

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

261ST MEETING

FULL COUNCIL SESSION

IP Casino & Resort

Biloxi, Mississippi

OCTOBER 17-20, 2016

VOTING MEMBERS

Leann Bosarge.....Mississippi
 Patrick Banks.....Louisiana
 Chris Blankenship.....Alabama
 Doug Boyd.....Texas
 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
 Pamela Dana.....Florida
 Dale Diaz.....Mississippi
 Tom Frazer.....Florida
 Johnny Greene.....Alabama
 Martha Guyas (designee for Nick Wiley).....Florida
 Kelly Lucas (designee for Jamie Miller).....Mississippi
 Campo Matens.....Louisiana
 Robin Riechers.....Texas
 John Sanchez.....Florida
 Greg Stunz.....Texas
 Ed Swindell.....Louisiana
 David Walker.....Alabama

NON-VOTING MEMBERS

Glenn Constant.....USFWS
 Dave Donaldson.....GSMFC
 Leo Danaher.....USCG

STAFF

Steven Atran.....Senior Fishery Biologist
 Assane Diagne.....Economist
 Matt Freeman.....Economist
 John Froeschke.....Fishery Biologist - Statistician
 Douglas Gregory.....Executive Director
 Morgan Kilgour.....Fishery Biologist
 Ava Lasseter.....Anthropologist
 Mara Levy.....NOAA General Counsel
 Jessica Matos.....Administrative Assistant
 Ryan Rindone.....Fishery Biologist/SEDAR Liaison
 Claire Roberts.....EFH Specialist
 Bernadine Roy.....Office Manager
 Charlotte Schiaffo.....Research and Human Resource Librarian

1 Carrie Simmons.....Deputy Director
2
3 **OTHER PARTICIPANTS**
4 John Anderson.....Panama City, FL
5 Pam Anderson.....Panama City, FL
6 Randy Boggs.....Orange Beach, AL
7 Susan Boggs.....Orange Beach, AL
8 Steve Bosarge.....Pascagoula, MS
9 Eric Brazer.....Reef Fish Shareholders' Alliance
10 Gary Bryant.....Fort Morgan, AL
11 B.J. Burkett.....Panama City Beach, FL
12 Shane Cantrell.....Galveston, TX
13 Mike Colby.....Clearwater, FL
14 Jennifer Cudney.....HMS
15 Patricia Davis.....Fairhope, AL
16 Guy Dubeck.....HMS
17 Mike Eller.....Destin, FL
18 Myron Fischer.....LA
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20 Troy Frady.....Orange Beach, AL
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22 Sue Gerhart.....NMFS
23 Dan Green.....Galveston, TX
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26 Scott Hickman.....Galveston, TX
27 Gary Jarvis.....Destin, FL
28 Mike Jennings.....Freeport, TX
29 Joe Jewell.....MDMR
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32 Bobby Kelly.....Orange Beach, AL
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34 Ricky McDuffie.....Orange Beach, AL
35 Jack McGovern.....NMFS
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40 Bart Niquet.....Lynn Haven, FL
41 Chris Niquet.....Lynn Haven, FL
42 Mike Nugent.....Aransas Pass, TX
43 Charlie Phillips.....SAFMC
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45 Bonnie Ponwith.....SEFSC
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1 Clarence Seymour.....Ocean Springs, MS
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10 Johnny Williams.....Galveston, TX
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1 [PAGE 161](#): Motion to develop an amendment to implement mandatory
2 electronic reporting for commercial vessels. [The motion carried](#)
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4
5 [PAGE 167](#): Motion in Action 1 to make Alternative 2 the
6 preferred alternative. [The motion carried on page 167](#).

7
8 [PAGE 167](#): Motion to approve CMP Amendment 30 and that it be
9 forwarded to the Secretary of Commerce for review and
10 implementation and deem the codified text as necessary and
11 appropriate, giving staff editorial license to make the
12 necessary changes in the document. The Council Chair is given
13 the authority to deem any changes to the codified text as
14 necessary and appropriate. [The motion carried on page 169](#).

15
16 [PAGE 169](#): Motion to approve CMP Framework Amendment 5 and that
17 it be forwarded to the Secretary of Commerce for review and
18 implementation and deem the codified text as necessary and
19 appropriate, giving staff editorial license to make the
20 necessary changes in the document. The Council Chair is given
21 the authority to deem any changes to the codified text as
22 necessary and appropriate. [The motion carried on page 171](#).

23
24 [PAGE 171](#): Motion in Action 1 to make Alternative 2, Option 2b
25 and Option 2g the preferred alternative. [The motion carried on](#)
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27
28 [PAGE 184](#): Motion in Action 2 to make Alternative 3 the
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30
31 [PAGE 185](#): Motion to develop an allocation exchange or sharing
32 discussion paper for presentation at the spring 2017 council
33 meeting that includes, but is not limited to, the following: the
34 types or method of allocation exchange or sharing benefits and
35 detriments, difficulties in implementation, and then other
36 issues and considerations. [The motion carried on page 186](#).

37
38 [PAGE 188](#): Motion to provide recommendations to the council on
39 private recreational red snapper management measures which would
40 provide more quality access to the resource in federal waters,
41 reduce discards, and improve fisheries data collection. [The](#)
42 [motion carried on page 195](#).

