The motion**
44 **fails. The substitute motion fails.**

45
46 That would bring us back to the committee motion and that reads
47 that in Amendment 40, new action, the preferred sunset option be
48 the three-year option. That would be Option b. Is there any

1 further discussion on this motion? **All those in favor of this**
2 **motion please raise your hand.**
3
4 **EXECUTIVE DIRECTOR GREGORY:** One, two, three, four, five, six,
5 seven, eight, nine, ten, eleven, twelve.
6
7 **CHAIRMAN ANSON:** **All of those opposed, just for the record.**
8
9 **EXECUTIVE DIRECTOR GREGORY:** One, two, three.
10
11 **CHAIRMAN ANSON:** **The motion carries.** Now, Mr. Boyd, this would
12 probably be appropriate to readdress your motion.
13
14 **MR. BOYD:** Thank you, Mr. Chairman. If you could put my motion
15 back up and staff has asked me to change this just a little bit.
16 I didn't know where to put it and so I chose Action 2. They
17 said that I should change that to say request that staff be
18 allowed to put in -- **Put this motion into the appropriate place**
19 **in the document. So if you could change from Action 2,**
20 **Alternative 10, to instruct staff to place the motion in the**
21 **appropriate place in the document.** Does that do it?
22
23 **DR. CRABTREE:** So we're talking about essentially adding a
24 statement of our intent or something like that? Is that how I'm
25 reading that?
26
27 **CHAIRMAN ANSON:** Yes and so --
28
29 **DR. CRABTREE:** It would be a statement that the council pass the
30 following motion and they will put that in the document
31 somewhere?
32
33 **MR. BOYD:** Mr. Chairman, is that all right or do you want to
34 wordsmith it?
35
36 **CHAIRMAN ANSON:** Doug, go ahead, Doug Gregory.
37
38 **EXECUTIVE DIRECTOR GREGORY:** Mara, given what you said earlier,
39 this motion could just stand alone and it doesn't have to be in
40 the document, right?
41
42 **MS. LEVY:** Yes, if you want to -- If the motion wants to add a
43 statement to the document, a statement of intent, and this is
44 it, it could say that. I don't know how it would be an action
45 or an alternative, really, to anything. It's more a statement
46 of intent, but like I said, it really has no legal effect on
47 future actions by the council.
48

1 **MR. PEARCE:** Mara, will this slow us down? Can I go to final
2 still with this?
3
4 **MS. LEVY:** Yes, because it's just going to end up being a
5 statement of intent. Like I said, it's not going to have a
6 legal impact on anything that's in the document.
7
8 **MR. BOYD:** I would like to change this to, and I don't know how
9 to wordsmith this, to coincide with the sunset provision in the
10 previous motion. In other words, if this passes, it would run
11 and be in effect until the sunset provision.
12
13 **CHAIRMAN ANSON:** So maybe to establish a moratorium on the
14 creation of intersector trading of IFQ shares and an individual
15 fishing quota program in the charter for-hire sector for the
16 sunset -- For the preferred alternative sunset provision, for
17 the length of the preferred alternative sunset provision.
18
19 **MR. BOYD:** All right, Mara, does that give it legality?
20
21 **MS. LEVY:** You can't legally bind future councils to something.
22 This isn't something we're going to put in the regulations. You
23 can't bind future decisions that this body is going to make in
24 other meetings. It's not a decision on regulation of the
25 fishery. You are trying to bind yourselves and you can't do
26 that. You can state your intent, but it's not going to have the
27 legal effect of binding any future councils from doing
28 something.
29
30 **MR. BOYD:** Okay and so this would have the same effect that the
31 IFQ program we currently have in place for commercial has, where
32 it creates an activity, but it does not bind the council? Is
33 that correct?
34
35 **MS. LEVY:** I don't understand what -- I don't understand what
36 the reference to the IFQ program is.
37
38 **MR. BOYD:** Well, in the IFQ program, a previous council created
39 that IFQ program. This council could vote to change that
40 program and do away with it? Is that correct?
41
42 **MS. LEVY:** Correct. You always have the option to change the
43 things that you've done previously.
44
45 **MR. BOYD:** Okay and so this motion has the same effect, if you
46 want to say it that way.
47
48 **MS. LEVY:** But what you're getting at with this motion is you're

1 trying to put a moratorium on council action. You can't put a
2 moratorium on future action by the council. Legally, the
3 council could come back at the next meeting and decide to create
4 an IFQ program.

5
6 **DR. CRABTREE:** My advice to you, Doug, is to -- I would take out
7 the stuff about the length of the sunset provision. I think the
8 best you can do here is just make a statement of intent and if
9 it passes today, it is what it is, but like Mara said, you can't
10 legally bind future councils and tie down what they may or may
11 not do. I think that's the best you can do, is take that
12 preferred length out and pass this motion. Then you have
13 indicated a statement of intent, at least for now.

14
15 **MS. BADEMAN:** I have a question for Mr. Boyd about this motion.
16 Is your intent just to halt a vote, a final vote, on these
17 things or is this to stop development of these things in its
18 tracks? What's your intent here?

19
20 **MR. BOYD:** My intent is to remove the uncertainty that an IFQ
21 program or intersector trading would take place under Amendment
22 40. That's my intent.

23
24 **DR. CRABTREE:** Well then why don't you change it to say that
25 instruct staff to state in the amendment that Amendment 40 does
26 not establish intersector trading or an IFQ program, because
27 Amendment 40 doesn't create any of those and so if your intent
28 is to be clear that Amendment 40 doesn't do that, then we can
29 put a statement in there just to be clear to that.

30
31 **MR. BOYD:** But I think Amendment 40 allows it to happen, because
32 we already have -- As staff just reminded me, we have an IFQ AP
33 for the charter for-hire industry scheduled to meet on December
34 1 and 2.

35
36 **DR. CRABTREE:** So you could make a motion, when we're done with
37 this, to not have that panel meet or just to disband that panel,
38 but you can't tie the council's hands down the road. You can't
39 pass anything that legally prevents future councils from going
40 forward with one of those programs. As Mara has told us, there
41 is no legal way to do that.

42
43 Now, I am with you that Amendment 40 doesn't do that, but we
44 can't make a binding statement that we're not going to do that
45 through an amendment process at some point down the road.

46
47 **MR. BOYD:** All right and, Mara, you said that this statement
48 does not bind the council?

1
2 **MS. LEVY:** Correct. You can make whatever statement you want
3 about what the intent is at this particular time, but that
4 doesn't mean that the council is going to be bound from doing
5 something at the next meeting or the next year or whenever the
6 council decides to take action.

7
8 **MS. BOSARGE:** I am kind of confused as to why this is in there
9 and I know you gave us some rationale about because we have
10 heard that there is a little bit of confusion, maybe, on some
11 people's part that maybe this Amendment 40 somehow is
12 intersector trading or IFQs and we clarified that on the record
13 yesterday, that no, this wasn't.

14
15 I am wondering why are we going so far as to put it in this
16 document and the part that worries me is that it has nothing to
17 do with this document and that's been stated for the record.
18 Now, there is something totally different that we are working on
19 that is a program for the for-hire sector.

20
21 It's not an IFQ per se, but it may be somewhat similar to that
22 and we don't know. We are working on it. By putting this in
23 here, in sector separation, when we've already heard on the
24 record from certain groups that if this Amendment 40 passes they
25 are going to pursue litigation, does this -- If this is in this
26 document, can a judge somehow come back and say, well, you know,
27 sector separation is nullified because you said in there that
28 this whole sector separation was not based on the premise of
29 going into anything like this. You specifically said that in
30 the document, yet you're working on this other amendment and I
31 am just -- I hate to think about it from a litigation
32 perspective, but, Mara.

33
34 **MS. LEVY:** So are you talking about any potential future
35 litigation if an IFQ system is developed or with this particular
36 document?

37
38 **MS. BOSARGE:** With this document, over Amendment 40, and here we
39 are -- If we put this in there, the council is stating that it's
40 not our intention -- That this will not lead to this.

41
42 **MS. LEVY:** So I view it as a statement of intent at this time.
43 That doesn't mean that the council is bound by the statement in
44 the future. You don't have the ability to put a moratorium on
45 yourselves and so you can say what the intent is now. It
46 doesn't have any legal effect for future action by the council.

47
48 **CHAIRMAN ANSON:** Johnny, forgive me, but I had my squirrel

1 moment and Leann's hand popped up and I diverted my attention
2 from Pam. She was on the list. Pam and then Johnny and then
3 Harlon.

4
5 **DR. DANA:** Thank you, Chairman Anson. I am glad that Doug Boyd
6 brought up a moratorium that addresses what I have heard almost
7 unanimously from the charter sector in terms of intersector
8 trading, being opposed to intersector trading, and so I
9 absolutely okay with us establishing our intent to have a
10 moratorium not allowing intersector trading and so that's our
11 intent and I think it's a good thing.

12
13 It's not germane to Amendment 40 or it doesn't need to be in
14 here. It's addressed in other documents, but the intent, we've
15 heard -- I have heard loud and clear that people are absolutely
16 opposed to the intersector trading. On the IFQ, I don't even
17 know what that means as it pertains to the charter for-hire
18 sector.

19
20 I know that we established that AP to look at how a fishery
21 management plan would come together and how would the season go
22 and so obviously that needs to be handled through another forum,
23 another amendment, and through the recommendations from the AP
24 and then discussion with this council, but I have absolutely no
25 problem with the intent that we oppose or put a moratorium on
26 intersector trading.

27
28 **MR. GREENE:** Well, let's back up a second. Let's think about
29 this. I think Doug is right in the sense that there is a lot of
30 uncertainty about where this is going. Let's back up to the
31 meeting in Baton Rouge. We went there and we got a ruling of a
32 court decision and it dropped a bomb shell on all of us and nine
33 days and a lot of bickering back and forth.

34
35 We had an EFP from Alabama that got approved and there was
36 momentum and things were going forward and people were wanting
37 to talk about IFQ shares and a lot of things at that time.
38 Regional management wasn't on the map, for whatever reason. It
39 was not anything even being considered.

40
41 I think that perhaps the development of the AP at that time --
42 Everybody was clicking and things were happening and things were
43 really wanting to go forward in some type of a motion, because
44 we were kind of being told we had to do something. Well,
45 perhaps forming that AP at that point may have been a little
46 premature, but at the time, it certainly seemed right.
47 Obviously we wouldn't have done it if it wasn't.

48

1 That AP may be a big portion of our problem. I understand where
2 Pam is coming from. I have too heard the people talk about no
3 intersector trading and I don't have a problem with that, but I
4 don't think Amendment 40 gets to that.

5
6 The decision we made at that meeting was to divide the
7 allocation amongst the sectors, period. Then we would deal with
8 it in something else down the road. Now, basically, we set
9 Amendment 40 up to fail right here, right now.

10
11 So it's fairly easy to realize that the outcome is not going to
12 be very good, because you have a three-year sunset and we
13 haven't even had an AP meeting to discuss how it's going to go
14 and so it's going to revert back to a derby and so right off the
15 bat, we've got three years and we can't do anything in three
16 years and it doesn't leave anything in there.

17
18 I mean I don't care if you don't want to do this, but if you
19 take out tools out of the toolbox because it -- I kind of think
20 that where everybody is really wanting this to go is to see
21 regional management move forward and see the Amendment 40 move
22 forward and somehow guarantee the access to the charter fishery
23 in it is where ultimately everybody is going to go, but yet, I
24 don't remember what the charge of that AP was, but I don't think
25 there was any discussion about talking about wrapping it into a
26 regional management type document.

27
28 Things have changed rather quickly and I certainly have no idea
29 where things would go. I don't know that now, with regional
30 management coming back, if we even have the right AP. Maybe we
31 just need to disband the AP and start over.

32
33 We fought and argued about who was going to be on that AP and
34 this and that and the other and then we looked back at -- In
35 this last briefing book, we looked at the membership of who was
36 at the purely recreational AP held back in 2013 and every one of
37 them was recreational members.

38
39 Looking back at the initial IFQ AP that put it together for the
40 commercial guys, there might have been one NGO and perhaps one
41 other recreational there. I am not sure and I can't remember
42 that far back, but yet, when we populated that AP, it was quite
43 the contrary. We had people saying this and that and the other
44 and I don't think there's a true reflection of the industry that
45 is going to be affected by this on that AP. So there is a lot
46 to think about here. It's a little overwhelming, but three
47 years and no AP and the way the council works.

48

1
2 **CHAIRMAN ANSON:** I have got four people left and if we can make
3 the comments brief. I mean this is a relatively minor issue, I
4 think, or the vote could go by and so we will -- If we can keep
5 them brief so we can try to move back into the committee report
6 and get that done.
7
8 **MR. PEARCE:** Real quick, first off, I agree that there's been
9 some confusion on IFQs or intersector trading, but I think that
10 confusion was brought by opposition to 40 to start with, to try
11 and confuse the issue.
12
13 Secondly, I agree with what Roy said. If our intent is to --
14 The intent of Amendment 40 is not to mandate intersector trading
15 or IFQs and I will make a substitute motion. I am not sure how
16 to put this in, Roy or Mara, but I just want to make a statement
17 that Amendment 40 does not mandate intersector trading or the
18 development of an individual fishing quota for the charter for-
19 hire sector and if I get a second that's pretty quick.
20
21 **CHAIRMAN ANSON:** We have a substitute motion on the board and
22 can you go ahead and repeat it, Harlon, please, so staff can
23 finish it?
24
25 **MR. PEARCE:** Go ahead, Roy.
26
27 **CHAIRMAN ANSON:** Harlon, can you repeat it, so staff can finish
28 it?
29
30 **MR. PEARCE:** Yes. All right. **That Amendment 40 does not**
31 **mandate intersector trading or the development of an IFQ program**
32 **for the charter for-hire sector.**
33
34 **CHAIRMAN ANSON:** So do I have a -- I wonder, Harlon, that --
35 This is to be added in the document, kind of just in the text,
36 correct? It's somewhere in the document, in the introduction
37 kind of, and it gives the staff liberty to insert it? That's
38 correct?
39
40 **MR. PEARCE:** Yes. Staff can do what they want.
41
42 **CHAIRMAN ANSON:** Okay and so is there a second to the substitute
43 motion? It's seconded by Leann. Any discussion on the
44 substitute motion?
45
46 **MR. MATENS:** Am I wrong here? These are not mutually exclusive.
47 We could pass both of these or cause both of these to fail and
48 is this the proper way to do it?

1
2 **CHAIRMAN ANSON:** I think if this substitute motion were voted on
3 and it would pass, it would negate going back to the previous
4 motion and voting on it.
5
6 **MR. MATENS:** Is that correct? Thank you.
7
8 **CHAIRMAN ANSON:** Any other discussion on the substitute motion?
9 All those in favor of the substitute motion that Amendment 40
10 does not mandate intersector trading or the development of an
11 IFQ program for the charter for-hire sector, all those in favor
12 signify by saying aye; all those opposed like sign. Can we have
13 a show of hands, please? **Raise your hand if you are in support**
14 **of the motion.**
15
16 **EXECUTIVE DIRECTOR GREGORY:** Roy, you have got to be quicker.
17 One, two, three, four, five, six, seven, eight, nine.
18
19 **CHAIRMAN ANSON:** All those opposed raise your hand, please.
20
21 **EXECUTIVE DIRECTOR GREGORY:** One, two, three, four, five, six,
22 seven, eight.
23
24 **CHAIRMAN ANSON:** So the substitute motion carries and so we will
25 dispense of the previous motion.
26
27 **MR. WILLIAMS:** If I could just -- Just for a second, Mr.
28 Chairman. Item 23 in our work plan has staff working on
29 intersector trading and at some point during this meeting, I
30 would like to make a motion to remove it. I don't think it's
31 appropriate now, but --
32
33 **CHAIRMAN ANSON:** Please be prepared to do so before the
34 committee report ends or right at the committee report end. All
35 right and so I guess, Mr. Riechers, if you want to continue on,
36 please.
37
38 **MR. RIECHERS:** Emily Muehlstein summarized the written comments
39 received on sector separation, Tab B, Number 7. Committee
40 members reviewed the codified regulations for Amendment 40. Dr.
41 Roy Crabtree indicated that percentages of the recreational red
42 snapper quota allotted to each component would be adjusted
43 before the publication of the proposed rule.
44
45 Council staff discussed the economic analyses included in the
46 amendment. Committee members discussed submission of the
47 amendment for implementation, but a motion to forward the
48 amendment to the Secretary of Commerce for review and

1 implementation failed. Do you want me to go on to IFQ Program
2 Review?

3

4 **CHAIRMAN ANSON:** Johnny.

5

6 **MR. GREENE:** I am trying to get there. Hang on. **I would make a**
7 **motion to approve Amendment 40 to submit it to the Secretary of**
8 **Commerce with the appropriate codified language.**

9

10 **DR. CRABTREE:** Mr. Chairman, if they just pull the committee
11 motion we made to submit that failed and put that back up, then
12 that would be the motion Johnny I think is trying to make.

13

14 **CHAIRMAN ANSON:** Okay.

15

16 **MR. GREENE:** Yes.

17

18 **CHAIRMAN ANSON:** Charlotte, it might be in another location, the
19 committee motion that failed to recommend to the Secretary for
20 approval.

21

22 **MS. LEVY:** While we are doing that, I will just bring your
23 attention to the codified text that was emailed to you earlier
24 that inserted effective dates for the component quotas and so
25 because you put the sunset provision in there, those component
26 quotas are only effective for the 2015, 2016, and 2017 fishing
27 years and there is similar language on the separate ACTs and
28 sector closure type things, because we have all of those things
29 that relate to the sectors and so they're all only going to be
30 effective for those three years and then everything will revert
31 back to the total recreational quota and the total ACT after
32 that time.

33

34 **CHAIRMAN ANSON:** Thank you. Johnny, I think we're getting
35 there. We are almost there with your motion. The motion is to
36 approve Amendment 40 and that it be forwarded -- Charlotte,
37 could you go back up to the first sentence of the motion? Just
38 in the first sentence there, after the "and", "that it" -- "and
39 forward". Okay. So "and be forwarded" and so just "and
40 forward". To approve Amendment 40 and forward. Mara, one more
41 item?

42

43 **MS. LEVY:** No, I will let them finish writing that, but also,
44 giving staff editorial license, which is up there, but they will
45 have to insert that additional alternative with the sunset
46 provisions and the preferreds and add discussion about what that
47 means.