43
44 [PAGE 199](#): Motion that beginning December 31, 2017, accrued
45 annual leave in excess of 480 hours at the end of each calendar
46 year will be converted to sick leave. [The motion carried on](#)
47 [page 199](#).

48

1 [PAGE 199](#): Motion that upon separation of employment or upon
2 retirement, leave can be paid out either as a lump sum or as a
3 payment every two weeks, at the employee's discretion. Upon
4 separation of employment due to cause, leave will be paid as a
5 lump sum payment only. When leave is paid out as a payment
6 every two weeks, due to separation from employment, accrual of
7 further leave will not be allowed during the pay-out period.
8 Any person hired after December 31, 2016, upon separation of
9 employment, will be paid any applicable unused leave in a lump
10 sum payment. [The motion carried on page 200.](#)

11
12 [PAGE 200](#): Motion that the council approve the 2017-2018 Gulf of
13 Mexico Cooperative Law Enforcement Operations Plan and the 2017-
14 2020 Gulf of Mexico Cooperative Law Enforcement Strategic Plan.
15 [The motion carried on page 201.](#)

16
17 [PAGE 202](#): Motion to forward the five-year EFH Review to NMFS by
18 the end of 2016 and give editorial license to staff to modify
19 the document as needed with approval of the Chair. [The motion](#)
20 [carried on page 202.](#)

21
22 - - -
23

1 The Full Council of the Gulf of Mexico Fishery Management
2 Council convened at the IP Casino & Resort, Biloxi, Mississippi,
3 Monday morning, October 17, 2016, and was called to order by
4 Chairman Leann Bosarge.

5
6 **CALL TO ORDER, ANNOUNCEMENTS, AND INTRODUCTIONS**

7
8 **CHAIRMAN LEANN BOSARGE:** I would like to welcome you to the 261st
9 meeting of the Gulf Council. You have me, Leann Bosarge, at the
10 helm as your chairwoman, I guess, for this meeting, and so bear
11 with me. I wanted to introduce a couple of people before we get
12 started, and don't forget that we're doing things a little
13 differently at this meeting, because we are going to go into
14 Full Council first thing, in order to look over the committee
15 assignments and assign people to those committees, so that they
16 can participate during this meeting.

17
18 I want to introduce a couple of people. We have Mr. Corky
19 Perret and Mr. Bob Gill in the audience, both former council
20 members, and hello. We're glad to have you. I'm sure that Mr.
21 Perret will speak out at any moment and he will keep us on
22 track.

23
24 One other introduction is we have a new member on staff. We
25 have Jessica Matos, and we're glad to have you, and I understand
26 that you have some background in elementary education, as a
27 teacher. That may come in handy with us, and so that will be
28 great. All right.

29
30 The first thing on our agenda today is the Review and Adoption
31 of the Proposed 2016-2017 Council Committee Roster. That's
32 going to be Tab A-2(b) in your briefing book, and there were --
33 I will give you a synopsis of a couple of things. If you will
34 remember, at our last council meeting -- Dale.

35
36 **MR. DALE DIAZ:** Can I interrupt you before you start that?

37
38 **CHAIRMAN BOSARGE:** Certainly.

39
40 **MR. DIAZ:** I just wanted to mention, for the agenda, that we
41 have a closed session, and we recently were served with a
42 lawsuit by the Matagorda Bay Foundation, just in the last couple
43 of days, and I was hoping that legal counsel could give us some
44 information related to that lawsuit during the closed session.
45 I don't know if the agenda needs to be adopted or not, but I
46 wanted to bring that up on the record. Thank you.

47
48 **CHAIRMAN BOSARGE:** Okay. We will definitely make that notion to

1 the agenda, and, since we're going into Full Council right now
2 and then right back out, we better go ahead and go around the
3 table and state your name, for the record. We will start on my
4 left.
5
6 **MR. JOHNNY GREENE:** Johnny Greene, Alabama.
7
8 **MR. DAVID WALKER:** David Walker, Alabama.
9
10 **MR. CHRIS BLANKENSHIP:** Chris Blankenship, Alabama.
11
12 **MR. DAVE DONALDSON:** Dave Donaldson, Gulf States Marine
13 Fisheries Commission.
14
15 **MR. PATRICK BANKS:** Patrick Banks, Louisiana.
16
17 **MR. ED SWINDELL:** Ed Swindell, Louisiana.
18
19 **MR. CAMPO MATENS:** Camp Matens, Louisiana.
20
21 **DR. TOM FRAZER:** Tom Frazer, Florida.
22
23 **MR. JOHN SANCHEZ:** John Sanchez, Florida.
24
25 **MS. MARTHA GUYAS:** Martha Guyas, Florida.
26
27 **DR. PAMELA DANA:** Pam Dana, Florida.
28
29 **MR. CHARLIE PHILLIPS:** Charlie Phillips, South Atlantic Council.
30
31 **DR. JACK MCGOVERN:** Jack McGovern, NOAA Fisheries.
32
33 **MS. SUSAN GERHART:** Susan Gerhart, NOAA Fisheries.
34
35 **DR. BONNIE PONWITH:** Bonnie Ponwith, NOAA Fisheries.
36
37 **MR. ROBIN RIECHERS:** Robin Riechers, Texas.
38
39 **DR. GREG STUNZ:** Greg Stunz, Texas.
40
41 **MR. DOUG BOYD:** Doug Boyd, Texas.
42
43 **DR. KELLY LUCAS:** Kelly Lucas, Mississippi.
44
45 **MR. DIAZ:** Dale Diaz, Mississippi.
46
47 **LCDR LEO DANAHER:** Lieutenant Commander Leo Danaher, U.S. Coast
48 Guard.