48

1 **CHAIRMAN ANSON:** Okay. Thank you. All right and so the motion
2 now reads: To approve Amendment 40 and that it be forwarded to
3 the Secretary of Commerce for review and implementation and deem
4 the codified text as modified in discussion as necessary and
5 appropriate, giving staff editorial license. We have a motion
6 and it's been seconded by Leann. I think you seconded? Okay.
7 So let's have some discussion.
8

9 **MR. RIECHERS:** I am sure there will be a lot of hands go up and
10 so fortunately I got in before Corky could call the question. I
11 just want to hit on a couple of quick points here. First of
12 all, what the amendment does and what it does not do.
13

14 We keep -- We heard multiple, multiple times yesterday about
15 accountability and what the amendment will bring or what the
16 amendment does, actually, and not what it will bring. I think
17 the appropriate phrase is what it will bring maybe, because the
18 amendment itself doesn't bring any accountability.
19

20 It doesn't bring any change in the landings system that we're
21 using today and it doesn't give you any ability to predict it
22 better or cut it off quicker. All it does is put a different
23 sector and they're going to add up into that sector and if we
24 miss that sector, we are going to miss it just like we did last
25 year, because none of that is changing right now. That is what
26 it doesn't do.
27

28 What we know it does do is set a private angler group subsetted
29 up under a charter fishing quota and those private anglers will
30 have that option, but what it is doing is separating the
31 opportunity those private anglers are getting, those private
32 anglers who use other means to get out there versus those
33 private anglers who use charterboats.
34

35 Lastly, and just quickly, I think we do have to recognize the
36 three states and state commissions sent letters. Certainly my
37 state was one of those and I will speak for my state that
38 obviously we're looking for a better solution than this
39 solution.
40

41 Certainly we will work as hard as we can and I know other people
42 have said we haven't been working, but I would take some umbrage
43 to that, in that we certainly have been working. Now,
44 fortunately, our track record at getting good, big scoping
45 solutions or big landscape-scale solutions on the table here
46 have not been that good, but we do need to work towards that and
47 I think we all can accept some of the responsibility for that.
48

1 The last thing that worries me a lot in this document is that
2 we're accepting a document, frankly, that we hear adjustments
3 are still being made on landings and we have been given ranges
4 that we will see and believe that they will be within, but yet,
5 at the end of this, we are also giving editorial license and
6 that concerns me some, because that's not how we normally do
7 business here or rarely do we do business with percentages still
8 changing.

9
10 I understand the editorial license to text, but we rarely do
11 business where percentages, especially when you're talking about
12 allocations and sub-allocations, are still in flux in some way
13 and so that does concern me as well and so thank you.

14
15 **MR. PEARCE:** Thank you, Robin, and I appreciate your comments,
16 but I look at this as a bigger picture. Regional management,
17 which I support, will be in place by 2016 and I hope sooner, but
18 it will be in place.

19
20 The low-hanging fruit for data collection is the charter
21 vessels. We already have -- We are already working on
22 electronic reporting for the charter vessels and all this does
23 is give us a target for that particular sector or that fishery
24 to do it.

25
26 It also lets the states know that, hey, we want to manage these
27 guys differently, which you will have to now, and I believe
28 that's good for the charter vessels. So it gives us all a
29 different perspective on all the things that are working down
30 the pike that are coming up pretty quickly, from regional
31 management to electronic reporting for the charter vessels to
32 having them better having the state -- The ability to better
33 manage that fishery for that particular component, because there
34 are three distinct components: charter for-hire, harvesting
35 fishery, and the private.

36
37 It gives you an ability to have a target for that fishery and so
38 I think we're working in a direction and who knows? We may come
39 down the road here, because of what we're doing today, and it
40 all comes back together, to where the states -- The regional
41 management takes over that allocation thought process as we go
42 down the road.

43
44 I think that all this is part of a big puzzle that we're putting
45 the piece together now and I think this is a big component of
46 that puzzle and it needs to be done.

47
48 **CHAIRMAN ANSON:** Thank you, Harlon. Mr. Boyd.

1
2 **MR. BOYD:** Yes, sir, and thank you, Mr. Chairman. I have
3 several points also about the document. MSA provides for
4 charter fishing to be a portion or a part of the recreational
5 fishery. It doesn't say it might be or it doesn't say it could
6 be, but it says it shall be and so I would question moving
7 anything of the commercial for-hire out of the recreational
8 fishery.

9
10 The amendment that we've got here is basically an allocation
11 document. We have been talking about ranges of allocation in
12 this and like Robin said, we don't have those percentages yet.
13 If we were talking about Amendment 28, I can't imagine that the
14 commercial or the recreational industries would allow us to go
15 to a final without knowing what the absolute numbers were and
16 what percentages those people were going to get. I just don't
17 think that would happen.

18
19 It appears to me that all the rationale in the document, with
20 very, very little exception states what the economics are going
21 to be for the charter for-hire industry. This thing is based on
22 the efficiencies that they would gain and it's based on the
23 profitability that they would obtain.

24
25 The amendment states in several sections that we don't have
26 adequate economic data to make these decisions and I would
27 submit that the document, even by our AP, was questioned. When
28 they had a ten-to-zero vote, they said the AP recommends that
29 the council take a detailed economic analysis of the impacts of
30 sector separation and the reallocation of quota be completed
31 before consideration of Amendment 40. Are we going to go
32 against what our AP said? Thank you, Mr. Chairman.

33
34 **MR. PERRET:** You all get comfortable. I have seven-and-a-half
35 pages of notes to discuss on this issue, but I decided not to
36 use them. A lot has been said and we have heard from numerous
37 individuals over the last several months and this group saying
38 we need to do it this way and another group a different way and
39 so on and so forth. I am going to try and get back to what one
40 of my PhD economists always told me, to keep it simple, stupid.

41
42 We have heard from various sectors that they have thousands and
43 thousands of members and we have heard from the charterboat
44 sector that they represent thousands of recreational anglers and
45 we have heard from the environmental community that they've got
46 hundreds of thousands of members and so on. I remind this
47 council that our job is to provide the greatest benefit to all
48 the people in the nation. Keep it simple, stupid.

1
2 The purpose and need of this whole inch-plus document, and I
3 will read in part: Establish separate components within the
4 recreational sector, which is going to provide a basis for
5 flexible management of each sector. Each sector is different.
6 They fish differently and different types of management measures
7 that have been in place on them and certain permit requirements
8 and so and so forth and so they are different and I think it's
9 appropriate to manage them differently.

10
11 Probably more important than anything else and something that we
12 have not heard a lot of in all this discussion of this group
13 versus that group and I am losing and this one is gaining and so
14 on and so forth -- In our document and it's that -- This
15 conflicts with Mr. Riechers' s earlier statement.

16
17 It is going to reduce the likelihood for recreational quota
18 overruns which jeopardize the rebuilding of the red snapper
19 stock. Now, the red snapper stock has been overfished and it's
20 improving and I think we saw a number SPR from four-point-
21 something to fourteen or something like that.

22
23 There is a conservation measure and, to me, that's the most
24 important thing of all, to improve the conservation of the
25 stock. I think that's something that we've kind of brushed over
26 with the all the people and this one wants it this way and that
27 one that way. If it's going to improve the conservation of the
28 stock, then I think we should all be supportive of it and thank
29 you very much and we can spend the rest of the week debating
30 this thing, but I am not going to call the question now and I
31 hope there is others that have things to say, but I support
32 moving this thing forward.

33
34 **DR. CRABTREE:** This has been a very difficult one and people had
35 very hard feelings on both sides of it and you know we sit here
36 and really, we're here trying to represent all the people of the
37 United States and not just one segment, one sector, one state.

38
39 We are here to represent this country and that's difficult to
40 balance all of those issues, but Robin raised the issue that
41 some of the states have opposed this and that's right and we did
42 get some letters, but let's not forget that we made some changes
43 and modifications to this with the sunset and things that were
44 supported by the states and requested.

45
46 I think it was supported by the American Sportfishing
47 Association and so there have been some compromises made here to
48 try to get us to where we could come together a little bit more

1 on it, but still do something to try and address some of the
2 problems that we have and I think we've done the best we can on
3 this and I just hope we're able to continue moving forward and
4 find some solutions to this fishery and show some willingness to
5 compromise and hear the other side's view and piece something
6 together that we can try to move forward with better management
7 of this fishery.

8
9 **DR. STUNZ:** I wanted to give maybe a little bit of the new-guy
10 perspective, not having sat through several meetings on this
11 amendment, and talk about kind of where I've been on it. I've
12 been quite intentionally trying to get all the facts and all the
13 information that I could, but essentially it's just not really
14 passing the bar for me and there's a couple of reasons why.

15
16 I mean Robin made some key points that were in my list here to
17 make and so I don't want to drag those on, but one of them was
18 the sheer public opposition that we have seen and some of us
19 have taken it upon ourselves to summarize some of that, what's
20 definitely in opposition, even from obviously my home state, but
21 across the Gulf as well, as well as charter captains even in my
22 own home town.

23
24 In addition, some of the things that make it hard to swallow for
25 me ~~is~~ in particular what it leaves some of the recreational guys
26 with, which is zero to one day, and that's particularly
27 problematic. I mean I understand we're definitely going to
28 improve management and, of course, you don't have to convince me
29 on the better data collection that's going to come out of that
30 and I fully realize where some of these captains are from where
31 we're at today, but really, you know I'm just not seeing anyone
32 really winning out here.

33
34 I know we've had a lot of discussion on that and I really think
35 that the contentious issues we see here are the split of this
36 committee and as a new guy coming in, just how can we be making
37 decisions when there's this much opposition on either side and I
38 think we're really just seeing the tip of the iceberg of what
39 potentially could be a bad decision and for that reason, I am
40 going to have some difficulty supporting this.

41
42 **MR. FISCHER:** During the committee deliberations on this,
43 sometime during the Reef Fish Committee, Andy Strelcheck gave an
44 update on where we possibly were with the calibration workshop
45 and had some reworked figures and I don't have them in front of
46 me. Is this -- Is passage of this to reflect the results that
47 Andy presented at that presentation? That's my first question
48 and I want to follow up.

1
2 **CHAIRMAN ANSON:** Can you answer that question, Mara?

3
4 **MS. LEVY:** That's actually partly what I was going to speak of
5 and so part of the staff editing this would be to incorporate
6 what the final results of that MRIP calibration workshop are and
7 just to note that, like you said, Andy did present a table that
8 showed what the current allocations, percentagewise, were and
9 what the maximum change would be to each alternative once this
10 calibration workshop work is complete. So you do have that
11 information in front of you. There is a range, but it's a
12 defined, very discreet range of what could change.

13
14 I also just wanted to note, with respect to the percentages,
15 that when you chose the preferred allocation, there was a very
16 well thought out and reasoned discussion about why those
17 particular years and allocation were chosen and it wasn't based
18 on the resulting percentages.

19
20 So I mean that is in your record and yes, the percentages are
21 going to change and I think it was plus or minus 3.3 percent
22 from the table I have on the preferred alternative, but, like I
23 said,, that's a fairly discreet range of what would happen in
24 the final version of this.

25
26 **MR. FISCHER:** Okay. Mr. Chairman, that was my comment, because
27 at the very end of the document, which doesn't use percentages,
28 but uses the raw weight, the weights indicate the old
29 percentages and so we would be voting something in that
30 indicates the old percentages and this wasn't updated. The
31 regulation wasn't updated to reflect what was taking place in
32 discussion during committee.

33
34 **CHAIRMAN ANSON:** Mara, I had you down. Did you have another
35 point you wanted to address?

36
37 **MS. LEVY:** That was it and that also that that's correct, that
38 the numbers, the actual numbers, will be modified to reflect
39 what the actual percentages end up being.

40
41 **CHAIRMAN ANSON:** All right. Any other discussion on the motion?

42
43 **MS. BOSARGE:** So Amendment 40 is all about red snapper and I
44 just want to remind people that this amendment is about yes, the
45 recreational sector and it does mention accountability and an
46 accountable fishery in the purpose and need statement and that
47 this will help us to get there.

1 I want to remind people that there has been a lot of work by a
2 lot of other people in the past to get this red snapper stock
3 where it is today and not just the commercial red snapper
4 fishery. They have done their part and they came up with a
5 management system and went to the council and we have
6 implemented it and they are accountable.

7
8 When they implemented that management system, I think their
9 quota dropped by about three-million pounds the first season
10 that that went into effect and yet, it still worked. It wasn't
11 about the number of fish and the number of pounds. It was about
12 the management they were under.

13
14 They changed their management and they became accountable and
15 they are happy with their fishery. The shrimp fishery has done
16 their part to make red snapper an accountable fishery and if you
17 think it didn't decrease our access, not to red snapper, to our
18 own shrimp fishery -- Yes, our access was decreased and still is
19 decreased, but we are doing our part to contribute to the red
20 snapper fishery, to make sure it's there for the rest of the
21 American public.

22
23 This amendment, there is a group of people that have come up
24 with a couple different plans. The for-hire sector has come up
25 with a couple different plans of how they could possibly manage
26 their fishery and it will be accountable. We don't know what
27 plan we're going to implement yet, but the one thing we have
28 figured out is to implement those plans and let them be
29 accountable, they can't be managed just like the rest of the
30 private anglers. They are just too different.

31
32 That is what this does. This takes the sacrifices that a whole
33 lot of other people have been making for a whole lot of years
34 and builds upon it and to me, it's almost a slap in the face,
35 especially for the shrimp industry, if this isn't passed and
36 that we have done our part and we don't even want red snapper.
37 We have decreased our access to our own fishery, but we can't
38 pass this when there is a directed fishery that wants to be
39 accountable and this is the path that's been chosen to be able
40 to implement a plan that will work for them? We know we can't
41 do it with them lumped in and I just wanted to bring that out,
42 that this is about more than just the recreational fishery for
43 red snapper.

44
45 **CHAIRMAN ANSON:** I will just add a few comments. The State of
46 Alabama will support this motion and the direction that has
47 taken place today in regards to the motion on the sunset. It
48 kind of put us over.

1
2 We certainly understand and we've been listening and we've been
3 attending the meetings and we understand the pain that the for-
4 hire sector has undergone here recently and we have been trying
5 to work through the council process on various aspects for
6 helping at least the Alabama guys out and we just, at the end of
7 the day, feel like there's opportunity for developing plans for
8 both and trying to get, again, maximum access for as many people
9 as possible.

10
11 So we will look forward to working with council members, our
12 state representatives, or council reps for other states, to get
13 to that location and get to a place where we have a plan that
14 can satisfy as many people as possible and certainly with any
15 motion, any action, that the council takes here, there is going
16 to be people that are going to walk away feeling dissatisfied.

17
18 We try to make at least somebody satisfied in that process and
19 so I look at this, at this point, that if this motion were to go
20 forward -- If this motion goes forward and the document goes
21 forward to the Secretary and is approved, that we are still
22 trying to get to that point. We are still trying to provide as
23 much access for all the people that have historically
24 participated in the fishery. Corky, I had you next on the list.

25
26 **MR. PERRET:** I saw a hand over there, Kevin, but I don't want --

27
28 **CHAIRMAN ANSON:** Was that David? Okay.

29
30 **MR. WALKER:** Thank you, Kevin. I am glad to hear these
31 comments. I would like to add, as Assane has already, I think,
32 explained the extensive economic analysis on this and you know
33 I've been coming to these council meetings a long time too,
34 longer -- Except for Corky. He's been coming longer than I have
35 and when it comes to recreational fishery management, it just
36 seems like it's a -- It's like a twenty-year filibuster.
37 Nothing ever gets done for them.

38
39 I speak in favor of this motion and moving forward and giving
40 them an opportunity to develop their plan, whatever they want.
41 Let them develop it. In the commercial industry, we developed
42 our plan and the only things that was taken out of it was the
43 things that this council complains about now. I say let the
44 fishermen develop it.

45
46 The charter industry doesn't depend on chaos. They need some
47 stability in their fishery and so does the recreational private
48 angler. If it's regional management and they can find their

1 solution there, then let's keep working that direction and all
2 these recreational fishermen, they deserve something better than
3 just standing around and talking doomsday and getting nothing
4 accomplished.

5
6 **MR. BOYD:** I have got a question for Roy Crabtree. Roy, if this
7 passes, my understanding is that we create a new sector, a third
8 sector. We now have one pure recreational sector and we have
9 two for-profit sectors and how does that change the way council
10 appointments are made and the fairness and balance of the
11 council when you have two profit-making sectors and one purely
12 recreational non-profit sector?

13
14 **DR. CRABTREE:** Well, I think the way this amendment is set up,
15 it talks about subcomponents under the recreational quota. Now,
16 you can come into these issues and define sectors a whole lot of
17 different ways. If you go to New England, they have -- I think
18 they're up to seventeen sectors in the commercial fishery and I
19 don't have an answer for you for that one, Doug. The Secretary
20 of Commerce will have to figure that out, if and when this
21 passes and is implemented.

22
23 **CHAIRMAN ANSON:** Corky, you were on the list and have been for a
24 while.

25
26 **MR. PERRET:** Mr. Boyd, I would just say that hopefully it's
27 profitability these guys are making. What we're doing is trying
28 to help them ensure profitability, but I don't think we as a
29 quasi-governmental entity can ensure any one industry is going
30 to make a profit. **They are trying to make a profit, but I would
31 like to call the question.**

32
33 **CHAIRMAN ANSON:** All right. So we have called the question and
34 this time I will actually allow a vote or go forward with a vote
35 on the call the question. **All those on the call the question,
36 please raise your hands if you are in favor of calling the
37 question.**

38
39 **EXECUTIVE DIRECTOR GREGORY:** One, two, three, four, five, six,
40 seven, eight, nine, ten, eleven, twelve, thirteen.

41
42 **CHAIRMAN ANSON:** All those opposed raise your hand.

43
44 **EXECUTIVE DIRECTOR GREGORY:** One that I see.

45
46 **CHAIRMAN ANSON:** The call the question carries and so we have
47 the motion on the board to approve Amendment 40 and that it be
48 forwarded to the Secretary of Commerce for review and

1 implementation and deem the codified text as modified in
2 discussion as necessary and appropriate, giving staff editorial
3 license to make the necessary changes in the document. The
4 Council Chair is given the authority to deem any changes to the
5 codified text as necessary and appropriate and so we have a roll
6 call vote.

7
8 EXECUTIVE DIRECTOR GREGORY: Mr. Perret.

9
10 MR. PERRET: Yes.

11
12 EXECUTIVE DIRECTOR GREGORY: Mr. Williams.

13
14 MR. WILLIAMS: Yes.

15
16 EXECUTIVE DIRECTOR GREGORY: Mr. Sanchez.

17
18 MR. SANCHEZ: Yes.

19
20 EXECUTIVE DIRECTOR GREGORY: Mr. Pearce.

21
22 MR. PEARCE: Yes.

23
24 EXECUTIVE DIRECTOR GREGORY: Dr. Dana.

25
26 DR. DANA: Yes.

27
28 EXECUTIVE DIRECTOR GREGORY: Mr. Matens.

29
30 MR. MATENS: No.

31
32 EXECUTIVE DIRECTOR GREGORY: Ms. Bosarge.

33
34 MS. BOSARGE: Yes.

35
36 EXECUTIVE DIRECTOR GREGORY: Mr. Walker.

37
38 MR. WALKER: Yes.

39
40 EXECUTIVE DIRECTOR GREGORY: Dr. Crabtree.

41
42 DR. CRABTREE: Yes.

43
44 EXECUTIVE DIRECTOR GREGORY: Mr. Diaz.

45
46 MR. DIAZ: No.

47
48 EXECUTIVE DIRECTOR GREGORY: Mr. Boyd.