1
2 **EXECUTIVE DIRECTOR DOUGLAS GREGORY:** Doug Gregory, council
3 staff.

4
5 **REVIEW AND ADOPTION OF PROPOSED 2016-2017 COUNCIL COMMITTEE**
6 **ROSTER**

7
8 **CHAIRMAN BOSARGE:** Thank you. For the committees this year, if
9 you will remember, at our last meeting, we did pass a motion to
10 split certain committees and then join other committees, and
11 there was in one particular that I think three went into one,
12 and so some of the numbers, as far as membership numbers on some
13 of these committees, did change a little bit. Part of it was
14 due to that, and then there were a couple of committees that
15 were extremely popular.

16
17 Obviously Reef Fish always is, but there were others that were
18 in the top one, two, or three for a number of people, and so I
19 adjusted and tweaked things for that, to try and make an
20 accommodation there. Reef Fish will be a committee of the whole
21 again this year. I think that worked quite well last year. I
22 thought we got good input, and it made the committee report a
23 much more streamlined process. We did the bulk of the heavy
24 lifting during the actual committee, and so I kept that the
25 same. Were there any questions or comments on the committee
26 roster as it stands? All right. If not, I will entertain a
27 motion to accept the committee roster.

28
29 **MR. MATENS:** So moved.

30
31 **CHAIRMAN BOSARGE:** It's so moved by Camp and seconded by Johnny.
32 We have a motion on the board to adopt the proposed council
33 committee roster, and that's obviously for the 2016-2017
34 committee roster. **Is there any objection to this motion?**
35 **Seeing no objection, the motion carries.** Mr. Gregory.

36
37 **EXECUTIVE DIRECTOR GREGORY:** We will immediately redo the
38 committee agendas with the new committee rosters and put them on
39 the website. We're not going to have time to get them on the
40 FTP site, but they will be on the website with the new committee
41 roster within a couple of hours, if not sooner.

42
43 **CHAIRMAN BOSARGE:** It may be a good idea, and we had this
44 discussion with the staff before we set all of this up, and we
45 thought, should we go ahead and print everything with the new
46 committee chairs and the new membership, but then that kind of
47 assumed that the council would be okay with the committees as
48 they were assigned, and so we did not do that, and so it may be

1 helpful if the chair of each committee could just read the
2 membership of your committee before we get started for each of
3 the committees. If there is nothing else under that, then we
4 will go back into committee sessions, and I will turn it over to
5 Dr. Greg Stunz, if he's ready, for Data Collection.

6
7 (Whereupon, the meeting recessed on October 17, 2016.)
8

9 - - -

10
11 October 19, 2016
12

13 WEDNESDAY AFTERNOON SESSION
14

15 - - -
16

17 The Full Council of the Gulf of Mexico Fishery Management
18 Council reconvened at the IP Casino & Resort, Biloxi,
19 Mississippi, Wednesday afternoon, October 19, 2016, and was
20 called to order by Chairman Leann Bosarge.
21

22 **CHAIRMAN BOSARGE:** Good afternoon, and welcome to the 261st
23 meeting of the Gulf Council. My name is Leann Bosarge, Chair of
24 the Council. If you have a cell phone, pager, or similar
25 device, we ask that you keep them on silent or vibrating mode
26 during the meeting.
27

28 The Gulf Council is one of eight regional councils established
29 in 1976 by the Fishery Conservation and Management Act, known
30 today as the Magnuson-Stevens Act. The council's purpose is to
31 serve as a deliberative body to advise the Secretary of Commerce
32 on fishery management measures in the federal waters of the Gulf
33 of Mexico. These measures help ensure that fishery resources in
34 the Gulf are sustained, while providing the best overall benefit
35 to the nation.
36

37 The council has seventeen voting members, eleven of whom are
38 appointed by the Secretary of Commerce and include individuals
39 from a range of geographical areas in the Gulf of Mexico and
40 with experience in various aspects of fisheries.
41

42 The membership also includes five state fishery managers from
43 each Gulf state and the Regional Administrator from NOAA's
44 Southeast Fisheries Service, as well as several non-voting
45 members.
46

47 Public input is a vital part of the council's deliberative
48 process, and comments, both oral and written, are accepted and

1 considered by the council throughout the process. Anyone
2 wishing to speak during public comment should sign in at the
3 registration kiosk located at the entrance to the meeting room.
4 We accept only one registration per person. A digital recording
5 is used for the public record. Therefore, for the purpose of
6 voice identification, each person at the table is requested to
7 identify him or herself, starting on my left.

8
9 **MR. GREENE:** Johnny Greene, Alabama.

10
11 **MR. WALKER:** David Walker, Alabama.

12
13 **MR. DONALDSON:** Dave Donaldson, Gulf States Marine Fisheries
14 Commission.

15
16 **MR. BANKS:** Patrick Banks, Louisiana.

17
18 **MR. SWINDELL:** Ed Swindell, Louisiana.

19
20 **MR. MATENS:** Camp Matens, Louisiana.

21
22 **DR. FRAZER:** Tom Frazer, Florida.

23
24 **MR. GLENN CONSTANT:** Glenn Constant, U.S. Fish and Wildlife
25 Service.

26
27 **MS. GUYAS:** Martha Guyas, Florida.

28
29 **DR. DANA:** Pam Dana, Florida.

30
31 **MR. PHILLIPS:** Charlie Phillips, South Atlantic liaison.

32
33 **MS. MARA LEVY:** Mara Levy, NOAA Office of General Counsel.

34
35 **DR. ROY CRABTREE:** Roy Crabtree, NOAA Fisheries.

36
37 **DR. MCGOVERN:** Jack McGovern, NOAA Fisheries.

38
39 **DR. BONNIE PONWITH:** Bonnie Ponwith, NOAA Fisheries.

40
41 **MR. RIECHERS:** Robin Riechers, Texas.

42
43 **DR. STUNZ:** Greg Stunz, Texas.

44
45 **DR. LUCAS:** Kelly Lucas, Mississippi.

46
47 **MR. DIAZ:** Dale Diaz, Mississippi.

48

1 **LCDR DANAHER:** Lieutenant Commander Leo Danaher, U.S. Coast
2 Guard.

3
4 **EXECUTIVE DIRECTOR GREGORY:** Douglas Gregory, council staff.
5

6 **ADOPTION OF AGENDA**
7 **APPROVAL OF MINUTES**
8

9 **CHAIRMAN BOSARGE:** All right. Our agenda can be found on Tab A,
10 Number 3. Are there any additions or revisions to the agenda as
11 presented? Seeing none, I will entertain a motion to adopt the
12 agenda.
13

14 **MR. RIECHERS:** Move to adopt the agenda.
15

16 **CHAIRMAN BOSARGE:** It's so moved by Robin.
17

18 **MR. GREENE:** I will second it.
19

20 **CHAIRMAN BOSARGE:** Seconded by Johnny. From our last meeting,
21 the minutes are located at Tab A, Number 4. Were there any
22 revisions or additions to the minutes that needed to be made?
23 Seeing none, I will entertain a motion to adopt the minutes.
24

25 **DR. LUCAS:** So moved.
26

27 **CHAIRMAN BOSARGE:** So moved by Dr. Lucas and seconded by Mr.
28 Greene. Any opposition to that motion? Seeing none, the motion
29 carries, and we didn't actually approve the motion for the
30 agenda. Was there any opposition to approving the motion for
31 the agenda? Seeing none, that is approved. All right. Next on
32 our agenda is Review of Any Exempted Fishing Permit
33 Applications. Dr. Crabtree, do we have any of those for this
34 meeting?
35

36 **EXECUTIVE DIRECTOR GREGORY:** No, we do not.
37

38 **CHAIRMAN BOSARGE:** No, we do not. All right. That will bring
39 us right into our Presentations, and I believe our first
40 presentation is going to be our Draft Highly Migratory Species
41 Amendments 5b and 10, which is found under Tab A, Number 7 in
42 our briefing book. We're going to have a tag-team, I think, for
43 this presentation of Ms. Jennifer Cudney and Guy Dubeck, and I
44 hope I pronounced that correctly.
45

46 **EXECUTIVE DIRECTOR GREGORY:** Before we get started, I want to
47 make an announcement and again at the beginning of public
48 testimony. If anybody has lost anything in the audience in the

1 back of the room, come see me, and if you hear of anybody
2 talking about having lost something, tell them to come see me.
3 If they can identify what it is, we will give it to them.

4
5 **CHAIRMAN BOSARGE:** Thank you. I think we have your presentation
6 on the screen, whenever you're ready, sir.

7
8 **PRESENTATIONS**
9 **DRAFT HIGHLY MIGRATORY SPECIES AMENDMENTS 5B AND 10**

10
11 **MR. GUY DUBECK:** Hello, everyone. My name is Guy Dubeck. I am
12 here to talk about Amendment 5b, which is dusky shark management
13 measures. The first slide here is just a quick outline of the
14 presentation. Here is a management history of dusky sharks. As
15 you can see, we've been working on Amendment 5b for quite a
16 while, since 2011. I just want to point out that the most
17 recent thing is that, in May of 2016, we had a settlement
18 agreement to have the proposed rule out by October 14, and we
19 have to have the final rule out by the end of March, and so that
20 kind of gives you a sense of our timeline and how we're moving
21 forward here.

22
23 Here is the SEDAR 21 update, and the addendum shows that dusky
24 sharks are still overfished with overfishing, but we only need
25 to reduce mortality by 35 percent to get the rebuilding by 2107,
26 as you see here on the graph there what the assessment
27 determined.

28
29 Right now, here are the preferred alternatives. Like I
30 mentioned, we're looking for the reduced mortality by 35 percent
31 and ensure rebuilding of dusky sharks, and so I will start with
32 the preferred recreational alternatives. The first one is we're
33 going to require all HMS recreational permit holders that want
34 to fish for, retain, land, or possess sharks to get a shark
35 endorsement along with the HMS permit. That would then an
36 entail an extra kind of quiz for shark identification and some
37 regulatory training that would be involved with the permit.