1
2 **MR. BOYD:** No.
3
4 **EXECUTIVE DIRECTOR GREGORY:** Dr. Stunz.
5
6 **DR. STUNZ:** No.
7
8 **EXECUTIVE DIRECTOR GREGORY:** Mr. Greene.
9
10 **MR. GREENE:** Yes.
11
12 **EXECUTIVE DIRECTOR GREGORY:** Mr. Riechers.
13
14 **MR. RIECHERS:** No.
15
16 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bademan.
17
18 **MS. BADEMAN:** No.
19
20 **EXECUTIVE DIRECTOR GREGORY:** Mr. Fischer.
21
22 **MR. FISCHER:** No.
23
24 **EXECUTIVE DIRECTOR GREGORY:** Mr. Anson.
25
26 **CHAIRMAN ANSON:** Yes.
27
28 **EXECUTIVE DIRECTOR GREGORY:** We have got seven no and ten yes.
29 **The motion passes.**
30
31 **MR. PEARCE:** Mr. Chairman, just a moment.
32
33 **CHAIRMAN ANSON:** Yes, Harlon.
34
35 **MR. PEARCE:** I just want to personally thank everyone that came
36 to testify, the for and against. It doesn't really matter.
37 It's important to me and to this council that you come here and
38 express your views and it's really gratifying to me to see all
39 the individuals in this room. I just wish I had seen more
40 Louisiana people here than I do, but thanks for coming and don't
41 quit coming. Let us know what you feel and what you're thinking
42 about and we will try to do the best job we can. Thank you.
43
44 **MR. DIAZ:** Based off the conversation that we've heard in public
45 testimony and going around the table this morning, I believe
46 that our current charterboat IFQ AP's focus is too narrow and I
47 would like to see us make some changes to that and so I am going
48 to send out a motion and if you could put the motion up on the

1 board.

2
3 **My motion would be to change the name and the charge of the**
4 **Charter For-Hire IFQ AP. The new name would be the Charter For-**
5 **Hire AP and the new charge would be to explore all management**
6 **options.** If I get a second, I will explain a little more.
7 Okay. Myron made the point earlier that this document -- I'm
8 sorry.

9
10 **CHAIRMAN ANSON:** I apologize for stepping away. You made a
11 motion?

12
13 **MR. DIAZ:** I did. It's on the board and I will give you a
14 chance to read it.

15
16 **CHAIRMAN ANSON:** Okay. The motion is to change the name and
17 charge of the Charter For-Hire IFQ AP. The new name would be
18 the Charter For-Hire AP and the new charge would be to explore
19 all management options. Has that been seconded? Dr. Dana
20 seconded. We have a motion on the board and any discussion?
21 Yes, sir, Dale.

22
23 **MR. DIAZ:** I was just going to give a little bit more rationale.
24 Myron pointed out earlier, and I thought he made a good point,
25 that Amendment 40 does not have very much -- Really nothing in
26 it in the way of management options and we're certainly going to
27 have to make some different management decisions.

28
29 The old name and the old charge was focused strictly on IFQs.
30 This would be broad, where I think all management options could
31 be looked at. You know the charter for-hire might want a
32 different season start date and they could potentially want some
33 different bag limits or size limits or some other management
34 type things. By reconfiguring the name and charge of this AP,
35 it would just not be so narrowly focused. Thank you, Mr. Chair.

36
37 **MS. BADEMAN:** Just one clarification or suggestion for the
38 motioner. Can you specify that this is for red snapper,
39 recreational red snapper, I guess, or I guess the for-hire
40 component of the recreational red snapper?

41
42 **MR. DIAZ:** I would accept that and thank you for your help,
43 Martha.

44
45 **MR. GREENE:** I agree that it needs to be -- The charge needs to
46 be broadened, but I think that at this time, based on some of
47 the comments I made earlier, that we should disband this AP,
48 because it was made up of various people who are now outside of

1 the scope of Amendment 40.
2
3 **I will make a substitute motion to disband the current Red**
4 **Snapper Charter For-Hire IFQ AP and solicit for new membership**
5 **of for-hire members by the next meeting.**
6
7 **CHAIRMAN ANSON:** Johnny, that reads -- That's your motion that's
8 on the board currently?
9
10 **MR. GREENE:** Yes, sir.
11
12 **CHAIRMAN ANSON:** All right. There's a motion on the board and
13 is there a second for the motion?
14
15 **MR. WALKER:** I second the motion.
16
17 **CHAIRMAN ANSON:** It's been seconded and is there council
18 discussion?
19
20 **MR. WILLIAMS:** What's the charge of this going to be? Is it
21 going to be the same charge as before, Johnny, or is it going to
22 be the charge that Dale is suggesting? I am kind of in the
23 position Camp was earlier. If I vote for one, I can't vote for
24 the other, probably, and so I'm --
25
26 **MR. GREENE:** Well, you know, I was honestly writing down the
27 motion and if I could get Mr. Diaz to repeat his charge, it may
28 very well be that charge.
29
30 **MR. DIAZ:** The new charge I was proposing would be to explore
31 all management options.
32
33 **MR. GREENE:** **Absolutely.**
34
35 **CHAIRMAN ANSON:** So that is your friendly amendment and you've
36 accepted that and does the seconder accept that?
37
38 **MR. WALKER:** I second that.
39
40 **CHAIRMAN ANSON:** Okay. Great.
41
42 **MS. BADEMAN:** I can get onboard with expanding the charge of
43 this group. I am not so sure about disbanding the group we put
44 together though. It seems like, to me, when we were putting
45 this group together we tried really hard to put people on this
46 group that will listen and negotiate with each other and have an
47 open mind about things and so I am a little bit hesitant about
48 just starting over.

1
2 **CHAIRMAN ANSON:** To that point, Johnny?

3
4 **MR. GREENE:** Well, I mean I really put a lot of effort into that
5 one as well and I thought about it and when I look back at some
6 of the populations of some of the previous APs, for example that
7 recreational panel that gave us some real good ideas that met
8 back in 2013, it was all private anglers.

9
10 The IFQ AP that met for the commercial guys, that was all
11 industry stakeholders at that point, all IFQ people. I just
12 think that if you want to get real good input from a segment or
13 from the for-hire sector that you should have for-hire members.
14 Now, I would imagine that a good many of them would certainly be
15 probably put back on, but I just don't think that someone who is
16 not going to participate in this should be in there, unless you
17 have perhaps one NGO and perhaps one other, as we've done in the
18 past.

19
20 **MR. BOYD:** Johnny, I guess I'm confused, because the charter
21 for-hire people are the transportation and the guides and they
22 do an excellent job of taking recreational fishermen out into
23 the Gulf to fish.

24
25 I think I hear what you're saying and that is that there are
26 recreational people on there. I think it's extremely important
27 to have recreational people on there. It is their fishery.
28 They are the fishermen.

29
30 **MR. DIAZ:** I am trying to make up my mind which way to go with
31 this. I am not necessarily against what Johnny is trying to do
32 and I am trying to take into account what Doug also just brought
33 up, but I guess my concern is the timing issue.

34
35 If we wait until the next meeting to see a new AP and if we want
36 some input from these folks prior to setting a season in 2015, I
37 just don't know if, administratively, if we could make that
38 work.

39
40 **MR. WILLIAMS:** Anybody else wish to address this issue? I have
41 got Steve in the back who would like to. Steven Atran wants to
42 speak to it.

43
44 **MR. ATRAN:** Yes and I was just wondering -- The AP you are
45 proposing to disband is an ad hoc AP that had a very specific
46 charge and what you are proposing to create has a broader
47 charge. Is it your intent that this new one also be ad hoc or a
48 standing AP?

1
2 **MR. WILLIAMS:** I am guessing ad hoc. Yes, both Dale and Johnny
3 are nodding ad hoc and so does anybody else wish to address this
4 issue?
5
6 **MR. WALKER:** I was just going to add on the commercial IFQ that
7 we had -- It seems like we had non-voting members there. We had
8 a member of enforcement and we had a -- We also had an
9 environmentalist that was on the panel as well.
10
11 **MR. GREENE:** Well, nobody is more sympathetic of the time that
12 it's going to take to do this than I am, as I pointed out
13 earlier, because now we have a clock ticking, but I do think
14 it's paramount to take the time to get the information right and
15 move forward and so I would be willing to gamble to wait another
16 meeting to populate them and get them out. I realize that
17 that's going to have some delay, but if -- I think it's going to
18 be worth it.
19
20 **MR. WILLIAMS:** Does anybody else wish to speak or are we ready
21 to vote on this issue?
22
23 **MR. FISCHER:** It will be quick. We just went through really
24 painstaking -- This was the hardest committee we ever put
25 together and we actually re-met on it. I think the committee is
26 good to go. If we make changes down the road, we make changes
27 and we repopulate every couple of years anyway, but by waiting
28 another meeting, it slows down the process of these people
29 getting together and their meeting has been postponed a couple
30 of times and now it's scheduled for December, if I am not
31 mistaken. We wait until January and it will probably be April
32 or May before we finally make the decision. That's my take.
33
34 **MR. DIAZ:** I mean I don't know if this will be a factor in our
35 decision, but, Doug, have we already bought plane tickets that
36 were non-reimbursable for some of these folks and --
37
38 **EXECUTIVE DIRECTOR GREGORY:** No.
39
40 **MR. DIAZ:** We have not? Thank you.
41
42 **MR. PEARCE:** I am going to speak in support of this motion as
43 well. I think that we need to have the guys that are involved
44 in this fishery make the decisions that are important to them.
45
46 **MR. WILLIAMS:** All right. Are we ready to vote on this motion?
47 The motion before us, the substitute motion, is to disband the
48 current Red Snapper IFQ Charter For-Hire AP and solicit for

1 membership of a new Charter For-Hire AP by the next council
2 meeting. The charge would be to explore all management options.
3 All in favor please signify by saying aye; opposed. I think it
4 failed, but we better have a show of hands. **All in favor please**
5 **raise your hand.**
6
7 **EXECUTIVE DIRECTOR GREGORY:** One, two, three, four, five, six,
8 seven.
9
10 **MR. WILLIAMS:** You had me.
11
12 **EXECUTIVE DIRECTOR GREGORY:** Eight.
13
14 **MR. WILLIAMS:** All opposed.
15
16 **EXECUTIVE DIRECTOR GREGORY:** One, two, three, four, five, six,
17 seven, eight, nine.
18
19 **MR. WILLIAMS:** **The motion fails.** That brings us back to the
20 original motion and I am going to pass the gavel back to the
21 Chairman.
22
23 **MR. PERRET:** Call the question.
24
25 **CHAIRMAN ANSON:** All right. We have a call the question on the
26 original motion. **All those in favor to call the question please**
27 **raise your hand. It passes, yes.**
28
29 Let's go to the motion to change the name and charge of the Red
30 Snapper Charter For-Hire IFQ AP. The new name would be the Red
31 Snapper Charter For-Hire AP and the new charge would be to
32 explore all management options. **All those in favor please raise**
33 **your hand.**
34
35 **EXECUTIVE DIRECTOR GREGORY:** Above your head. One, two, three,
36 four, five, six, seven, eight, nine, ten, eleven, twelve.
37
38 **CHAIRMAN ANSON:** **The motion carries.** All right. Well, let's do
39 the nays, sure.
40
41 **EXECUTIVE DIRECTOR GREGORY:** All opposed.
42
43 **CHAIRMAN ANSON:** All opposed to the motion.
44
45 **EXECUTIVE DIRECTOR GREGORY:** One, two, three, four.
46
47 **CHAIRMAN ANSON:** Okay. **The motion is carried eleven to four.** I
48 had forgotten, but we had a lunch scheduled and we are beyond

1 the lunch break and I apologize to those that have made
2 arrangements, but let's try to make a one-hour lunch and we will
3 reconvene -- My watch says 12:07 and so let's try to reconvene
4 about 1:10.

5
6 (Whereupon, the meeting recessed at 12:07 p.m., October 23,
7 2014.)

8
9 - - -

10
11 October 23, 2014

12
13 THURSDAY AFTERNOON SESSION

14
15 - - -

16
17 The Full Council of the Gulf of Mexico Fishery Management
18 Council reconvened at the Battle House Renaissance Mobile,
19 Mobile, Alabama, Thursday afternoon, October 23, 2014, and was
20 called to order at 1:20 p.m. by Chairman Kevin Anson.

21
22 **CHAIRMAN ANSON:** If we can come back to the table, all the
23 council members, we will go ahead and finish up the Reef Fish
24 Committee. Mr. Riechers.

25
26 **MR. RIECHERS:** The next item we moved to is an IFQ Program
27 Review. Council staff presented a scoping document for
28 Amendment 36, Modifications to the Red Snapper IFQ Program, Tab
29 B, Number 9, which included the potential changes previously
30 discussed by the council.

31
32 Committee members requested an addition to the scoping document
33 to allow commercial fishermen who regularly buy allocation,
34 often called leasing, to have the opportunity to own IFQ shares.
35 During the scoping process, staff will also solicit potential
36 modifications to the grouper tilefish IFQ program. The
37 committee discussed scoping meeting locations then approved the
38 following motion.

39
40 **The committee recommends, and I so move, to hold scoping**
41 **meetings for Amendment 36 in the following locations:**
42 **Pascagoula, Mississippi; Mobile, Alabama; Kenner, Louisiana;**
43 **Panama City, Florida; St. Petersburg, Florida; Port Aransas,**
44 **Texas; and Galveston, Texas.**

45
46 **CHAIRMAN ANSON:** Go ahead, Robin.

47
48 **MR. RIECHERS:** If I may, I would like to make an amendment to or

1 I will make it as a substitute motion. **Basically include all**
2 **those same cities, but change Port Aransas, Texas to Aransas**
3 **Pass, Texas.**

4
5 **CHAIRMAN ANSON:** There was a substitute motion to include all of
6 the cities except to change Port Aransas, Texas to Aransas Pass,
7 Texas and it was seconded by Corky. Do we have any discussion
8 on the substitute motion? **All those in favor of the substitute**
9 **motion please indicate by saying aye; all those opposed like**
10 **sign. The motion carries.**

11
12 Before we go much farther, Robin, I just want to -- As we don't
13 get too much farther from Amendment 40. Mara, there will be no
14 other documentation that the council will review and it will go
15 to the Secretary and based on what's in the amendment, that will
16 give guidance as to the season and everything? It will start
17 June 1 or is there going to be another -- There will be another
18 document that comes back to the council sometime in the future
19 to address that?

20
21 **MS. LEVY:** There is not going to be another document that comes
22 back to the council. I mean council staff will modify the
23 document to reflect all the changes and the updated information
24 and you will submit it for implementation.

25
26 There will be a proposed rule that comes out that will then have
27 what the actual subquotas are with the updated numbers and then
28 you haven't changed the season start date for anybody and so
29 presumably the season will start June 1 and NMFS will publish
30 what they normally do, which is a projection as to how long each
31 subcomponent's season is.

32
33 **CHAIRMAN ANSON:** All right. Thank you very much. That's all I
34 had and was there something, Roy, that you had?

35
36 **MR. WILLIAMS:** Yes and just real quickly, I gave a motion
37 earlier to Charlotte. **In the work plan, Item Number 23 is**
38 **intersector trading and staff is supposed to be working on**
39 **intersector trading and in light of our discussions earlier, I**
40 **think it sends the bad message to the public to have it in there**
41 **and so I am offering a motion to remove Number 23, intersector**
42 **trading, from the work plan.**

43
44 **CHAIRMAN ANSON:** There is a motion on the board to remove Item
45 Number 23 in the council's work plan, intersector trading, from
46 the work plan. Is there a second to the motion? It's been
47 seconded by Dr. Dana. Any council discussion on the motion?

48

1 **MR. RIECHERS:** A clarification. Is this the work plan that
2 would have been developing Amendment 41?
3
4 **MR. WILLIAMS:** No. It's A-7, Action Schedule, what the staff is
5 supposed to be working on.
6
7 **MR. RIECHERS:** I mean Amendment 41 is the document that talks
8 about -- What is the title? I am trying to remember and if my
9 computer would come up faster, I would have it, but --
10
11 **DR. LASSETER:** Okay. The motion on the board is referring to
12 just an item in that Excel spreadsheet. We had started a
13 scoping document on intersector trading, but we had not given it
14 a number and the number that Mr. Riechers is referring to, when
15 you formed the AP for the for-hire IFQ program, we gave it a
16 number, but we have not started that document. So now that you
17 have changed the name and the charge of the AP, we will probably
18 keep that same number and allow that to go forward with whatever
19 they decide.
20
21 **EXECUTIVE DIRECTOR GREGORY:** If you look in A-7 of your briefing
22 book, that shows the spreadsheet, the work plan, that simply
23 lists all the things we're working on and their relative
24 priorities. This is not an amendment number or anything else.
25
26 **CHAIRMAN ANSON:** So if you refer to the document, it indicates
27 it had a rank of C and so it was kind of on the back burner, but
28 as Roy had indicated, it might give a clear message to the
29 public if we removed it. Any other comments on the motion?
30
31 The motion is to remove Item Number 23, intersector trading,
32 from the work plan and that would be the action guide, the
33 council work plan. **All those in favor of the motion indicate by**
34 **saying aye; all those opposed like sign. The motion carries.**
35 We have one comment from Dr. Simmons.
36
37 **DR. SIMMONS:** Thank you, Mr. Chairman. I just wanted to go back
38 to a little bit on the timing of the scoping workshops for
39 Amendment 36. I was wondering if staff could have the
40 flexibility to just make sure we hold those before the
41 March/April council meeting, so that we can make sure we get the
42 grouper tilefish information in there and with the holidays and
43 some other meetings we have planned, just as long as those occur
44 before that council meeting. We will continue working with the
45 timeline with the Chair and Vice Chair, but right now, that's
46 currently what we're thinking as far as timing.
47
48 **CHAIRMAN ANSON:** Okay. One additional meeting might be helpful,

1 due to the holidays and such and so unless anyone has objection,
2 we will go ahead and give you the license to try to use the
3 extra time. All right, Mr. Riechers.

4
5 **MR. RIECHERS:** We next moved to a discussion of the Gag OFL and
6 ABC. Dr. Barbieri reviewed OFL and ABC projections for gag that
7 incorporated impacts of the current red tide event at various
8 levels relative to the impact of the 2005 red tide.

9
10 **CHAIRMAN ANSON:** Robin, I'm sorry, but I've got somebody --
11 David would like to say something.

12
13 **MR. WALKER:** It was just kind of with 36. I remember hearing
14 some testimony from I think it was Bobby Spaeth or some others
15 in the grouper industry and they were concerned about their
16 five-year review coming up and then it being open to the public
17 and they had requested that it not be opened to the public in
18 the grouper tilefish program.

19
20 I just wondered if they could bring that up and some kind of
21 language from National Marine Fisheries -- **Request National**
22 **Marine Fisheries to publish a control rule, like the one done**
23 **for red snapper, before shares open for public sale, notifying**
24 **the public that participation requirements for the grouper**
25 **tilefish IFQ may be changed in the future. I guess I would like**
26 **to make a motion.**

27
28 **DR. CRABTREE:** I think that is a good idea if you're considering
29 reinstating the reef fish permit requirement, which will go away
30 on January 1. I think a control date is probably a good idea.

31
32 **CHAIRMAN ANSON:** So we will wait a minute while the motion is
33 being delivered to staff, so they can put it on the board. Just
34 to remind folks if they have some motions that they want to
35 bring up to please forward it on to Charlotte or Beth, but
36 here's the motion. Is that your motion, David?

37
38 **MR. WALKER:** Yes.

39
40 **CHAIRMAN ANSON:** Thank you. There is a motion on the board to
41 request that NMFS publish a control date like the one done for
42 red snapper before shares open for public sale, notifying the
43 public that participation requirements for the grouper tilefish
44 IFQ program may be changed in the future. Is there a second to
45 the motion? It's seconded by Mr. Greene. Any discussion on the
46 motion?

47
48 **MS. BADEMAN:** Just to be clear, we're just -- It's just going to

1 be any date before this switch occurs, right? Okay.

2
3 **CHAIRMAN ANSON:** All right. Any other discussion? **All those in**
4 **favor of the motion please signify by saying aye; all those**
5 **opposed same sign. The motion is carried.** Mr. Riechers, I
6 think you -- Mara.

7
8 **MS. LEVY:** Sorry and I should have caught this before, but in
9 that motion, we're looking at the control date of January 1,
10 2015, right, because that's when this opens up to everybody. So
11 just for the record and to be clear when you submit the request
12 for the control date that it's January 1, 2015. Is everyone --
13 I just want to make sure everyone is on the same page with that.

14
15 **CHAIRMAN ANSON:** Anyone have any problems with that? All right.
16 Thank you. Mr. Riechers.

17
18 **MR. RIECHERS:** Picking up where I left off, because the full
19 impact of the red tide cannot currently be known, the SSC chose
20 to have their OFL and ABC recommendations on a projection that
21 assumed the current event would have the same impact as the 2005
22 event. This resulted in a 2015 OFL of 3.31 million pounds and
23 an ABC of 3.07 million pounds.

24
25 The SSC made an ABC recommendation for only one year and
26 recommended that they reevaluate the projections next year, when
27 more will be known about the red tide impact. Dr. Crabtree
28 noted that FWC's red tide expert estimated the magnitude of the
29 current red tide event at 50 to 75 percent of the spatial extent
30 of the 2005 event.

31
32 He questioned why the SSC chose to base their recommendation on
33 the red tide event having 100 percent of the 2005 impact, given
34 this advice. Dr. Barbieri explained that the advice was based
35 on the current status of a red tide event that was still in
36 progress and the duration and future intensity of the red tide
37 was unknown. Dr. Crabtree responded that he felt the SSC had
38 not provided sufficient rationale for assuming 100 percent
39 impact and suggested that the SSC was mixing science with
40 policy.

41
42 If the ABC is returned to the SSC for reconsideration, the
43 council will not receive an updated recommendation until January
44 of 2015. Since the IFQ quota for 2015 will be released by the
45 end of 2014, it will be too late to make management changes for
46 2015.

47
48 Therefore, it was suggested that the SSC focus on an ABC

1 recommendation for 2016. A motion was made to have council
2 staff begin a framework action that looks at setting the ACL for
3 gag based on the Table E, 100 percent impact option, that is
4 provided in the SSC report for FY 2016.
5

6 However, Dr. Crabtree was also concerned that the SSC's 2015 ABC
7 recommendation of 3.07 million pounds was below the currently
8 scheduled ACL increase to 3.12 million pounds, making the ACL
9 inconsistent with the ABC by 50,000 pounds. The motion was
10 withdrawn and the following motion was made.
11

12 **The committee recommends, and I so move, to have the SSC review**
13 **the 2015/2016 ABC for gag using the latest red tide information**
14 **at their January 2015 meeting.**
15

16 **CHAIRMAN ANSON:** All right. There is a motion on the board.
17 Any discussion on the motion? All right. **All those in favor of**
18 **the motion to have the SSC review the 2015/2016 ABC for gag**
19 **using the latest red tide information at their January 2015**
20 **meeting please raise your hand if you are in support of that**
21 **motion. Raise your hand if you are in support of the motion.**
22

23 **EXECUTIVE DIRECTOR GREGORY:** One, two, three, four, five, six,
24 seven, eight, nine, ten, eleven, twelve, thirteen, fourteen.
25

26 **CHAIRMAN ANSON:** **The motion carries.**
27

28 **EXECUTIVE DIRECTOR GREGORY:** Yes and it would be very helpful if
29 you hold your hand above your head.
30

31 **MR. PERRET:** You can't count.
32

33 **EXECUTIVE DIRECTOR GREGORY:** I am having a difficult time.
34

35 **CHAIRMAN ANSON:** Mr. Riechers.
36

37 **MR. RIECHERS:** The next two sections do not have any motions in
38 them. I would just choose -- If it's okay with you, I will not
39 read those into the record, as they are in the report. If
40 anyone wants to make a motion regarding the Hogfish Benchmark
41 Assessment or Other Reef Fish SSC Summary or any comments there,
42 just let them do that.
43

44 **CHAIRMAN ANSON:** I agree that's a good idea and does anybody
45 have any motions relative to those two items?
46

47 **MR. PERRET:** Never let it be said that I don't agree with Robin
48 at times. I agree.

1
2 **CHAIRMAN ANSON:** Thank you for that endorsement. So, Mr.
3 Riechers, please proceed.
4

5 **MR. RIECHERS:** I am always glad to have your agreement whenever
6 it does happen, Corky. Red Grouper Bag Limit and Accountability
7 Measures Framework Action, Mr. Atran reviewed the actions and
8 alternatives in the framework action to modify recreational red
9 grouper bag limits and closed seasons and that's in Tab B,
10 Number 10.
11

12 Emily Muehlstein summarized the emailed and webinar comments,
13 Tab B-11. Mara Levy explained that since there were no
14 preferred alternatives, the codified text, which is in Tab B-12,
15 was currently a placeholder, but also could explain how it would
16 be revised in response to the council's selected alternatives.
17 The Committee made the following recommendations for preferred
18 alternatives.
19

20 This is Action 1, Red Grouper Bag Limit. Martha Bademan related
21 that Florida FWC had received public support for a two-fish bag
22 limit. **The committee recommends, and I so move, that in Section**
23 **2.1 Action 1, to select Alternative 3 as the preferred**
24 **alternative. Reduce the red grouper bag limit two-fish fish per**
25 **person per day.**
26

27 **CHAIRMAN ANSON:** There is a motion on the board. Any discussion
28 on the motion? **Any opposition to the motion? The motion is**
29 **carried.**
30

31 **MR. RIECHERS:** As was noted there on the board or it doesn't
32 really matter, but it wasn't part of the motion, but the above
33 bag limit is part of the aggregate four-grouper bag limit.
34

35 In Action 2 there were bag limit reductions. Committee members
36 felt that the automatic bag limit reductions created confusion.
37 In addition, it is difficult for the states to adopt consistent
38 regulations if they change frequently.
39

40 **The committee recommends, and I so move, to select Alternative 4**
41 **as the preferred alternative. Eliminate the bag limit reduction**
42 **accountability measure in 50 CFR 622.41(e)(2)(ii).**
43

44 **CHAIRMAN ANSON:** We have a committee motion on the board. Any
45 discussion on the motion? **Any opposition to the motion? The**
46 **motion is carried.**
47

48 **MR. RIECHERS:** Action 3, Closed Seasons, Table 2.3.2 on page 21

1 in the framework action estimates that with no change to the
2 closed season, a two-red grouper bag limit will result in the
3 ACL being reached between November 23 and the end of the year
4 and would allow between 267 and 306 fishing days. Committee
5 members indicated that they would like to hear public testimony
6 before selecting a preferred alternative.

7
8 **CHAIRMAN ANSON:** Anybody else have any other comments relative
9 to this section of the committee?

10
11 **DR. CRABTREE:** Well, what I thought I heard at public comment on
12 the closed season was support to just leave it the way it is and
13 so I guess I would move that we make Alternative 1 our
14 preferred, no action.

15
16 **CHAIRMAN ANSON:** All right. A motion to make Alternative 1 --

17
18 **DR. CRABTREE:** In Action 3.

19
20 **CHAIRMAN ANSON:** In Action 3. The motion has been seconded by
21 Mr. Greene and is there any council discussion? **Any opposition**
22 **to the motion? Seeing none, the motion carries.**

23
24 **MR. RIECHERS:** Next, we went on to an options paper regarding
25 greater amberjack ACLs and ACTs.

26
27 **CHAIRMAN ANSON:** Mara. I'm sorry.

28
29 **MS. LEVY:** Two things that -- This was on the agenda for final
30 action, the red grouper framework, and so if you are ready to
31 submit that to the Secretary of Commerce, someone needs to make
32 a motion to do that.

33
34 Then just going back to the codified text, there are only --
35 Because you chose no action on the seasonal closure, those
36 provisions that are in the draft codified text, they are not
37 going to change. The only thing that's going to change is in
38 the bag limit section, it's now going to have two red grouper
39 instead of four and that sentence about the bag limit reduction
40 in the accountability measure section is going to be deleted.

41
42 **DR. CRABTREE:** I move that we submit the red grouper framework
43 action to the Secretary of Commerce and deem the codified text
44 as necessary and appropriate. It's already up there, I'm told.
45 That is my motion, Mr. Chairman.

46
47 **CHAIRMAN ANSON:** So I think it is -- I think, if I heard you
48 correctly, it would be to approve the red grouper framework

1 action and deem it necessary and appropriate. Is that correct?
2
3 **DR. CRABTREE:** Yes, I believe that's what I said.
4
5 **CHAIRMAN ANSON:** I'm just trying to wordsmith it here and get it
6 done.
7
8 **DR. CRABTREE:** To approve the red grouper framework action and
9 forward to the Secretary of Commerce or and that it be
10 forwarded. That's fine.
11
12 **CHAIRMAN ANSON:** Okay and so there's a motion and has it been
13 seconded? Johnny seconded and any discussion on the motion?
14 Doug, are you ready?
15
16 **EXECUTIVE DIRECTOR GREGORY:** Mr. Riechers.
17
18 **MR. RIECHERS:** Yes.
19
20 **EXECUTIVE DIRECTOR GREGORY:** Dr. Stunz.
21
22 **DR. STUNZ:** Yes.
23
24 **EXECUTIVE DIRECTOR GREGORY:** Mr. Greene.
25
26 **MR. GREENE:** Yes.
27
28 **EXECUTIVE DIRECTOR GREGORY:** Mr. Perret.
29
30 **MR. PERRET:** Yes.
31
32 **EXECUTIVE DIRECTOR GREGORY:** Mr. Pearce.
33
34 **MR. PEARCE:** Yes.
35
36 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bosarge.
37
38 **MS. BOSARGE:** Yes.
39
40 **EXECUTIVE DIRECTOR GREGORY:** Mr. Fischer.
41
42 **MR. FISCHER:** Yes.
43
44 **EXECUTIVE DIRECTOR GREGORY:** Mr. Matens.
45
46 **MR. MATENS:** Yes.
47
48 **EXECUTIVE DIRECTOR GREGORY:** Mr. Sanchez.

1
2 **MR. SANCHEZ:** Yes.
3
4 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bademan.
5
6 **MS. BADEMAN:** Yes.
7
8 **EXECUTIVE DIRECTOR GREGORY:** Dr. Crabtree.
9
10 **DR. CRABTREE:** Yes.
11
12 **EXECUTIVE DIRECTOR GREGORY:** Mr. Walker.
13
14 **MR. WALKER:** Yes.
15
16 **EXECUTIVE DIRECTOR GREGORY:** Mr. Williams.
17
18 **MR. WILLIAMS:** Yes.
19
20 **EXECUTIVE DIRECTOR GREGORY:** Mr. Diaz.
21
22 **MR. DIAZ:** Yes.
23
24 **EXECUTIVE DIRECTOR GREGORY:** Dr. Dana.
25
26 **DR. DANA:** Yes.
27
28 **EXECUTIVE DIRECTOR GREGORY:** Mr. Boyd.
29
30 **MR. BOYD:** Yes.
31
32 **EXECUTIVE DIRECTOR GREGORY:** Mr. Anson.
33
34 **CHAIRMAN ANSON:** Yes.
35
36 **EXECUTIVE DIRECTOR GREGORY:** It's unanimous. It passed.
37
38 **CHAIRMAN ANSON:** You can proceed, Robin. Thank you. Go ahead
39 and continue.
40
41 **MR. RIECHERS:** I am going to wait for a moment. Someone always
42 seems to get their hand up. Okay. Options Paper Greater
43 Amberjack ACL/ACT, the committee reviewed the options paper
44 considering changes to allowable harvest for greater amberjack,
45 Tab B, Number 13.
46
47 The committee discussed Action 1 that would modify greater
48 amberjack annual catch limits and annual catch targets. The

1 stock has been overfished for a long period, despite previous
2 management action and the ten-year rebuilding plan was not met.
3 The committee considered four management options and discussed
4 that information regarding the expected time to rebuild is
5 necessary to select the preferred management approach.

6
7 **The committee recommends, and I so move, to direct staff to**
8 **request updated projections from the SEFSC for the options in**
9 **Action 1, Modifications to the Greater Amberjack Annual Catch**
10 **Limits and Annual Catch Targets.**

11
12 **CHAIRMAN ANSON:** There is a motion on the board. Any
13 discussion?

14
15 **MR. GREENE:** Well, I was waiting to hear public testimony,
16 because I remember they had asked for some direction on size,
17 the length of the fish, if we were to increase that as an
18 option. I believe we heard a lot of testimony for thirty-four
19 and thirty-six inches and so I would just, for the staff, direct
20 them to move in that direction of thirty-four and thirty-six
21 inches.

22
23 **CHAIRMAN ANSON:** Yes and that's, I think, the next committee
24 motion we'll deal with, size limits, Johnny. Any other
25 discussion on the motion? All right. **Anyone opposed to the**
26 **motion? Seeing no opposition, the motion is carried.**

27
28 **MR. RIECHERS:** The committee reviewed and discussed Action 2.1
29 that considers changes to the minimum size requirement for the
30 recreational sector. Currently, the minimum size is thirty
31 inches fork length. However, the majority of females do not
32 attain reproductive maturity until approximately thirty-three
33 inches fork length. The committee's requested information on
34 the proportion of the stock that is mature at this length is
35 provided in the appendix.

36
37 The committee also discussed the feasibility of a stepped
38 increase in minimum size length over two or more years to
39 minimize the impact to the recreational sector.

40
41 **The committee recommends, and I so move, to have SEFSC staff**
42 **look at a stepped option for a minimum size limit, going from**
43 **thirty-two to thirty-four, for greater amberjack as an**
44 **alternative in the options paper.**

45
46 **CHAIRMAN ANSON:** Committee motion and I have Dr. Ponwith and Mr.
47 Perret.

1 **DR. PONWITH:** So as it stands by itself, it's logical except for
2 the timeframe and so I don't know the best way to handle this.
3 The analysts may need additional information and understanding
4 what kind of timeframe in the motion itself that you're talking
5 about. Are you talking thirty-two one year and then up thirty-
6 four the next or is there a bigger gap, because that actually
7 will make a difference in the analysis.
8

9 **MR. PERRET:** I just wanted to say, to clarify, so there is no
10 mistake about the size limit. In the text, we mention fork
11 length, but in the motion, it doesn't and I just, for
12 clarification, would add "fork length" for that thirty-two to
13 thirty-four.
14

15 **CHAIRMAN ANSON:** Okay and so I think, to answer Bonnie's
16 question, probably a substitute motion that would clean up that
17 issue as well as someone might want to come out with a
18 recommendation as to the length of time for that step. So,
19 Myron, could you do that?
20

21 **MR. FISCHER:** Well, before a substitute motion, I think most of
22 the people who came to the podium or many spoke of thirty-six
23 inches and I think off the Louisiana coast that anglers would be
24 happy with thirty-six. They would be content and if the eastern
25 Gulf is okay with that, I would maybe hear some of Florida --
26 Maybe this is moot. Maybe it's not necessary.
27

28 **MS. BADEMAN:** We did hear a lot about thirty-six yesterday and I
29 don't have a problem with adding that as an option that we look
30 at, certainly.
31

32 **MR. GREENE:** I agree. I think that there was overwhelming
33 support for thirty-four and thirty-six inches and so the stepped
34 approach, while I think it was a good idea and the intent was
35 there, I just think at this point, based on the way things are
36 now, we need to move on up pretty quickly.
37

38 **DR. CRABTREE:** So we already have an alternative in there to go
39 straight to thirty-six and so is what we're saying that we don't
40 need this motion anymore?
41

42 **MR. FISCHER:** That's what I was saying. We would just vote it
43 down and --
44

45 **DR. CRABTREE:** Yes, we should just --
46

47 **MR. FISCHER:** No one in the audience -- I don't think a single
48 person in the audience spoke in favor of this and so --

1
2 **DR. CRABTREE:** Right and so we just get rid of the substitute
3 motion and vote down the motion.
4
5 **MR. FISCHER:** Sorry I wasn't called on, Mr. Chair.
6
7 **CHAIRMAN ANSON:** That's okay. Any other final discussion on
8 this motion? Again, the motion is to have SEFSC staff look at a
9 stepped option for a minimum size limit, thirty-two inches to
10 thirty-four inches, for greater amberjack as an alternative in
11 the options paper.
12
13 **MR. DIAZ:** I was just going to mention a couple of things. I
14 also didn't hear anybody talk about thirty-two. The AP did
15 recommend thirty-four. I talked to a few fishermen that I know
16 that like to fish for amberjack before we came here and the
17 input I had is they were comfortable with thirty-four. I did
18 not ask them about bigger size limits at that time and so I
19 didn't get that kind of input before we got here and I just
20 wanted to share that with the council.
21
22 **CHAIRMAN ANSON:** Okay and so dealing with this motion, all of
23 those that are in favor of this motion signify by saying aye;
24 all those opposed to the motion like sign. The motion fails.
25 Anyone want to -- Are there options in the document, Dale, that
26 satisfy you currently or did you want to add something else?
27
28 **MR. DIAZ:** Is there an option for thirty-four? Yes, there is.
29
30 **CHAIRMAN ANSON:** All right. All right, Mr. Riechers.
31
32 **MR. RIECHERS:** The committee requested notation of gutted weight
33 equivalents for commercial trip limit options in Action 3. John
34 Froeschke stated that the IPT will complete the requested
35 revisions for review at the January 2014 council meeting.
36
37 That leads us on to Discussion of Amendment 28, Allocation of
38 Red Snapper. Committee members noted that a motion approved
39 during the June 2014 meeting indicated that all future action on
40 Amendment 28 would be deferred until Amendment 40 is completed.
41 Therefore, the committee did not discuss Amendment 28. Mr.
42 Chairman, this concludes my report.
43
44 **CHAIRMAN ANSON:** Thank you, Mr. Riechers. We have a question
45 from Dr. Dana.
46
47 **DR. DANA:** Robin, I think you need to change, in that paragraph
48 under amberjack, the last paragraph, to January of 2015 and not

1 2014.

2

3 **MR. RIECHERS:** Yes. That time has passed. Thank you for that
4 edit. I am sure someone will catch it behind us here as well
5 and finalize it. Thank you.

6

7 **CHAIRMAN ANSON:** Any other comments before we move on to the
8 Shrimp Committee? Harlon, are you ready for Shrimp? That's
9 next on the committee's agenda.

10

11 **MR. PEARCE:** I am always ready.