38
39 The second alternative, Alternative 6a, would be to require
40 circle hooks in the recreational fishery for sharks. For our
41 reference, somebody who is targeting sharks is usually someone
42 who is using natural bait and using greater than 200-pound test
43 line.

44
45 For the preferred alternatives for the commercial fishery, we're
46 looking for safety release of sharks. We're trying to get
47 fishermen to safely dehook or cut the gangions about three feet
48 from the shark, to minimize post-release mortality. Another

1 alternative, Alternative 5b, would be to require shark
2 identification and fishery regulation training to go along with
3 the safe handling and release workshops. All of our fishermen
4 are required to do the safe handling and release workshops every
5 three years, and this would just be an added part to the
6 training at the end, where we do the shark identification and
7 regulatory training and safe release of sharks.

8
9 The other measure is to increase dusky shark outreach awareness
10 and also implement a fleet relocation protocol, where, fishermen
11 that interact with dusky sharks, we would like them to get on
12 the radio and advise other fishermen in the area to avoid the
13 area because of dusky sharks and also for that fisherman to pull
14 up their gear and move one nautical mile away from where the
15 interaction with dusky sharks is. The last preferred
16 alternative is to require circle hooks in the bottom longline
17 shark fishery.

18
19 We had many other alternatives considered in this amendment.
20 Some of the recreational alternatives that were considered, but
21 not preferred at this time, were to require recreational
22 fishermen to always have a shark ID placard aboard and to
23 prohibit the retention of all ridgeback sharks, increase the
24 recreational size limit, and also allow catch-and-release only
25 for the shark fishery recreationally.

26
27 Some of the commercial alternatives that we considered were to
28 restrict the number of hooks that pelagic longline fishermen
29 could use and to implement dusky shark time/area closures, to
30 close the pelagic longline fishery, and also to implement
31 individual dusky shark bycatch quotas. Again, these were ones
32 that we considered, but are not preferred at this time.

33
34 Also, in Amendment 5b, we're clarifying the annual catch limits
35 and accountability measures for the nineteen prohibited shark
36 species we have. We are establishing an ACL of zero, but a
37 small amount of bycatch is permissible, as long as it does not
38 lead to overfishing, and a majority of the small levels of
39 bycatch and the legal landings of prohibited species do not lead
40 to the overfishing of these species. However, for dusky sharks,
41 the small levels of bycatch are causing overfishing, and so we
42 are implementing -- Measures proposed in Amendment 5b are the
43 AMs for dusky sharks.

44
45 Along with all the comments and questions we have in the entire
46 rulemaking, we had some specific comments we would like the
47 council and the public to give us feedback on. They are the
48 mortality reduction and rebuilding objectives, based on the

1 SEDAR update. Is our approach for the ACLs and AMs for
2 prohibited species appropriate? Then Alternative 2a was the
3 shark endorsement and how should we effectively implement this?
4 What is the appropriate date that it should be implemented and
5 potentially the implementation strategy of how to do this.

6
7 The other one was for the circle hooks for the recreational
8 fishery. Will the circle hook approach ensure the measure
9 applies to the shark fishery? Should the different indications
10 of what a recreational shark fishery is, would that be
11 appropriate? Should we look for something greater than 200-
12 pound test as kind of a directed shark trip?

13
14 One of the alternatives that wasn't preferred was to look at the
15 hook size. Is that a good indication of what a recreational
16 fisherman that is targeting sharks looks like? The other thing
17 was the Paperwork Reduction Act and collecting different
18 information, especially for the endorsement, if we have any
19 specific comments on that.

20
21 I kind of went through everything fast, but we have public
22 comment through December 22. You can submit comments at
23 regulations.gov, or you can submit them to us here right now,
24 and I will gladly accept any comments or questions you all have.

25
26 **CHAIRMAN BOSARGE:** Thank you, sir. Any comments or feedback?
27 Patrick.

28
29 **MR. BANKS:** Just one comment, and you had it twice in the
30 presentation, and so I'm assuming it's accurate, but the
31 rebuilding plan is ninety years from now?

32
33 **MR. DUBECK:** Yes, and it's an update from a hundred years from
34 the last assessment, but --

35
36 **MR. BANKS:** Okay. Well, we're doing better then. Thank you.

37
38 **CHAIRMAN BOSARGE:** Ms. Guyas.

39
40 **MS. GUYAS:** On the recreational circle hook requirement, you may
41 want to consider requiring that also when anglers are using
42 stainless steel cable rigs, or cable rigs, because I don't know
43 that if they would consider that wire or -- It certainly
44 wouldn't be monofilament, and so that's just another idea there,
45 but that's a common rig for shark fishing.

46
47 **MR. DUBECK:** Yes, and another thing that I forgot to mention is,
48 with this requirement, the use of circle hooks would also apply

1 to fishermen fishing in recreational tournaments that have shark
2 as a category prize or something like that. They would be
3 required to get the endorsement and use circle hooks.

4
5 **CHAIRMAN BOSARGE:** What kind of outreach and education do you
6 have planned on the recreational side for some of these new
7 requirements?