12

13 **DR. CRABTREE:** Amendment 40 is -- Our work on that is completed
14 now and so we fulfilled the previous motion to hold off on
15 Amendment 28 and so I think you need to have some discussion
16 here about where you want to go.

17

18 Amendment 28 is going to take some reworking, because it's going
19 to need to reflect the action we took on Amendment 40 and
20 updated landings and all that and so I think you need to give
21 staff some direction about where you want to go with this.

22

23 **CHAIRMAN ANSON:** All right and I don't -- I guess staff will
24 need to do such. Do we need to have a vote on that? Would that
25 be something that we would want to vote on?

26

27 **EXECUTIVE DIRECTOR GREGORY:** Yes.

28

29 **CHAIRMAN ANSON:** All right and so as Dr. Crabtree noted that
30 there needs to be some additional work made to reflect some of
31 the changes that are due to Amendment 40 in updating that
32 document and so is there a motion to direct staff to do such?

33

34 **MR. RIECHERS:** I would move that we direct staff to take the
35 appropriate steps to update Amendment 28, based on previous
36 actions of the council or most recent actions of the council,
37 and obviously we may even have another series of landings data
38 and I am not certain about that, but I would assume we have at
39 this point in time.

40

41 **CHAIRMAN ANSON:** The motion is to direct staff to take the
42 appropriate steps to update Amendment 28 based on recent actions
43 by the council. Is there a second to this motion?

44

45 **MR. DIAZ:** I will second for discussion.

46

47 **CHAIRMAN ANSON:** Dale seconds for discussion. All right and so
48 we have --

1
2 **DR. CRABTREE:** So is the intent or I guess, Mr. Gregory, we
3 would be able to bring it back and review the progress that's
4 made in January, I would assume?
5

6 **EXECUTIVE DIRECTOR GREGORY:** I'm not sure right now. You know
7 we have to get back and meet with the IPT and see what work
8 needs to be done, but we would certainly try to do that. I mean
9 we can bring something back to the council. How complete the
10 analyses would be is what would be in question.
11

12 **DR. CRABTREE:** Right and I think we need to finish up one way or
13 another with what we're going to do with this, but I am
14 concerned with the calibration that is going to be applied.
15 Right now, it's back to 2004, but I don't know what's going to
16 come with the new assessment, but we're going to get into a
17 position where our current allocation, which is based on
18 landings way back in the early 1980s, is losing meaning and the
19 more these historical catch series and things are calibrated,
20 the more we are getting out of whack in terms of the landings
21 and things reflecting any historical levels in the fishery.
22

23 So I think as these calibrations happen that it's going to put
24 more pressure on us to come back in and make some decisions
25 about where to go with this.
26

27 **EXECUTIVE DIRECTOR GREGORY:** Yes. The original allocation was
28 based starting in the year 1979 and my understanding is the
29 Marine Recreational Fisheries Statistics Survey has lost their
30 data for 1979 and 1980 and so that cannot be recalibrated or
31 something like the contractor who was doing that then -- There
32 was something wrong with those two years and my understanding is
33 the MRIP calibrations, even the original MRIP calibrations, were
34 not planned on being taken back further than 2004 and I know
35 other people -- Maybe your office has been working on trying to
36 come up with some ratio estimators, but that needs to be really
37 evaluated carefully.
38

39 **DR. CRABTREE:** Yes and I do know that MRIP doesn't support 1979
40 and 1980 and I think it's because the data was collected in such
41 a way that they weren't able to make any adjustments back when
42 we switched over to the charterboat survey and all those kinds
43 of things, but I suspect when you get your new stock assessment
44 if you look at the landings history and go back in that time
45 period and look at the mix of the landings, it won't come out
46 51/49. I don't know what it will come out, but at some point
47 we're going to have to make some decisions about this.
48

1 At any rate, I don't think we want Amendment 28 hanging over our
2 heads for eternity and so I would like to see us finish up one
3 way or another and decide what we're going to do and move on.
4

5 **DR. JOHN FROESCHKE:** I was just going to fill in on the
6 conversions. I think they will go back to at least through
7 1998. The problem historically is that prior to 2004 and
8 ultimately prior to that is they don't have the information
9 necessary to recreate the experimental design that was used in
10 order to sample it and so that's why they can't calibrate
11 historically.
12

13 **MR. DIAZ:** My comments were regarding recalibration and Dr.
14 Crabtree covered them. Thank you.
15

16 **CHAIRMAN ANSON:** Any other discussion on the motion? All right.
17 **All those in favor of the motion to direct council staff to take**
18 **the appropriate steps to update Amendment 28 based on recent**
19 **actions by the council please raise your hand.**
20

21 **EXECUTIVE DIRECTOR GREGORY:** One, two, three, four, five, six,
22 seven, eight, nine, ten, eleven, twelve, thirteen, fourteen.
23

24 **CHAIRMAN ANSON:** Like sign, if we want it for the record.
25 **Against, raise your hand.**
26

27 **EXECUTIVE DIRECTOR GREGORY:** I see one, just one.
28

29 **CHAIRMAN ANSON:** Just one, okay. That takes care of that. Any
30 other issues in Reef Fish that we need to address or need to be
31 addressed? All right and so, Mr. Pearce, are you ready for
32 Shrimp?
33

34 **SHRIMP COMMITTEE REPORT**

35

36 **MR. PEARCE:** Let's get it. On October 22, the Shrimp Committee
37 met. I was there and Kevin Anson was there and Leann Bosarge,
38 Roy Crabtree, Myron Fischer, Corky Perret, Robin Riechers, and
39 Dave Donaldson. The Shrimp Committee convened. The agenda and
40 minutes of the August 27, 2014 meeting held in Biloxi,
41 Mississippi were approved as written.
42

43 Shrimp Amendment 15, the final draft of Shrimp Amendment 15 was
44 presented. The committee reviewed the alternatives. The
45 committee discussed the recent penaeid shrimp MSY/ABC control
46 rule workshop, which has not yet been presented to the SSC and
47 was not included in the briefing books.
48

1 However, the committee felt that the outcomes of this workshop
2 may warrant a new alternative for Action 1.1. There was
3 discussion on the disparity between the F values presented in
4 Shrimp Amendment 15 and the FMSY values from the working group,
5 Appendix A. The SSC will need to review the working group's
6 report and the document with the SSCs recommendations will be
7 presented to the council in March of 2015.

8
9 **The committee recommends, and I so move, to add an additional**
10 **Alternative 4 that sets the overfishing threshold using FMSY to**
11 **Shrimp Amendment 15 in Action 1.1. F equals: pink 1.35; white**
12 **3.48; and brown 9.12.**

13
14 **CHAIRMAN ANSON:** All right. A motion to add an Alternative 4
15 that sets the overfishing threshold using FMSY to Shrimp
16 Amendment 15 in Action 1.1. F for pink is 1.35 and white is
17 3.48 and brown is 9.12. Any opposition to the motion? **Any**
18 **discussion on the motion? Any opposition to the motion? The**
19 **motion carries.**

20
21 **MR. PEARCE:** Thank you, Mr. Chairman. The committee also
22 reviewed Shrimp Amendment 15, Action 1.2 and Action 2. Shrimp
23 Amendment 16, the final Shrimp Amendment 16 was reviewed, as
24 were the council's preferred alternatives. No modifications to
25 the preferred alternatives were made.

26
27 **The committee recommends, and I so move, that Shrimp Amendment**
28 **16 be submitted to the Secretary of Commerce for implementation**
29 **and that the regulations be deemed as necessary and appropriate**
30 **and that staff be given editorial license to make the necessary**
31 **changes in the document. The Council Chair is given the**
32 **authority to deem any changes to the codified text as necessary**
33 **and appropriate. That's a committee motion.**

34
35 **CHAIRMAN ANSON:** Any discussion on the motion? This will be a
36 roll call. Doug, are you ready?

37
38 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bademan.

39
40 **MS. BADEMAN:** Yes.

41
42 **EXECUTIVE DIRECTOR GREGORY:** Mr. Boyd.

43
44 **MR. BOYD:** Yes.

45
46 **EXECUTIVE DIRECTOR GREGORY:** Dr. Stunz.

47
48 **DR. STUNZ:** Yes.

1
2 **EXECUTIVE DIRECTOR GREGORY:** Dr. Dana.
3
4 **DR. DANA:** Yes.
5
6 **EXECUTIVE DIRECTOR GREGORY:** Mr. Diaz.
7
8 **MR. DIAZ:** Yes.
9
10 **EXECUTIVE DIRECTOR GREGORY:** Mr. Pearce.
11
12 **MR. PEARCE:** Yes.
13
14 **EXECUTIVE DIRECTOR GREGORY:** Mr. Fischer.
15
16 **MR. FISCHER:** Yes.
17
18 **EXECUTIVE DIRECTOR GREGORY:** Mr. Riechers.
19
20 **MR. RIECHERS:** Yes.
21
22 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bosarge.
23
24 **MS. BOSARGE:** Yes.
25
26 **EXECUTIVE DIRECTOR GREGORY:** Mr. Matens.
27
28 **MR. MATENS:** Yes.
29
30 **EXECUTIVE DIRECTOR GREGORY:** Mr. Perret.
31
32 **MR. PERRET:** Yes.
33
34 **EXECUTIVE DIRECTOR GREGORY:** Mr. Greene.
35
36 **MR. GREENE:** Yes.
37
38 **EXECUTIVE DIRECTOR GREGORY:** Mr. Williams.
39
40 **MR. WILLIAMS:** Yes.
41
42 **EXECUTIVE DIRECTOR GREGORY:** Dr. Crabtree.
43
44 **DR. CRABTREE:** Yes.
45
46 **EXECUTIVE DIRECTOR GREGORY:** Mr. Sanchez.
47
48 **MR. SANCHEZ:** Yes.

1
2 **EXECUTIVE DIRECTOR GREGORY:** Mr. Walker.
3
4 **MR. WALKER:** Yes.
5
6 **EXECUTIVE DIRECTOR GREGORY:** Mr. Anson.
7
8 **CHAIRMAN ANSON:** Yes.
9
10 **EXECUTIVE DIRECTOR GREGORY:** It's unanimous and approved.
11
12 **MR. PEARCE:** All right, Mr. Chair. Thank you. Shrimp Amendment
13 17, the scoping document for Shrimp Amendment 17 addressing the
14 shrimp permit moratorium expiration was presented. The
15 committee was requested to review options either allowing the
16 permit moratorium to expire, extending it, or making the permit
17 moratorium permanent.
18
19 The committee was also requested to consider if it wanted
20 options for qualifications necessary for obtaining a permit if
21 the moratorium is extended or made permanent. One option that
22 was presented was to put permits that were allowed to expire
23 into a pool that could be obtained by someone else, thus keeping
24 the number of permits the same, not increasing or decreasing,
25 and also allowing people who wanted to enter the fishery an
26 opportunity by obtaining a vacant permit. The committee
27 discussed the need for more analysis and the need to convene a
28 working group to conduct the analysis.
29
30 **The committee recommends, and I so move, to have staff convene a**
31 **meeting of a shrimp working group made up of a subset of SSC &**
32 **Special Shrimp SSC members, Shrimp AP, the Shrimp IPT Group, and**
33 **Dr. Benny Gallaway.**
34
35 **CHAIRMAN ANSON:** There's a motion on the board. Do we have
36 discussion?
37
38 **MR. PERRET:** Well, it was one of my motions and one of the few I
39 get approved, but now I am having a little second thought about
40 the makeup and in discussing with some of the technical people,
41 some of the advisory panel shrimp members that were here, I
42 think Dr. Crabtree, it seems like one meeting of this large
43 group we may or may not be able to get what we want out of the
44 meeting, because first off, the shrimp working group is a
45 recommendation from our S&S people and the working group would
46 be made up of scientists and the IPT and whoever staff is
47 appropriate and so on and so forth to give us biological input
48 relative to overfishing and all that sort of thing.

1
2 The purpose of the Shrimp Advisory Panel meeting and to have Dr.
3 Gallaway there, Dr. Gallaway being one of the effort experts,
4 was to get info on the moratorium and things of that sort
5 relative to possible other options and so on.

6
7 So I don't know if we need -- I don't know if the group feels
8 it's adequate with the way it is or if we should have a
9 substitute motion depicting that we need two meetings. Now, if
10 we have two meetings, I would like to have the scientists meet
11 in the morning or on one day and the advisory panel on the next,
12 to get the input from the scientific group. So, Mr. Gregory, I
13 am looking for guidance. What do you suggest we do?

14
15 **EXECUTIVE DIRECTOR GREGORY:** Well, for sure I think the Chair,
16 at least of the Shrimp AP, should be sitting in with the
17 scientists for that and then --

18
19 **MR. PERRET:** Okay, but do we want one meeting with all those
20 people together or do we want two separate meetings, so we don't
21 have so many people in one room?

22
23 **EXECUTIVE DIRECTOR GREGORY:** If you want the entire AP there,
24 then I think it's going to be two separate meetings, but we
25 should work out a way for there to be some overlap, so that at
26 least the Chair of the AP be in with the SSC meeting and then
27 the SSC report going to the AP and then the final report coming
28 together back to us.

29
30 **MR. PERRET:** Well, I definitely think we want the entire Shrimp
31 AP there, because we are seeking guidance on potential
32 additional options for the moratorium permitting and that sort
33 of thing. **With that in mind, if I could make -- I will have to**
34 **make two substitute motions. The first substitute motion would**
35 **be to have staff convene a meeting of the Shrimp Working Group,**
36 **as recommended by the S&S Committee. Staff convene a meeting of**
37 **the Shrimp Working Group, as recommended by the S&S Committee.**

38
39 Now just a little discussion. I think, in talking with Bonnie,
40 she indicated that the IPT people would be part of that working
41 group and appropriate staff and so that would take care of the
42 technical aspect of this and so I guess that's my motion.

43
44 **EXECUTIVE DIRECTOR GREGORY:** Do you want the rest of that
45 deleted?

46
47 **MR. PERRET:** For that motion, yes, but my next motion would be
48 to have the AP meet.

1
2 **MR. PEARCE:** Should we shoot the first motion down and start
3 again with two new motions?
4
5 **MR. PERRET:** I can't hear you.
6
7 **MR. PEARCE:** Should we shoot the whole first motion down and
8 start with two new motions?
9
10 **CHAIRMAN ANSON:** We've got to take care of that other motion and
11 this might be quicker in the end, Corky. It might be just go
12 ahead with the substitute motion and then come with your second
13 motion for your AP. That's my recommendation and I got a second
14 from Dale. Correct, Dale? Okay. So we have a second to the
15 substitute motion. Any discussion on the motion? **Any opposed**
16 **to the motion, the substitute motion? All right. It is**
17 **carried, passed.** Do you have a second motion, Corky?
18
19 **MR. PERRET:** Thank you, Mr. Chairman. **My second motion would be**
20 **to have staff convene a meeting of the Shrimp Advisory Panel and**
21 **Dr. Benny Gallaway to provide input to us relative to permit**
22 **moratorium, effort information, and there were some other things**
23 **in that first motion, but I don't remember what they were, but I**
24 **would also give staff editorial license to handle that. Convene**
25 **a meeting of the Shrimp Advisory Panel and Dr. Benny Gallaway**
26 **and the main purpose would be to provide options relative to the**
27 **shrimp moratorium permit program.**
28
29 **EXECUTIVE DIRECTOR GREGORY:** That's a second motion. That's a
30 separate motion and it's not a substitute or anything. It's a
31 new motion.
32
33 **CHAIRMAN ANSON:** All right. So we have a motion to have staff
34 convene a meeting of the Shrimp AP and Dr. Benny Gallaway and
35 the main purpose would be to provide options relative to the
36 shrimp moratorium program. Is there a second to the motion?
37 Leann seconds. Leann, did you have a comment?
38
39 **MS. BOSARGE:** Corky, at that second meeting, do we want to also
40 have a representative from that Shrimp Working Group, hopefully
41 one of the SSC people or something, present? Is that inferred
42 in this?
43
44 **MR. PERRET:** I would hope staff and Bonnie and Roy's people,
45 they will figure out who needs to be there and I would hope that
46 we could have the two meetings -- I don't know if it's possible
47 to do it in the same day, morning and afternoon, or one day and
48 the next day. Thank you.

1
2 **EXECUTIVE DIRECTOR GREGORY:** Yes, we will work that out.

3
4 **CHAIRMAN ANSON:** Any other discussion on the motion? **Any**
5 **opposed to the motion? Seeing no opposition, the motion**
6 **carries.** Mr. Pearce.

7
8 **MR. PEARCE:** Thank you, Mr. Chairman. 2013 Shrimp Effort and
9 Shrimp ELB Program Update, the status of the shrimp ELB program
10 was reviewed. Currently, there are 472 activated ELBs. Of
11 these, 274 of the new logbooks are on vessels that also have the
12 old LGL ELB units.

13
14 The chips from the LGL units will be collected this winter to
15 compare the data with the new ELB units. The next steps for the
16 ELB program were also presented to the group. National Marine
17 Fisheries Service will follow up on ELBs that have not
18 transmitted data and compare the data collected on the LGL ELB
19 chips with the new ELBs.

20
21 There was concern about removing the old LGL ELB chips before
22 the final comparison is complete. It was clarified that while
23 the new ELB data is available in real time, the old LGL ELB data
24 can only be collected if the chips are removed.

25
26 National Marine Fisheries Service will address this concern by
27 perhaps not removing 100 percent of the chips at the same time
28 or finding some other method of ensuring that the comparison
29 between the new ELBs and the LGL ELBs is complete before total
30 removal of the LGL ELB chips. It was also requested that when
31 National Marine Fisheries Service corresponds with a vessel
32 owner about an ELB that it use the official vessel name or the
33 official vessel number to help prevent confusion.

34
35 Estimates for the 2013 shrimping effort and preliminary data
36 from 2014 were presented. In 2013, landings were approximately
37 77.5 million pounds of tails and effort was 64,788 days fished.
38 Both landings and effort are well below the baseline. Mr.
39 Chairman, this concludes my report.

40
41 **GULF SEDAR COMMITTEE REPORT**

42
43 **CHAIRMAN ANSON:** Thank you, Mr. Pearce. Does anybody have any
44 extra items under Shrimp? All right. Thank you. That will
45 take us -- We completed Red Drum yesterday and that will take us
46 to Gulf SEDAR, Tab I. That's my report.

47
48 Committee members present were myself, Dr. Dana, Mr. Pearce, Mr.

1 Riechers. Chairman Anson opened the meeting, myself, and the
2 agenda, Tab I, Number 1, and minutes from the meeting on
3 February 5, 2014, Tab I, Number 2, were approved as written.

4
5 Staff reviewed the items discussed at the recent SEDAR Steering
6 Committee meeting held October 6 and 7, 2014 in Charleston,
7 South Carolina. The Steering Committee discussed a data
8 procedures workshop to improve data timeliness and a workshop in
9 the Caribbean to address data-poor assessment methods. Council
10 staff and some SSC members may participate in the data-poor
11 workshop, as the information may also be applicable to some Gulf
12 stocks.

13
14 Headboat data in the South Atlantic prior to 1992 were also
15 discussed, as discrepancies in reporting accuracy have recently
16 delayed South Atlantic stock assessments. The Gulf Council was
17 assured that this discrepancy did not affect the Gulf or ongoing
18 Gulf assessments.

19
20 It was noted that the SEDAR Steering Committee agreed to modify
21 its SOPPs to make all data workshop working documents available
22 to the public at the data workshop and to initiate an
23 interdisciplinary planning team-style approach to the assessment
24 workshops beginning with the Gulf Red Grouper Assessment, SEDAR-
25 42.

26
27 Assessing red snapper in any capacity in 2015 was determined not
28 to be feasible by the Southeast Fisheries Science Center. The
29 council was encouraged to determine its priorities for
30 assessments in 2016 and 2017 and will need to make those
31 recommendations by the January 2015 council meeting in Point
32 Clear, Alabama.

33
34 Staff reviewed the status of ongoing and planned stock
35 assessments in the Gulf through 2017, and that was Tab I-4,
36 noting terminal years for data and assessment delivery dates.
37 The committee was encouraged to consider which data-poor
38 species, in addition to red drum, to assess in 2016.

39
40 The Southeast Fisheries Science Center will present a list of
41 candidate species to help the council develop their priorities,
42 along with a short presentation on the SEDAR process, at the
43 January 2015 council meeting.

44
45 Staff reviewed the List of Updated Fishery Monitoring and
46 Research Priorities for 2015 to 2019, Tab I, Number 5. It was
47 noted that these monitoring and research priorities are
48 submitted by the councils to the Southeast Fisheries Science

1 Center every five years.

2
3 Staff pointed out that research grant programs such as MARFIN,
4 Saltonstall-Kennedy, and the Cooperative Research Program use
5 these updated research and monitoring priorities to prioritize
6 funding. After further committee discussion, staff was
7 requested to consider posting the research and monitoring
8 priorities on the council's website or by providing a link to
9 the Science Center's website.

10
11 I asked the committee if there were any additional items
12 requiring discussion and, hearing none, adjourned the SEDAR
13 Committee. This concludes my report.

14
15 **DR. PONWITH:** I just wanted to share with you that the issue
16 that we had with the headboat index in the South Atlantic, all
17 the information that we have in hand right now indicates that
18 this is a South Atlantic issue, but in the process of evaluating
19 that, we are going to evaluate the entire time series across its
20 history.

21
22 It's a shorter history in the Gulf and so the expectation is
23 that our compliance and the quality of those data are going to
24 be good and that we will not have the same type of issues as
25 have been brought to our attention in the South Atlantic, but
26 the evaluation that we're doing, because it will include the
27 entire geographic range of the program, will be able to confirm
28 that.

29
30 **CHAIRMAN ANSON:** All right and I was coached by Ryan. He
31 indicated to me that a version that needed a correction was sent
32 to council and so I read the corrected version and that will be
33 the final that will be entered in the library and so any other
34 questions or comments related to the SEDAR Steering Committee?
35 That takes us to Mackerel and Dr. Dana.

36
37 **MACKEREL COMMITTEE REPORT**

38
39 **DR. DANA:** Thank you, Chairman Anson. The Mackerel Committee
40 met on October 20, 2014. The committee members present was Pam
41 Dana, Roy Williams, Kevin Anson, Phil Steele, Myron Fischer,
42 Corky Perret, Robin Riechers, John Sanchez, and Martha Bademan.
43 Dr. Dana opened the meeting. The agenda and the minutes from
44 the June 23, 2014, meeting were approved as written.

45
46 Staff reviewed the South Atlantic Council's preferred
47 alternative for the sole action in Coastal Migratory Pelagic
48 Framework Amendment 2 and the accompanying codified text.

1
2 The committee asked what impact the setting of trip limits in
3 the Southern Zone for Atlantic migratory group Spanish mackerel
4 would have on the Gulf migratory group and the Gulf fishermen,
5 to which staff replied that no impacts are anticipated.

6
7 Southeast Regional Office staff noted that the need for
8 Framework Amendment 2 and the creation of the Southern Zone for
9 Spanish mackerel in the South Atlantic Council's jurisdiction
10 were a result of measures approved by both councils in CMP
11 Amendment 20B.

12
13 **The committee recommends, and I so move, to recommend that**
14 **council select Preferred Alternative 4 and that Alternative 4 is**
15 **listed on your report.**

16
17 **CHAIRMAN ANSON:** We have a committee motion, a lengthy motion.
18 It is on the board. Is there any discussion on the motion? I
19 will read it for the record, I guess, after we have the
20 discussion, but is there any discussion on the motion?

21
22 I will read it. The motion is to select Preferred Alternative 4
23 to establish a trip limit of 3,500 pounds for the Southern Zone.
24 When 75 percent of adjusted Southern Zone quota is met or
25 projected to be met, the trip limit would be reduced to 1,500
26 pounds. When 100 percent of adjusted Southern Zone quota is met
27 or projected to be met, the trip limit is reduced to 500 pounds
28 until the end of the fishing year or until the Southern Zone
29 commercial quota is met or projected to be met, at which time
30 the commercial sector in the Southern Zone would be closed to
31 harvest of Spanish mackerel. 75 percent of the current adjusted
32 Southern Zone quota equals 1,692,848 pounds times 100 percent of
33 the current adjusted Southern Zone quota equals 2,257,130 pounds
34 be the preferred alternative. **Any opposition to the motion?**
35 **Seeing no opposition, the motion carries.**

36
37 **DR. DANA:** Thank you, Chairman Anson. The committee
38 subsequently recommended that the council take final action on
39 Framework Amendment 2.

40
41 **The committee recommends, and I so move, to recommend to the**
42 **council that Framework Amendment 2 be submitted to the Secretary**
43 **of Commerce for implementation and that the regulations be**
44 **deemed as necessary and appropriate and that staff be given**
45 **editorial license to make the necessary changes in the document.**
46 **The Council Chair is given the authority to deem any changes to**
47 **the codified text as necessary and appropriate.**

1 **CHAIRMAN ANSON:** We have a motion and that was just read by Dr.
2 Dana. Is there any discussion? I guess we go to a roll call
3 vote, Doug.
4
5 **EXECUTIVE DIRECTOR GREGORY:** Mr. Walker.
6
7 **MR. WALKER:** Yes.
8
9 **EXECUTIVE DIRECTOR GREGORY:** Mr. Greene.
10
11 **MR. GREENE:** Yes.
12
13 **EXECUTIVE DIRECTOR GREGORY:** Dr. Stunz.
14
15 **DR. STUNZ:** Yes.
16
17 **EXECUTIVE DIRECTOR GREGORY:** Dr. Dana.
18
19 **DR. DANA:** Yes.
20
21 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bosarge.
22
23 **MS. BOSARGE:** Yes.
24
25 **EXECUTIVE DIRECTOR GREGORY:** Mr. Williams.
26
27 **MR. WILLIAMS:** Yes.
28
29 **EXECUTIVE DIRECTOR GREGORY:** Mr. Pearce. Absent. Mr. Fischer.
30 Absent. Mr. Riechers.
31
32 **MR. RIECHERS:** Yes.
33
34 **EXECUTIVE DIRECTOR GREGORY:** Mr. Boyd.
35
36 **MR. BOYD:** Yes.
37
38 **EXECUTIVE DIRECTOR GREGORY:** Mr. Diaz.
39
40 **MR. DIAZ:** Yes.
41
42 **EXECUTIVE DIRECTOR GREGORY:** Mr. Perret.
43
44 **MR. PERRET:** Yes.
45
46 **EXECUTIVE DIRECTOR GREGORY:** Mr. Sanchez.
47
48 **MR. SANCHEZ:** Yes.

1
2 **EXECUTIVE DIRECTOR GREGORY:** Mr. Matens.
3
4 **MR. MATENS:** Yes.
5
6 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bademan.
7
8 **MS. BADEMAN:** Yes.
9
10 **EXECUTIVE DIRECTOR GREGORY:** Dr. Crabtree.
11
12 **DR. CRABTREE:** Yes.
13
14 **EXECUTIVE DIRECTOR GREGORY:** Mr. Anson.
15
16 **CHAIRMAN ANSON:** Yes.
17
18 **EXECUTIVE DIRECTOR GREGORY:** Mr. Fischer.
19
20 **MR. FISCHER:** Yes.
21
22 **EXECUTIVE DIRECTOR GREGORY:** **It's unanimous sixteen to zero.**
23
24 **CHAIRMAN ANSON:** Go ahead, Ben.
25
26 **MR. HARTIG:** Thank you. I appreciate that.
27
28 **DR. DANA:** Staff reviewed concerns presented by king mackerel
29 gillnet fishery permit holders, located under Tab C, Number 5.
30 The industry is asking the council to consider raising the
31 current trip limit from 25,000 pounds to 45,000 pounds, under
32 the premise that they think it will allow them to more
33 efficiently prosecute the fishery without harming the stock.
34
35 To account for the increase in the trip limit, the industry has
36 proposed accountability measures which would reduce the current
37 and following year's quotas by the amount of each individual
38 overage over the proposed limit.
39
40 Industry comments in support of that change argue that they are
41 currently enduring excessive fines for honestly reporting their
42 overages and that they are having to cut nets when they think
43 they might have more than the 25,000-pound trip limit.
44
45 Southeast Regional Office staff noted that using the information
46 provided by the survey sent out to the majority of the active
47 permit holders, it would be possible to land the current quota
48 for the gillnet fishery in the Southern Subzone in a single day.

1 This would make closing the fishery ahead of an overage
2 impossible, since it would be likely that there could be
3 permitted boats offshore with fish onboard after the quota had
4 been met.

5
6 Committee members asked why gillnet fishermen had not considered
7 shorter nets or larger mesh sizes to control landing weights,
8 which can be difficult to estimate while at sea. Individual
9 Fishing Quotas, or IFQs, were offered as a great solution for
10 this fishery and since there are so few participants,
11 approximately seventeen permits with annual landings, the
12 fishery should be easy to work with under such a management
13 scheme.

14
15 Past issues with trip limits and permits in the Southern Subzone
16 were recalled, prompting committee members to ask what the
17 impact of such a trip limit increase could do to the economics
18 of the fishery. Southeast Regional Office staff replied that it
19 is unlikely that the price could get much lower than it normally
20 is around the time that the gillnet fishery opens on the Martin
21 Luther King Jr. holiday.

22
23 Committee members debated whether it would be best to ask for
24 input from the CMP Advisory Panel or the fishermen directly.
25 Council staff pointed out that since there are no gillnet permit
26 holders on the CMP AP, it might not be appropriate to solicit
27 that body for input on this specific issue at this time.

28
29 Committee members instead supported going to the fishermen and
30 directly soliciting their input, in a workshop-style setting, to
31 determine what other options may be suitable to alleviate their
32 current concerns.

33
34 Staff could then begin putting together ideas in a scoping
35 document for both councils to review. It was noted that the
36 Joint South Florida Management Committee meeting is currently
37 scheduled to occur in January 2015 in Key West, providing an
38 advantageous location and timeframe in which to hold such a
39 public workshop.

40
41 **The committee recommends, and I so move, to recommend that the**
42 **council conduct a public workshop for the king mackerel gillnet**
43 **fishery in coordination with the South Florida Committee meeting**
44 **during the week of January 12th, 2015.**

45
46 **CHAIRMAN ANSON:** We have a motion and it was just read and do we
47 have any discussion?

1 **EXECUTIVE DIRECTOR GREGORY:** It looks like we may be able to do
2 it that week. We still have to see if we can get a meeting
3 room, but I would like the latitude of polling I guess the
4 industry leader, Bill Kelly, and staff and council members who
5 might be interested in going and actually selecting the best
6 time. We will definitely have the meeting in time for the
7 January council meeting. It looks like that week might be best,
8 that Monday night. Ryan has talked to Bill. We just have to
9 get a room and see if we can work something out like that. I
10 know that -- Go ahead.

11
12 **MS. BADEMAN:** On that note, I guess it would be easiest just to
13 make a substitute motion, which would be this motion, but just
14 take out the "in coordination with the South Florida Committee
15 meeting the week of January 12, 2015". That way, if it falls
16 that week, it's great and if we need to go with another time, we
17 can do that.

18
19 **CHAIRMAN ANSON:** Is that your motion, Martha? All right. There
20 is a substitute motion that the council conduct a public
21 workshop for the king mackerel gillnet fishery. It's been
22 seconded by Roy Williams and is there any discussion on the
23 substitute motion? **Anyone opposed to the substitute motion?**
24 **Seeing no opposition, the substitute motion carries.**

25
26 **DR. DANA:** Dr. Dana asked the committee if there was any other
27 business requiring discussion and hearing none, adjourned the
28 Mackerel Committee. Mr. Chairman, this concludes my report.

29
30 **CHAIRMAN ANSON:** Thank you, Dr. Dana. Anything else on
31 mackerel?

32
33 **MR. HARTIG:** I just had a question on the last motion. If we
34 don't meet with the South Florida Committee, who will meet with
35 these fishermen?

36
37 **EXECUTIVE DIRECTOR GREGORY:** It will definitely be the Chair of
38 the Mackerel Committee and Mr. Williams from the council, at a
39 minimum, and myself and Ryan from staff.

40
41 **CHAIRMAN ANSON:** Any other mackerel items? All right. That
42 takes us to I believe, Number H, Joint Administrative Policy and
43 Budget/Personnel, Tab G, and Mr. Riechers.

44
45 **JOINT ADMINISTRATIVE POLICY AND BUDGET/PERSONNEL**

46
47 **MR. RIECHERS:** The Joint Committee on Administrative Policy and
48 Budget/Personnel Committee was called to order on October 20,

1 2014. The committee agenda was adopted as written. The minutes
2 of the previous Administrative Policy meeting were approved with
3 four minor editorial changes. Minutes of the previous
4 Budget/Personnel Committee were approved as written.

5
6 Tab G, Number 4 and 5, Expenditures and Budget
7 Carryover/Potential Contractual Projects list were reviewed.
8 Staff reviewed the funding status for the council's 2010-2014
9 cooperative agreement. Total anticipated obligations are
10 estimated to be \$16 million of the \$17.3 million funding
11 provided by NOAA for the five-year period, resulting in a
12 funding surplus of \$1.3 million.

13
14 A total of about \$900,000 potential carryover activities have
15 been identified, leaving about \$400,000 in funds remaining at
16 the end of the year. Staff is not sure which of the more recent
17 carryover activities identified since the August 2014 council
18 meeting will be ultimately approved by NOAA.

19
20 **The committee recommends, and I so move, to have staff submit to**
21 **NOAA the activities to be funded and carried over to the 2015**
22 **budget extension request.**

23
24 **CHAIRMAN ANSON:** We have a committee motion. Any discussion on
25 the motion? **Any opposition to the motion? Seeing no**
26 **opposition, the motion carries.**

27
28 **MR. RIECHERS:** The committee reviewed and discussed potential
29 research projects that may be included in the carryover budget
30 proposal. **The committee recommends, and I so move, to give**
31 **staff and the Council Chair the authority to decide on projects**
32 **to fund in 2015 with the 2014 carryover funds, if indeed this**
33 **decision needs to be made by the end of this year. If**
34 **additional time is provided, then staff and the council will**
35 **make the decision.**

36
37 **CHAIRMAN ANSON:** It's a committee motion. Any discussion on the
38 motion? **Any opposition to the motion? Seeing none, the motion**
39 **carries.**

40
41 **MR. RIECHERS:** After a brief discussion regarding liaison
42 funding, the committee recommends, and I so move, to include a
43 one-time increase in the liaison funding to the Gulf States and
44 the Gulf States Marine Fisheries Commission for up to an
45 additional \$20,000 per entity.

46
47 **CHAIRMAN ANSON:** It's a committee motion. Any discussion on the
48 motion?

1
2 **MR. BOYD:** Just a question. I don't know what the numbers are,
3 but if a particular state did not go over more than say \$5,000
4 or \$6,000, that's what we would find, wouldn't it? We wouldn't
5 fund the full \$20,000, because it says "up to".

6
7 **EXECUTIVE DIRECTOR GREGORY:** All the costs are reimbursable.

8
9 **MR. BOYD:** Yes. I just wanted to clarify that.

10
11 **CHAIRMAN ANSON:** Any other discussion? **Any opposition to the**
12 **motion? Seeing no opposition, the motion carries.**

13
14 **MR. FISCHER:** On that motion, can you give some clarification or
15 Doug give some clarification? This is for calendar year 2014?

16
17 **EXECUTIVE DIRECTOR GREGORY:** Correct.

18
19 **CHAIRMAN ANSON:** Mr. Riechers, go ahead.

20
21 **MR. RIECHERS:** Next we went on to Tab G, Number 6, which was an
22 Update on AP and SSC Appointment Process and Structure. Staff
23 presented a revised proposal based on previous council comments,
24 noting the online application will be available by the end of
25 the year. Staff then reviewed the proposed changes to the AP
26 Selection Process and Structure. The council will need to
27 approve these proposals in January in order to have the
28 appointments made in April of 2015.

29
30 Advisory Panel Membership Categories, staff suggested that the
31 council consider establishing sunset dates for ad hoc advisory
32 panels. Clarification was requested on what the Other Category
33 would encompass and staff explained that other is simply a
34 catchall for any category that may not be on the list and that
35 this document is for council guidance only.

36
37 There was a brief discussion regarding the rationale for
38 dividing the panel into an eastern Gulf category and a western
39 Gulf category. Staff explained that it was a twofold rationale.
40 One is to ensure the entire region is represented on a panel and
41 two is to address potential differences between the western Gulf
42 and the eastern Gulf.

43
44 It was suggested that those categories be removed and instead,
45 look for geographic representation in a less structured way when
46 the council appoints panel members. **The committee recommends,**
47 **and I so move, to do away with the western and eastern gulf**
48 **geographical description under the AP Panels.**

1
2 **CHAIRMAN ANSON:** There's a motion on the board. Any discussion?
3 **Any opposition to the motion? Seeing none, the motion carries.**
4
5 **MR. RIECHERS:** Next we went on to the discussion regarding
6 Staggered Terms and then after that, SSC Integration. Under
7 Staggered Terms, it was noted that the current appointment
8 process is difficult administratively and that staggered terms
9 might make the process easier. The committee was supportive of
10 creating staggered terms, but there were no motions made. I
11 will pause to see if anyone wants to.
12
13 **EXECUTIVE DIRECTOR GREGORY:** Again, the intention is for all of
14 this to be approved or disapproved in January, all aspects. We
15 just jumped the gun on the other one.
16
17 **MR. RIECHERS:** Well, normally you want us to give you guidance
18 and now you are suggesting we not. SSC Integration, staff then
19 reviewed the proposed integration of the three SSCs into a
20 single SSC. The committee was supportive of having a single
21 multidisciplinary SSC. It was suggested it would be helpful to
22 include a state resource manager on the SSC and it was noted it
23 could be accommodated in the appointment of Special SSC members.
24
25 **CHAIRMAN ANSON:** Anyone want to discuss that?
26
27 **MR. WILLIAMS:** What is the state resource manager? Is that a
28 state director? I am trying to remember what the discussion
29 was.
30
31 **MR. RIECHERS:** I will speak for -- Well, I shouldn't speak for
32 Corky. I will let him speak.
33
34 **MR. PERRET:** Roy, in the past, it was a state director or his
35 assistant chief or something, at that level. When we had it in
36 the early days, there was a resource manager on the S&S.
37
38 **CHAIRMAN ANSON:** All right. I guess, Robin, go ahead and
39 continue.
40
41 **MR. RIECHERS:** Next, we moved on to Tab G, Number 7, SSC
42 Conflict of Interest Policy. Staff reviewed the SSC Conflict of
43 Interest Policy and the policies of the other councils and asked
44 the council to consider whether to discontinue the policy and
45 just use the Statement of Financial Interest forms that SSC
46 members submit to document potential financial conflicts or to
47 specify conditions regarding personal remuneration to apply to
48 potential SSC applicants.