8
9 **MR. DUBECK:** We are trying to put together different placards
10 for fishermen as more ID guides, because there is a lot of --
11 The main thing for dusky sharks is misidentification, and so a
12 lot of the recreational landings or observer information is
13 probably misidentification of some of the look-alike species,
14 like silky and sandbar. We're trying to put together ID guides
15 just for those species, for fishermen to have.

16
17 We are also looking to outreach to the states, because there is
18 a lot of state-water fishermen, where they are interacting with
19 dusky sharks, and we feel that's a good avenue to get the states
20 involved with outreach. Not so much, I think, in the Gulf, but
21 in the Atlantic, there is a lot more beach fishermen, and
22 they're interacting with dusky sharks.

23
24 **CHAIRMAN BOSARGE:** Ed.

25
26 **MR. SWINDELL:** So this is an issue with the Atlantic and the
27 Gulf as a combined system, or are you proposing this also for
28 the Atlantic?

29
30 **MR. DUBECK:** This is the entire HMS here, yes, because dusky
31 sharks are in the Gulf and the Atlantic. This is entirely for
32 both regions, and it's not specified. There is no specific
33 regional implementation here, but it's for the entire HMS
34 fisheries.

35
36 **MR. SWINDELL:** Where is the biggest problem with overfishing?
37 Is it in the Gulf or the Atlantic, may I ask?

38
39 **MR. DUBECK:** Well, historically, dusky sharks were pretty
40 prevalent in the Gulf of Mexico, and they're not right now.
41 Historically, there used to be a huge population in the Gulf,
42 but now, with the population of dusky, you're seeing a lot more
43 interactions in the Atlantic than you would in the Gulf.

44
45 I think some of the management measures we've put in place in
46 the past few years, especially with Amendment 2, where we
47 removed sandbar from the commercial fishery, and sandbar and
48 dusky are caught in similar areas and along the same time, that

1 most of the interactions with dusky sharks are mostly occurring
2 in the research fishery now, but, to answer your question, a lot
3 of the recreational and commercial interactions with dusky
4 sharks do happen more in the Atlantic than they would the Gulf.

5
6 **MR. SWINDELL:** Is the dusky shark a closer-to-shore shark or a
7 deepwater shark?

8
9 **MR. DUBECK:** That's a tough one. They're highly migratory, and
10 so you see them kind of all over. Historically, they're
11 probably more in deeper water, and you see them with sandbar,
12 but some fishermen have said, because of some of the changes
13 we've put in the shark fishery, you're seeing them more closer
14 to shore in sixty feet of water. It kind of varies where
15 they're at, but yes.

16
17 **CHAIRMAN BOSARGE:** Mr. Greene.

18
19 **MR. GREENE:** Thank you for your presentation. It was very
20 informative. In the commercial shark fishery, you were talking
21 about 750 hooks, and no more than 800 of them rigged. What type
22 of landings is the shark fishery having in the Gulf? Is it a
23 sustainable fishery, or is there a lot of fishing, longline,
24 specific to the Gulf? Is it highly regulated, more so than just
25 the hooks? What all is involved there?

26
27 **MR. DUBECK:** The pelagic longline fishery, we recently
28 implemented Amendment 7, and so it's the individual bluefin tuna
29 quota, kind of a catch share, and so the effort has kind of
30 decreased for the pelagic longline fleet because of that, the
31 first year it was implemented, because people are just trying to
32 figure it out. They're separate quotas for the Gulf and the
33 Atlantic, and you can't move Atlantic quota into the Gulf, but
34 you can move Gulf quota out, because the Gulf is a breeding
35 ground for bluefin tuna.

36
37 The hook restriction there was something that was proposed to us
38 during our many years of doing this dusky amendment on different
39 alternatives to look at and compare to doing large time/area
40 closures. They're looking at hook restrictions, where the shark
41 would be only -- For mortality purposes, it wouldn't be soaking
42 for such a long time, but the hook restriction didn't impact
43 many of the fisheries.

44
45 Most of the fisheries use less than 750 hooks. There is only a
46 few that do more than that, based on our analysis, and so it's
47 not a preferred alternative, but we're looking at it wasn't
48 going to have much impact anyway.

1
2 **MR. GREENE:** Thank you. I can certainly tell you, from my
3 fishing experience off the northern Gulf coast, off of Alabama
4 and Florida and Mississippi, the shark population has come back
5 extremely, extremely, extremely well. Now, I am no shark
6 identifier. There is big ones and little ones, and they've all
7 got lots of teeth, but I can assure you that there is plenty of
8 them there.

9
10 **CHAIRMAN BOSARGE:** Thank you, Mr. Greene. Any other comments or
11 questions? Lieutenant Commander Danaher.

12
13 **LCDR DANAHER:** Thank you, Madam Chair. Good presentation. Just
14 an observation. For your Alternative A3 on the recreational
15 alternatives, the identification placard I think is a great
16 idea, and my suggestion would be to add that as some kind of
17 supplement to whatever alternative you choose, for both
18 recreational and commercial. Anything that aids in
19 identification of the species to help out will certainly, I
20 think, make a difference on the scene when they're trying to
21 figure out what kind of a shark it is.

22
23 **MR. DUBECK:** Thank you, and we do have, right now, a shark
24 placard, but it goes through the steps on trying to identify the
25 species. Dusky shark is not on that, but there are more
26 commonly-occurring species on there, so that fishermen can
27 determine whether they can retain it or not, based on the fin
28 location and the teeth and the look of the body. We have those
29 available now, and anyone that would like them can have them,
30 but we're looking at some more stuff to help with identification
31 purposes.