1
2 **The committee recommends, and I so move, to request council to**
3 **make Option 1, discontinue the SSC Conflict of Interest Policy,**
4 **the preferred policy.**
5

6 **CHAIRMAN ANSON:** It's a committee motion. Any discussion on the
7 motion? **Anyone opposed to the motion? Seeing no opposition,**
8 **the motion carries.**
9

10 **MR. RIECHERS:** Next, under Tab G, Number 8, there was a
11 discussion or it was a continuation of a Discussion of Draft
12 SOPPs Revisions. The committee finished the initial review of
13 the comments by the SOPPs Review Task Force that was started in
14 August.

15
16 Fifteen items from pages 19 through 33 were reviewed and
17 decisions were made to delete, clarify or modify wording. The
18 changes will be reflected as track changes in the next iteration
19 of the document that we will receive in the January 2015
20 briefing book.

21
22 The committee will also review the comments provided by a whole
23 list of acronyms there, but let's just say NOAA, and will
24 incorporate those at the next meeting as well. Mr. Chairman,
25 this concludes my report.

26
27 **CHAIRMAN ANSON:** Thank you, Mr. Riechers. Any other items under
28 Admin Policy? Okay. So we completed Item Number X on our
29 agenda yesterday and that brings us to Item Number XI, Other
30 Business, and so we have a few items that were added, but the
31 first one that's listed there is the Status of Biscayne National
32 Park Implementation of Fishing Regulations.

33
34 I guess we might want to hear from Martha. I think you've got
35 some background information as to the State of Florida's
36 perspective on this issue and, Ben, we might come to you for
37 some comments, too. Martha, go ahead.

38
39 **OTHER BUSINESS**

40 **STATUS OF BISCAYNE NATIONAL PARK IMPLEMENTATION OF FISHING**
41 **REGULATIONS**
42

43 **MS. BADEMAN:** Chairman Anson asked me to talk a little bit about
44 what's going on in Biscayne National Park. Let me first say
45 that Biscayne National Park, for those that don't know exactly
46 where it is, it's off Miami. This is not necessarily a Gulf
47 Council issue. We don't go up against our jurisdiction or
48 anything like that, but there's a lot of -- from some of the

1 folks that come to our meetings and testify.

2
3 Stop me if you get confused, because this is totally confusing.
4 The park is working on two management plans. One is a fisheries
5 management plan and one is a general management plan. The
6 fisheries management plan, not surprisingly, deals with
7 fisheries and the general management plan is more park
8 experiences as a whole.

9
10 I will start with the fisheries management plan and talking
11 about what's happening with that. The park just recently
12 published a finalized record of decision back in July to
13 finalize this fishery management plan. One thing that's kind of
14 funny about Biscayne National Park in terms of the jurisdiction
15 for who can regulate fisheries is its split jurisdiction between
16 the FWC and the park.

17
18 There is a portion of the park, the middle portion of the park,
19 that is regulated exclusively by Biscayne National Park. There
20 ~~is~~ are two end sections of the park where we share authority and
21 so there is this kind of weird nuance which will come into play
22 ~~into~~ in a minute.

23
24 So we actually worked with the park to develop this fisheries
25 management plan that has a list of items that could, now that
26 the plan has been finalized, will now be considered by our
27 commission. So some of these things include a phase-out of
28 commercial fishing throughout the park and through a last-man-
29 out scenario.

30
31 There is a no-trigger method on spearing and some changes to bag
32 and size limits. These haven't been developed yet, because the
33 presumption is that we would be work-shopping these things and
34 identify specific changes that need to be made and some no-trawl
35 zones. There is not a lot of details about that yet and some
36 gear inspections for roller trawl frames and potentially some
37 coral protected areas.

38
39 No mini season for spiny lobster. That's a little recreational
40 season that opens before the regular season opens and the
41 overall goal of the fisheries management plan is to increase
42 abundance and size of targeted species of fish by 20 percent in
43 the park and so that's the goal of their plan.

44
45 Again, since the park does not have sole authority here, the FWC
46 and the park would need to do some pretty heavy rulemaking to
47 actually make these things go through and there is no guarantee
48 that all of them will go through in the end. It's going to be a

1 long process with a lot of public input at the state level and
2 the park level before this is taken care of and so the goal for
3 the park, I think, is to have uniform regulations, but I guess
4 there is the possibility, if the FWC doesn't approve something
5 that they like or that they really, really want that they could
6 do something -- They could go out on their own in the central
7 part of the park that they manage exclusively.

8
9 There is a small part of the park in Atlantic federal waters
10 that would fall under the South Atlantic's jurisdiction, but I
11 guess it's such a small sliver of park that the South Atlantic
12 is not really active or is not being considered to have
13 jurisdiction as far as this goes and why that is, I am not
14 totally sure and maybe Ben knows. You can jump in if you want.

15
16 The timeline for the fisheries management plan and all these
17 actions, the soonest action at an FWC meeting could be in summer
18 or fall of next year. Again, we will be holding public
19 workshops and getting lots of input on things. I will pause
20 there, if you want to talk about the fisheries management plan
21 at all.

22
23 **MR. HARTIG:** Yes and I mean we had the same presentation that
24 Bill Kelly gave and I guess he gave it to you as well, but to
25 make it short, we are having a presentation at our next meeting
26 in December from I think the Park Superintendent or somebody in
27 the hierarchy who is going to give us a presentation on what
28 they're doing.

29
30 At this time, we don't know about this little sliver of federal
31 management. We will discuss it at that meeting and keep you
32 informed, but there's really not a lot the council can do based
33 on where all of this is occurring. Of course, we have this
34 little sliver, but in fairness to the effort that's going to
35 shift out of that area, especially in the lobster fishery, it
36 will have downstream effects that we were concerned about and
37 so, like I said, we will talk to this person and have the
38 presentation and we'll let you know what happens.

39
40 **CHAIRMAN ANSON:** I will just jump in here. I was at the South
41 Atlantic Council meeting and Bill Kelly approached me about it
42 and his plea was what prompted this to be put on the agenda and
43 so, again, it was that very issue that Ben just said, is that
44 their primary concern is the impacts to the spiny lobster
45 fishery.

46
47 It is kind of a Florida issue and it is pretty much in the
48 Atlantic waters, but Bill had asked for the council to review it

1 and I -- He had asked specifically if the council can write a
2 letter or be more involved in the process and I told him that I
3 couldn't make any guarantees, but I would at least bring it to
4 the council and let everybody be aware of it and if the council
5 so desires to have a letter written that those types of things
6 be considered as they go forward in the rest of their management
7 plan formulation. That might be something that the council
8 would want to do, but I just, again, brought it to you all.

9
10 If you want us to request them to come, maybe at a future
11 meeting, to give a little bit more detail as to what it is or if
12 you feel like there is a process that's going to go on and we
13 can't really affect the process or the outcome, but, again, it
14 was just Bill was asking for some support and so that's all.

15
16 **MS. BOSARGE:** I would like to stay informed on it, especially
17 since you mentioned some no-trawl zones, just because there are
18 a lot of Gulf of Mexico boats that also are permitted in the
19 Atlantic and South Atlantic. I don't know how many this might
20 affect or might not. I really don't know much about this yet,
21 but if we could stay updated, because it may affect other
22 fisheries, too.

23
24 **MS. BADEMAN:** So there's more. There is a whole other plan.
25 This is the general management plan now and so this whole plan
26 is supposed to be about user experiences and protecting
27 archeological resources and that kind of deal.

28
29 This plan was started in 2000 and released as a draft in 2011.
30 Where this kind of falls into fisheries stuff is there was a
31 preferred alternative that came out in the original draft and it
32 was Alternative 4 that included a large marine reserve, a no-
33 fishing area.

34
35 This area is completely inside of that park that's exclusively
36 regulated by Biscayne National Park and so this was obviously
37 pretty contentious. They are including something about fishing
38 in a general management plan when they have this other fishing
39 plan.

40
41 There was an oversight hearing in Congress in 2012 that was
42 about the lack of public access in national parks and this was
43 highlighted in that. Our Chairman went to that meeting and
44 spoke and let me also say that our commission has been pretty
45 hesitant about putting in these kinds of marine reserves in
46 general and especially in the park.

47
48 Our commission met with folks at Interior, Department of

1 Interior, and worked on some additional alternatives and there
2 were two additional alternatives developed in a supplemental
3 draft EIS, Alternative 6 and 7.

4
5 Alternative 6 had a quota concept, where there would be some
6 recreational fishing with a lottery and also some commercial
7 ballyhoo fishing in this one zone that was 30 percent bigger,
8 but was still in this monument area, the portion that's only
9 regulated by Biscayne National Park.

10
11 Then Alternative 7 was another marine reserve area that was the
12 same size, but it just was a seasonal closure during the summer
13 and so it wasn't a full closure year-round. The park had public
14 workshops on this not too long ago. I think they were in August
15 or September and they were work-shopping Alternative 4. That
16 was the original preferred alternative that they had and then
17 these two new ones.

18
19 The public comment for that is under review now. It's not open
20 for comment at this point. They are hoping to get the final EIS
21 out in January. That timeline may be ambitious, but it's
22 possible.

23
24 People are pretty upset about these alternatives as well. Ocean
25 Reef up in Key Largo is upset about Alternative 6 and 7 and they
26 are concerned that they're going to be pushing more people to
27 Key Largo and they would rather have a closure north of Caesar
28 Creek.

29
30 The bigger closure areas, in 6 and 7, some people like, I think,
31 because they would presumably protect these Acroporids and
32 corals that just were listed on the Endangered Species Act.
33 Let's see. So like I said, this is in progress now and the
34 public comment isn't open on either of these things right now.

35
36 Our agency was supporting 6, but not any longer. We are not
37 really in love with Alternative 4, but maybe we could get
38 onboard with 7. We are still working on it and so that's all
39 I've got.

40
41 **CHAIRMAN ANSON:** All right. Thank you.

42
43 **EXECUTIVE DIRECTOR GREGORY:** What I would like to do is get with
44 you, Martha, and just have an update at each meeting and
45 something we put in the briefing book. I also want to note that
46 the Florida Keys National Marine Sanctuary Advisory Council met
47 this past week and they're going to be working on an
48 environmental impact statement that will be out for public

1 comment this coming year and so we will try to keep up with that
2 as well.

3
4 I would ask the Regional Office if they submit anything to you
5 all directly, since you're officially part of NOAA, like they
6 are, that you share that with us, so that we can possibly even
7 comment on their environmental impact statement, because they
8 are also proposing a number of closed areas. I suspect most of
9 them will be on the Atlantic side, but there will be some in the
10 Gulf as well.

11
12 **CHAIRMAN ANSON:** All right. That takes us to Dr. Crabtree had
13 requested to include in Other Business a discussion about the
14 standardized bycatch program.

15 16 **DISCUSSION OF STANDARDIZED BYCATCH PROGRAM**

17
18 **DR. CRABTREE:** One of the requirements of the Magnuson Act is
19 that we establish a standardized bycatch reporting methodology
20 for all of our fisheries and we have done that in the past in
21 our fishery management plan, but there have been a lot of things
22 going on with the New England Council and the Mid-Atlantic
23 Council.

24
25 There was litigation and there was ultimately a court decision
26 that laid out a lot of requirements and things that these plans
27 have to require. The South Atlantic Council has gotten a couple
28 of letters from some of the environmental groups asking that
29 they revisit these and update these and at our last South
30 Atlantic Council meeting, we agreed to start work on an
31 amendment to look across all of our fishery management plans and
32 update those standardized bycatch reporting methodologies and
33 see what things need to be added to them or changed in them
34 based on the court decision that came out in New England.

35
36 The way they handled this in New England ultimately was an
37 omnibus amendment of all of their plans that was joint between
38 the Mid-Atlantic Council and the New England Council and I think
39 what we had talked about at the South Atlantic Council was
40 trying to work on a similar omnibus amendment with the Gulf
41 Council that would look at all of our plans.

42
43 Among the things that it appears we need to do is to go into our
44 plans and address what levels of precision are we trying to get
45 in our bycatch reporting, particularly as it relates to observer
46 studies.

47
48 Then one of the other things that came out of the court decision

1 is that there's a need to prioritize our fisheries in terms of
2 which are the fisheries that are the high priorities for
3 observer coverage and which are lower.

4
5 The reason for that is as we go through and decide what sort of
6 precision we want in our bycatch estimates, there may not be
7 sufficient funding available to achieve those and so the court
8 said that a standardized methodology has to establish the
9 priorities, so that if there's not enough money available to do
10 anything, the methodology lays out which things you will do with
11 the money you have.

12
13 Since a lot of our money comes down for observer coverage and it
14 doesn't indicate how much should go to the South Atlantic and
15 how much goes to the Gulf, to set those priorities it seems like
16 it really needs to be a joint amendment, because it's going to
17 have to address how much goes where.

18
19 So we have a group of staff members internally for us and with
20 the Science Center that are starting to look at some of these
21 and what types of data analysis we need and how would we
22 evaluate precision levels and how would we make determinations
23 about priorities and fisheries and things, but I think this is -
24 - I think we got a letter from Oceana asking us to look at that,
25 I think relative to the Coastal Migratory Pelagics Plan already.

26
27 I think this is something that we need to get on our radar scan
28 and on our work plan and I think it will require a significant
29 amount of staff work and effort to pull all this together, but I
30 think we need to start working on this and start pulling
31 together a plan or how long we're going to take to do it and all
32 of that.

33
34 My hope would be that we can do some of the technical background
35 work on this and work with Doug and his staff to kind of flesh
36 out how we're going to proceed and timing with Doug and with Bob
37 Mahood and potentially even the Caribbean Council and then maybe
38 come back in January with a more concrete set of steps that we
39 would need to take in terms of scoping and all those kinds of
40 things.

41
42 **MR. ANSON:** So I guess the council -- I mean we don't need a
43 motion necessarily, like you said, but we would just -- As long
44 as there is some understanding of cooperation among council
45 staff and your staff to start to look at some of those issues
46 and start planning out and strategizing and you will come back
47 with that in January, correct?

48

1 **DR. CRABTREE:** Yes, I think that would be fine.

2
3 **CHAIRMAN ANSON:** All right. Great. That will work for you?

4
5 **EXECUTIVE DIRECTOR GREGORY:** Yes, great.

6
7 **DISCUSSION OF RED SNAPPER FOR-HIRE AP CHARGE**

8
9 **CHAIRMAN ANSON:** All right. So we have one item that's been
10 brought to my attention relative to the Reef Fish Report. Staff
11 has indicated there needs to be -- They recommend or would like
12 to have some idea from the council on what charge to have for
13 the Red Snapper For-Hire AP and so they have offered a motion, I
14 guess, that we can talk about and see if we can provide that
15 extra guidance and so when you're ready, Charlotte.

16
17 So here is the motion that's been recommended by staff. The
18 motion reads: To charge the Red Snapper For-Hire AP to make
19 recommendations to the council relative to the design and
20 implementation of flexible management measures for the
21 management of red snapper for the for-hire sector. What's that,
22 Corky?

23
24 **MR. PERRET:** I just think, after "flexible", take "management"
25 out and just make it "flexible measures for the management".

26
27 **CHAIRMAN ANSON:** I just offered that as a motion, by the way. I
28 didn't make it and so do you want to claim ownership of that,
29 Corky?

30
31 **MR. PERRET:** I would be honored to make this motion and the
32 motion is: To charge the Red Snapper For-Hire AP to make
33 recommendations to the council relative to the design and
34 implementation of flexible measures for the management of red
35 snapper for the for-hire sector. So moved.

36
37 **CHAIRMAN ANSON:** Do we have a second for the motion? It's been
38 seconded by Johnny. Any discussion on the motion? **Is there any**
39 **opposition to the motion? Seeing no opposition to the motion,**
40 **the motion is carried.** That concludes my notes for any Other
41 Business. Mr. Sanchez and I will get to you, Johnny, after John
42 Sanchez.

43
44 **MR. SANCHEZ:** Thank you, Mr. Chairman. I believe my esteemed
45 friend, Doug, uninvited me to the mackerel meeting, the gillnet
46 meeting. If that is the intent, then so be it. If not, then I
47 would like to be re-invited.

1 **CHAIRMAN ANSON:** We might be able to make some accommodations
2 for your presence there, John. Johnny.

3
4 **DISCUSSION OF FRAMEWORK ACTION TO ADDRESS RED SNAPPER FOR-HIRE**
5 **BAG LIMIT**
6

7 **MR. GREENE:** While we're on the red snapper for the for-hire
8 fishery, in the past, we've had lots of comments about the for-
9 hire fishery and their interest to go to one snapper while the
10 private recreational guys wanted to stay at two and I think that
11 that's something that we should look at moving forward.

12
13 I mean we're kind of under a time crunch now and so being that
14 things have happened, I think I would like to look at something
15 along the idea of a framework to reduce the bag limit, something
16 that we could have ready in January and move forward with it if
17 it's something that gains any traction.

18
19 **With that, I would like to offer a motion to direct staff to**
20 **develop a framework action to reduce the bag limit for the for-**
21 **hire red snapper fishery.**

22
23 **CHAIRMAN ANSON:** Is that your motion, Johnny?

24
25 **MR. GREENE:** Yes, sir.

26
27 **CHAIRMAN ANSON:** To direct staff to develop a framework action
28 to reduce the bag limit for the for-hire red snapper fishery.
29 Is there a second to the motion?

30
31 **MR. WALKER:** I second the motion.

32
33 **CHAIRMAN ANSON:** It's seconded by Mr. Walker. Any discussion on
34 the motion?

35
36 **EXECUTIVE DIRECTOR GREGORY:** We will bring something back to you
37 in January to look at.

38
39 **CHAIRMAN ANSON:** Any other discussion?

40
41 **MR. RIECHERS:** I guess I am trying to figure out where we are in
42 process here. Are you going to bring back a scoping-type
43 document or what are you going to bring back?

44
45 **EXECUTIVE DIRECTOR GREGORY:** Since we haven't worked on this, we
46 will try to bring back a scoping-type document. We can do
47 scoping possibly electronically, if we don't want to go out to
48 meetings. Carrie has her hand up.

1
2 **DR. SIMMONS:** Thank you, Mr. Chair. I think the way I
3 understood Mr. Greene's motion is this was something for the AP
4 to look into and that we would maybe get some analysis together
5 from some previous documents that looked at a one-fish bag limit
6 and put that before the Red Snapper AP or the For-Hire Red
7 Snapper AP, newly named.

8
9 **MR. GREENE:** Well, I certainly don't mind if the AP looks at it,
10 but I think that with time being of the essence, if it could
11 kind of run parallel and still be there, I would like for that
12 to happen.

13
14 **DR. CRABTREE:** I think that's worth looking at. In all
15 likelihood, I suspect we will do a framework action on red
16 snapper, because we're going to get a new assessment at our
17 January meeting and so it's quite likely we will end up
18 adjusting the catch levels again and we might be able to do this
19 in that same framework, but I think it's, in terms of timing --
20 Doug, we meet in January and then in April?

21
22 **EXECUTIVE DIRECTOR GREGORY:** Right.

23
24 **DR. CRABTREE:** So we would have to vote this for sure up in
25 April to be able to get it done by the June season.

26
27 **EXECUTIVE DIRECTOR GREGORY:** I mean we'll make as much progress
28 as we can. I mean in an ideal world, we could put something
29 together and distribute it and probably have an electronic
30 scoping meeting even before January, but I can't promise that.

31
32 **MR. BOYD:** Johnny, just a question. If you don't get a
33 framework action with however many captains are in the group,
34 couldn't you self-impose?

35
36 **MR. GREENE:** I mean I guess anything is possible. I mean nobody
37 is really against trying to do the right thing here. I mean
38 that's kind of the emphasis of what they wanted with that deal
39 to begin with. I mean it may very well be that it comes down to
40 we can't get it done quick enough and we have to make those
41 self-imposed things, but sometimes self-imposed leads to self-
42 indulged and I don't want to go there.

43
44 **CHAIRMAN ANSON:** To that point, Dr. Crabtree?

45
46 **DR. CRABTREE:** I mean the trouble with self-imposed is it would
47 be difficult for us to base a projected season length on a self-
48 imposed. We would really need to have it in the regulations to

1 give you the extra days that it would get you.

2
3 **MR. DIAZ:** I mean I guess what Johnny is trying to do is -- It's
4 a timing thing, but I had envisioned that the AP would take
5 these type of things up and so I mean is there not time for the
6 AP to look at this and come back with the management measures
7 that they recommend? Is that the -- I guess this would be for
8 Doug Gregory.

9
10 **EXECUTIVE DIRECTOR GREGORY:** Well, the AP is scheduled to meet
11 already before the end of the year and they can look at whatever
12 we prepare and provide advice on this, as to whether to go
13 forward or not, because the only option to the current two fish
14 is one fish.

15
16 **MR. DIAZ:** That satisfies my concern. I just wanted to -- At
17 least the AP will have the time to weigh in on it and so it's
18 not really a timing issue.

19
20 **DR. DANA:** I guess my question is for Johnny. Johnny, why the
21 reduction? Why?

22
23 **MR. GREENE:** Well, we've heard about it the past. Everybody
24 wants the most number of days we can fish and I don't think
25 that's necessarily the gist of what I'm trying to do here. My
26 biggest fear is having an overrun of the quota or something to
27 that effect.

28
29 I mean I know we've always looked at maximizing fishing days,
30 but now it seems that having a little skin in the game, you
31 might want to think, well, maybe I don't want to do this or that
32 and I think that's where Mr. Boyd's comment about self-imposing
33 would come in.

34
35 Obviously nobody wants to exceed the quota and it may be
36 something that might be a lot easier to do than what we realize
37 and I am simply just trying to get, as we get ready for the AP,
38 have a framework ready in January, so that if we do like the
39 idea, we can proceed, but if we get there and the AP doesn't
40 like it and nobody likes it, then we don't have to do anything.

41
42 I am just trying to get the wheels rolling, because we're going
43 to have a January meeting and an April meeting and then the
44 season is scheduled to open in June and we won't have a lot of
45 time.

46
47 **DR. DANA:** So just to be clear, this is not an action or a
48 request to reduce the number, but it's just the call to look or

1 to have a thoughtful document that says -- Well, it's just a
2 document that looks at the issue and it's not an action, because
3 I --

4
5 **CHAIRMAN ANSON:** All right. Any other discussion on the motion?
6

7 **MR. RIECHERS:** The only thing is, guys, I mean -- Pam, this is
8 to your point. What we have up there is we're directing staff
9 to do a framework action. If you don't want to do a framework
10 action and you want to get a working document that explains what
11 a two-fish and a one-fish bag limit do, then that's what you put
12 in the motion. Otherwise, you are voting for a framework
13 action.

14
15 **MS. BOSARGE:** Even if we do a framework action, you can always
16 go with Alternative 1, status quo, no action. I like Johnny's
17 motion, because there is not a lot of management measures for
18 these two new components that we just created in the
19 recreational sector. There is not a lot of management measures
20 that we can really get in place before the 2015 season starts.

21
22 This is one that we could possibly do if -- Obviously if the
23 for-hire sector supports it in their AP meeting that they're
24 going to have, but in order to get it in place, if they do
25 support it, I would think you would have to start work on this
26 now, so that we would have the document in January along with
27 the AP report. If they show support, then we can deliberate
28 this document and get moving on it.

29
30 I am in support of it because we have a three-year sunset on
31 this sector separation and so what we do this coming up year is
32 kind of a big deal. We're going to have to start working on a
33 new plan after the 2015 season and so if we don't get any kind
34 of new management measures in place for either sector for 2015,
35 we're almost spinning our wheels and so at least this would get
36 started.

37
38 **MR. RIECHERS:** Well, I mean two things. One is both of these
39 last two motions probably should have come up in Reef Fish
40 Committee as opposed to under Other Business and that's number
41 one.

42
43 Number two is I don't disagree with you that they need to bring
44 the options forward. They do, but as Roy suggested, there may
45 be other options to be considered as well and those should all
46 be considered in the full committee framework in January and
47 then final action in April, if that's what we want to do.

48

1 I just hesitate to spend the time working on a framework action
2 for this as opposed to doing some of possibly the other things
3 that might need to get done that have been on the back burner as
4 we've been dealing with this issue in this last time.

5
6 Again, I am not really worried about it in the analysis is going
7 to come forward and, in fact, the analysis just has to be
8 updated, because we have looked at this analysis before and it's
9 not like we haven't seen it.

10
11 **CHAIRMAN ANSON:** To that point, Leann?

12
13 **MS. BOSARGE:** Then I will let Roy go, but if we have a lot of
14 this information already, I just didn't see how it was going to
15 be a huge burden on staff, especially for a framework action
16 that looks at one thing in particular, where there is nothing
17 else really to slow it down. So if we did decide to go status
18 quo or up or down or whatever, it's something that could move
19 along pretty quickly by itself, but Roy may have another idea.

20
21 **DR. CRABTREE:** I think the reason it didn't come up in the Reef
22 Fish Committee is because the committee voted not to submit
23 Amendment 40 and so I mean I don't think this motion would be
24 there if we hadn't approved Amendment 40 and so that's the
25 timing of this.

26
27 Given if the desire is to get something done by June 1, I think
28 you really need to -- We need to move quickly on a framework.
29 There may be a whole lot of things come out of the AP, but this
30 is a pretty simple thing that actually could be done and this
31 probably gets you more days than any single simple thing that I
32 can think of and so at least to get it ready and then have a
33 hearing and see what the public says about it makes sense to me.

34
35 **CHAIRMAN ANSON:** Anybody else? The motion, just to reread the
36 motion, is to direct council staff to develop a framework action
37 to reduce the bag limit for the for-hire red snapper fishery.
38 **All those in support of the motion please say aye; all those**
39 **opposed like sign. The motion carries.** Doug, you have one more
40 item?

41
42 **EXECUTIVE DIRECTOR GREGORY:** Yes and I wanted to inform the
43 council that next year, beginning in January, we will be hosting
44 the Council Coordinating Committee. They have one big meeting a
45 year and it will be in Key West, the third week in June, which
46 gives us a week hiatus between our joint meeting with the South
47 Atlantic.

48

1 We are both going to be in Key West the same week, but at
2 different hotels, but we will have joint Mackerel Committees and
3 anything else we need to deal with, like the South Florida
4 thing.

5
6 The Council Coordinating Committee meets in D.C. in February and
7 so Kevin and I will be busy doing some extra stuff next year
8 associated with that and be involved in communicating with
9 Headquarters and Congress on the reauthorization as those items
10 come up as well.

11
12 **DR. CRABTREE:** Doug, so the South Atlantic Council meeting and
13 the Gulf are going to be taking place at the same time?

14
15 **EXECUTIVE DIRECTOR GREGORY:** Correct.

16
17 **DR. CRABTREE:** Would it be possible for you to coordinate with
18 Bob Mahood and try and not have Reef Fish and Snapper Grouper
19 Committees meet on the same day, because some of us, me and
20 Bonnie, are going to have to move back and forth and those are
21 the two committees that would be my highest priority and so if
22 it's possible to have those -- I don't know if it is or isn't,
23 but if you could just talk to Bob and see if that could be done
24 without inconveniencing people, I would appreciate that.

25
26 **EXECUTIVE DIRECTOR GREGORY:** Yes, definitely, and just remind
27 him also in December, when you have the meeting there.

28
29 **DR. CRABTREE:** I am reminding the South Atlantic Council
30 Chairman. How about that?

31
32 **CHAIRMAN ANSON:** All right and so I don't have anything else on
33 my list and so seeing that there is no other business, the
34 meeting is adjourned. Thank you, everyone.

35
36 (Whereupon, the meeting adjourned at 3:05 p.m., October 23,
37 2014.)

38
39 - - -
40

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3 PAGE 8: Motion to adopt the 2015 committee assignments as
4 presented. The motion carried on page 8.
5
6 PAGE 42: Motion to instruct staff to create a document that
7 eliminates the requirement to carry decals for vessels with
8 charter vessel/headboat permits. The motion carried on page 44.
9
10 PAGE 44: Motion to adopt status quo, no action, as the
11 preferred alternative. The motion carried on page 52.
12
13 PAGE 54: Motion to commend the Louisiana Department of Wildlife
14 and Fisheries for their ongoing efforts to solve the need for
15 the transport within Louisiana state waters of multiday on-the-
16 water bag limits at Port Eads Marina, as outlined in their
17 Notice of Intent, as amended. The motion carried on page 55.
18
19 PAGE 56: Motion to request the council to fund the Law
20 Enforcement Advisory Panel state representatives to attend the
21 Gulf Council meetings in their respective state. The motion
22 carried on page 56.
23
24 PAGE 56: Motion to ask the council staff to work with the Gulf
25 States Fisheries Commission staff to develop an officer or team
26 of the year program for the Gulf of Mexico. The motion carried
27 on page 57.
28
29 PAGE 57: Motion to accept the state's committee operation plan.
30 The motion carried on page 57.
31
32 PAGE 58: Motion to request the council to send a letter to the
33 Gulf States requesting that they update their escapement rates
34 on red drum as soon as possible. The motion carried on page 58.
35
36 PAGE 167: Motion that the SEFSC provides the council with a
37 full range of Fs to include SPRs of 20, 22, and 24 for the next
38 update assessment for red snapper. The motion carried on page
39 168.
40
41 PAGE 168: Motion to add an Alternative 4 in Action 1, Regional
42 Management, which says to establish a regional management
43 program in which the regions submit proposals to National Marine
44 Fisheries Service describing the conservation equivalent
45 measures each region will adopt for the management of its
46 portion of the red snapper quota. The motion carried on page
47 179.
48

1 PAGE 180: Motion that in Action 1, Alternative 2, add an Option
2 c that would allow delegation to sunset after two calendar years
3 of the program and an Option d that would allow delegation to
4 sunset after three calendar years of the program. In Action 1,
5 select Alternative 2, Option d, delegation with a sunset after
6 three calendar years, as the preferred alternative. The motion
7 carried on page 182.
8

9 PAGE 182: Motion that in Action 1, in Alternative 4, add the
10 same sunset provisions that are in Alternative 2. The motion
11 carried on page 183.
12

13 PAGE 184: Motion that under Action 3, apportion the
14 recreational red snapper allocation as shown in Table 2.3.5.
15 Select as preferred Alternative 2, Option d and Alternative 3,
16 Options a and b. The motion carried on page 185.
17

18 PAGE 185: Motion that in Action 6, Post-Season Accountability
19 Measures Adjusting for Regional Overages, remove Options a and b
20 in Alternatives 2, 3, and 4 and put them in the considered but
21 rejected section. The motion carried on page 185.
22

23 PAGE 187: Motion to add a new action to create a sunset
24 provision on sector separation with Options a, b, and c for a
25 sunset after two, three, and five years of the program. The
26 motion carried on page 201.
27

28 PAGE 204: Motion that in Amendment 40, new action, the
29 preferred sunset option be the three-year option. That would be
30 Option b. The motion carried on page 207.
31

32 PAGE 207: Motion that Amendment 40 does not mandate intersector
33 trading or the development of an IFQ program for the charter
34 for-hire sector. The motion carried on page 214.
35

36 PAGE 215: Motion to approve Amendment 40 and that it be
37 forwarded to the Secretary of Commerce for review and
38 implementation and deem the codified text as modified in
39 discussion as necessary and appropriate, giving staff editorial
40 license to make the necessary changes in the document. The
41 Council Chair is given the authority to deem any changes to the
42 codified text as necessary and appropriate. The motion carried
43 on page 226.
44

45 PAGE 227: Motion to change the name and charge of the Red
46 Snapper Charter For-Hire IFQ AP. The new name would be the Red
47 Snapper Charter For-Hire AP and the new charge would be to
48 explore all management options. The motion carried on page 231.

1
2 PAGE 232: Motion to hold scoping meetings for Amendment 36 in
3 the following locations: Pascagoula, Mississippi; Mobile,
4 Alabama; Kenner, Louisiana; Panama City, Florida; St.
5 Petersburg, Florida; Aransas Pass, Texas; and Galveston, Texas.
6 The motion carried on page 233.
7
8 PAGE 233: Motion to remove Number 23, intersector trading, from
9 the work plan. The motion carried on page 234.
10
11 PAGE 235: Motion to request that NMFS publish a control date
12 like the one done for red snapper before shares open for public
13 sale, notifying the public that participation requirements for
14 the grouper tilefish IFQ program may be changed in the future.
15 The motion carried on page 236.
16
17 PAGE 237: Motion to have the SSC review the 2015/2016 ABC for
18 gag using the latest red tide information at their January 2015
19 meeting. The motion carried on page 237.
20
21 PAGE 238: Motion that in Section 2.1 Action 1, to select
22 Alternative 3 as the preferred alternative. Reduce the red
23 grouper bag limit two-fish fish per person per day. The motion
24 carried on page 238.
25
26 PAGE 238: Motion to select Alternative 4 as the preferred
27 alternative. Eliminate the bag limit reduction accountability
28 measure in 50 CFR 622.41(e)(2)(ii). The motion carried on page
29 238.
30
31 PAGE 239: Motion to make Alternative 1, no action, the
32 preferred alternative in Action 3. The motion carried on page
33 239.
34
35 PAGE 239: Motion to submit the red grouper framework action to
36 the Secretary of Commerce and deem the codified text as
37 necessary and appropriate. The motion carried on page 241.
38
39 PAGE 242: Motion to direct staff to request updated projections
40 from the SEFSC for the options in Action 1, Modifications to the
41 Greater Amberjack Annual Catch Limits and Annual Catch Targets.
42 The motion carried on page 242.
43
44 PAGE 242: Motion to have SEFSC staff look at a stepped option
45 for a minimum size limit, thirty-two inches to thirty-four
46 inches, for greater amberjack as an alternative in the options
47 paper. The motion failed on page 244.
48

1 PAGE 245: Motion to direct council staff to take the
2 appropriate steps to update Amendment 28 based on recent actions
3 by the council. The motion carried on page 247.

4
5 PAGE 248: Motion to add an Alternative 4 that sets the
6 overfishing threshold using FMSY to Shrimp Amendment 15 in
7 Action 1.1. F for pink is 1.35 and white is 3.48 and brown is
8 9.12. The motion carried on page 248.

9
10 PAGE 248: Motion that Shrimp Amendment 16 be submitted to the
11 Secretary of Commerce for implementation and that the
12 regulations be deemed as necessary and appropriate and that
13 staff be given editorial license to make the necessary changes
14 in the document. The Council Chair is given the authority to
15 deem any changes to the codified text as necessary and
16 appropriate. The motion carried on page 250.

17
18 PAGE 250: Motion to have staff convene a meeting of the Shrimp
19 Working Group, as recommended by the S&S Committee. The motion
20 carried on page 252.

21
22 PAGE 252: Motion to have staff convene a meeting of the Shrimp
23 AP and Dr. Benny Gallaway and the main purpose would be to
24 provide options relative to the shrimp moratorium program. The
25 motion carried on page 253.

26
27 PAGE 256: Motion to select Preferred Alternative 4 to establish
28 a trip limit of 3,500 pounds for the Southern Zone. When 75
29 percent of adjusted Southern Zone quota is met or projected to
30 be met, the trip limit would be reduced to 1,500 pounds. When
31 100 percent of adjusted Southern Zone quota is met or projected
32 to be met, the trip limit is reduced to 500 pounds until the end
33 of the fishing year or until the Southern Zone commercial quota
34 is met or projected to be met, at which time the commercial
35 sector in the Southern Zone would be closed to harvest of
36 Spanish mackerel. 75 percent of the current adjusted Southern
37 Zone quota equals 1,692,848 pounds times 100 percent of the
38 current adjusted Southern Zone quota equals 2,257,130 pounds be
39 the preferred alternative. The motion carried on page 256.

40
41 PAGE 256: Motion to recommend to the council that Framework
42 Amendment 2 be submitted to the Secretary of Commerce for
43 implementation and that the regulations be deemed as necessary
44 and appropriate and that staff be given editorial license to
45 make the necessary changes in the document. The Council Chair
46 is given the authority to deem any changes to the codified text
47 as necessary and appropriate. The motion carried on page 258.

48

1 PAGE 259: Motion that the council conduct a public workshop for
2 the king mackerel gillnet fishery. The motion carried on page
3 260.

4
5 PAGE 261: Motion to have staff submit to NOAA the activities to
6 be funded and carried over to the 2015 budget extension request.
7 The motion carried on page 261.

8
9 PAGE 261: Motion to give staff and the Council Chair the
10 authority to decide on projects to fund in 2015 with the 2014
11 carryover funds, if indeed this decision needs to be made by the
12 end of this year. If additional time is provided, then staff
13 and the council will make the decision. The motion carried on
14 page 261.

15
16 PAGE 261: Motion to include a one-time increase in the liaison
17 funding to the Gulf States and the Gulf States Marine Fisheries
18 Commission for up to an additional \$20,000 per entity. The
19 motion carried on page 262.

20
21 PAGE 262: Motion to do away with the western and eastern gulf
22 geographical description under the AP Panels. The motion
23 carried on page 263.

24
25 PAGE 264: Motion to request council to make Option 1,
26 discontinue the SSC Conflict of Interest Policy, the preferred
27 policy. The motion carried on page 264.

28
29 PAGE 271: Motion to charge the Red Snapper For-Hire AP to make
30 recommendations to the council relative to the design and
31 implementation of flexible measures for the management of red
32 snapper for the for-hire sector. The motion carried on page
33 271.

34
35 PAGE 272: Motion to direct council staff to develop a framework
36 action to reduce the bag limit for the for-hire red snapper
37 fishery. The motion carried on page 276.

38
39 - - -