32
33 **CHAIRMAN BOSARGE:** Dr. Dana.

34
35 **DR. DANA:** Thank you, Guy. Why isn't dusky on that
36 identification card?

37
38 **MR. DUBECK:** It's more the laying of certain characteristics.
39 When you first come upon a shark, it's like, well, where is the
40 fin location and how many fins does it have at the top. It's
41 very similar to some of the other species, and so it just
42 happened to not be on there, but we just didn't realize it. We
43 just kind of went through the placard, and dusky sharks is not
44 more of an interactive species, compared to like sandbar and
45 silky, that fishermen might come across.

46
47 **CHAIRMAN BOSARGE:** I will just mention that the states have been
48 compiling very extensive databases on a lot of their

1 recreational fishermen of late, and so you may want to reach out
2 to them and see if maybe you could get an email sent out, by an
3 avenue of that manner. Some of those fishermen may be more
4 inshore or near-shore fishermen, but it never hurts. Fishermen
5 talk, and so that may be another outreach and education avenue
6 for you. Anything else? Dr. Dana.

7
8 **DR. DANA:** Just a follow-on with that. HMS does have an HMS
9 news, and I know at the last HMS Advisory Council meeting that
10 we did discuss how better to get that news out to the fishermen
11 on all sorts of issues, and they were contemplating, they being
12 the Sustainable Fisheries Office, on having an opt-out HMS --
13 You would automatically get the HMS news sent to you on just
14 updating you, unless you opted out. Anyway, they're trying.

15
16 **CHAIRMAN BOSARGE:** Dale.

17
18 **MR. DIAZ:** Good presentation. I noticed that, under your
19 alternatives considered, you had oceanic whitetip mentioned for
20 recreational, and then, later in the presentation, you've got
21 annual catch limits and accountability measures, and Draft
22 Amendment 5b clarifications, but that species is not listed
23 there, the oceanic whitetip, and am I missing something?

24
25 **MR. DUBECK:** Oceanic whitetip is just prohibited in ICCAT
26 fisheries, and so if you're fishing with pelagic longline gear
27 or if you're recreational fishing and you land a swordfish or a
28 tuna, you're not allowed to retain oceanic whitetip, but they
29 can be retained in the other fisheries and, recreationally, you
30 are able to retain them, but we mentioned them too because they
31 do have ridgeback, and some of the species that it would be
32 prohibiting would be these that recreational fishermen can
33 normally retain, but, under these alternatives, they would not
34 be able to.

35
36 **CHAIRMAN BOSARGE:** All right. Any other questions from the
37 council? Thank you, sir. That was a very interesting
38 presentation. Next on our agenda, we are going to have a
39 presentation on climate vulnerability analysis for Gulf-managed
40 stocks.

41
42 **EXECUTIVE DIRECTOR GREGORY:** There is another part of the
43 presentation.

44
45 **CHAIRMAN BOSARGE:** I am cutting you short, and I apologize.
46 Come on up.

47
48 **MS. JENNIFER CUDNEY:** Thank you very much. I will be talking

1 very briefly about Amendment 10, which is the other FMP
2 amendment that we currently have out for public comment right
3 now with HMS. This is our essential fish habitat revision and
4 update amendment.

5
6 I don't think that I need to get too far into what HMS is with
7 everybody here, but I do want to point out that, for Atlantic
8 HMS, we do designate HMS in state waters, and, of course, we
9 cannot designate it in international waters.

10
11 This is a timeline of recent HMS EFH actions, and what I would
12 like to focus your attention on is the last three items that are
13 on this list. Starting in 2014, we have our HMS EFH five-year
14 review. We finished that up in 2015, and, based on the outcome
15 of that five-year review, we initiated Draft Amendment 10 this
16 past fall.

17
18 The purpose and need, of course, as we went through that review,
19 we have identified new information that warranted updates to EFH
20 boundaries, and we also identified information that was
21 pertinent to our HAPCs, and so we decided that we needed to
22 initiate this amendment, and we are also doing this to be
23 consistent with the best available information provisions under
24 National Standard 2 Guidelines.

25
26 I am going to quickly bounce through our Amendment 10
27 alternatives, and I am going to focus specifically on the things
28 that are pertinent to the Gulf of Mexico, and so you'll see a
29 couple of slides in here that I am not going to talk about.
30 These are related to HAPC alternatives that are in the Atlantic.
31 If you have questions or you would like me to go through them
32 with you, I would be happy to do so, either in the question-and-
33 answer or offline.

34
35 The first alternative that we preferred in this amendment is the
36 actual delineation process, which is to basically use Kernel
37 Density Estimation and a 95 percent volume contour method, which
38 I will explain in the next few slides. We would first go out
39 and collect data from internal and external data sources through
40 the five-year review process and the solicitation associated
41 with Draft Amendment 10.

42
43 We identified over forty datasets that we then formatted
44 together and put them into GIS, and so this map, the larger map
45 on this slide, is showing you point data associated with bluefin
46 tuna, spawning eggs, and larval life stage, and so this is just
47 an example. There is no confidential information in here. This
48 is all agency data, and so we included it as an example in our

1 amendment.

2
3 Once we got that data together, we would run the Kernel Density
4 Estimation tool that is in Geospatial Modeling Environment,
5 which is an extension tool that you can download for ArcGIS. It
6 would produce something that looks like this, which is a raw
7 shapefile that we would then edit based on biological
8 information.

9
10 These fish aren't going to be showing up on land. Certain
11 species are going to be located at certain distances offshore or
12 with specific habitat, and so this involved a consultation
13 process with our scientists, but also part of this is
14 consultation with the public, and so we have released these
15 maps, sort of putting our best foot forward on what we think the
16 updated EFH is, but we are asking the public to go in and look
17 at the maps that we've produced and provide comment on them.

18
19 Our HAPC alternatives, we have two different types of HAPC
20 alternatives, one that looks at our current HAPCs for bluefin
21 tuna and sandbar shark and the other HAPC alternatives are
22 looking at the creation of new HAPCs. The one alternative that
23 is relevant to the Gulf of Mexico management area is Alternative
24 3b.

25
26 This is modifying a current HAPC for bluefin tuna, and is
27 basically an extension of the HAPC eastward into the eastern
28 part of the Gulf of Mexico, and so it's basically covering more
29 areas where larval bluefin tuna have been found, and it has a
30 higher probability of occurrence, based on some recent
31 literature that came out. This is our sandbar HAPC. We have
32 the other two alternatives creating HAPCs for lemon sharks on
33 the east coast of Florida and sand tiger sharks in the Mid-
34 Atlantic and off of Massachusetts.

35
36 Some important reminders. These are not time/area closures, and
37 I do want to point out that, at this point in time, there are no
38 implementing regulations, such as restrictions on fishing or
39 non-fishing activities in this draft amendment.

40
41 Our public comment period closes on December 22. There is some
42 information on the slide here that shows you how to submit
43 public comment, and the questions that we are bringing to the
44 council are whether the proposed EFH boundaries are reflecting
45 of EFH for these species, and did we miss anything or are we
46 right on the nose?

47
48 Are the proposed updates to HAPC boundaries and the boundaries

1 of the new HAPCs appropriate? Are there other species for which
2 we should have considered HAPCs? Are there any additional
3 fishing or non-fishing impacts that should be evaluated in the
4 EA? I didn't really get into that here, because we don't have
5 any implementing regulations, but we do provide a discussion of
6 these in the amendment, and we encourage feedback on that. That
7 is it for me.

8
9 **CHAIRMAN BOSARGE:** Okay. Thank you. Are there any questions or
10 comments from our group? Dr. Dana.

11
12 **DR. DANA:** Thank you, Jennifer. Now, the expansion of the HAPC
13 in the Gulf is being proposed based on the probability of the
14 larvae as you're seeing it, more towards central Florida, and,
15 or but, NOAA researchers have seen that there is also a spawning
16 ground in the North Atlantic, over by the Slope Sea, and is your
17 office also looking to make a HAPC out of that area, based on
18 that research?

19
20 **MS. CUDNEY:** At this time, we are looking at including that area
21 as EFH, but not specifically as a HAPC yet. We're waiting for
22 more information to come out from the Science Centers. It's
23 something that we would probably consider in a future revision
24 and update to EFH, in the next five-year review. It's
25 definitely something that we will take a look at.

26
27 **DR. DANA:** But if it's a spawning area and you know it to be a
28 spawning area, and this HAPC expansion in the Gulf is based on
29 new research, why wouldn't there be more emphasis with the Slope
30 Sea and doing the same as what you're proposing in the Gulf?

31
32 **MS. CUDNEY:** At this time, the primary spawning area is
33 considered to be the Gulf of Mexico, and so the HAPC is really
34 focused on protecting spawning habitat in the Gulf of Mexico, as
35 it is recognized as the primary spawning grounds for western
36 Atlantic bluefin tuna, but I do get where you're coming from.
37 It is something that we are aware of and keeping an eye on, and
38 it's going to be kind of a stay-tuned thing and see what the new
39 literature brings up. This is based on, I believe, one year of
40 data, and so I think, before we can consider a HAPC up in that
41 particular region, we're going to want to see more sampling,
42 more data, that kind of suggests the same thing. That's going
43 to really boost the merit of expanding a HAPC up into that
44 region.

45
46 **CHAIRMAN BOSARGE:** I have a question. The HAPC for bluefin
47 tuna, you say it has no regulations associated with it, and is
48 that correct? Is that what you said?

1
2 **MS. CUDNEY:** We are just considering expanding it eastward, and
3 so the teeth with this is going to come from any consultations
4 that are happening through the habitat consultation process, and
5 so that's not really us. That's the Office of Habitat
6 Conservation.

7
8 **CHAIRMAN BOSARGE:** Okay, and that was my question. I wondered -
9 - Obviously I knew there was a purpose, and, if it wasn't the
10 fishing regulations side, I wondered where it was, but it's the
11 consultation process that would go on mainly with the oil and
12 gas industry or what?

13
14 **MS. CUDNEY:** Various mineral and energy fields of oil and gas
15 and maybe liquid natural gas. It's basically any sort of
16 fishing or non-fishing activities or development in those areas
17 that undergo consultation. They would basically be looking at
18 what is EFH in that area, and the fact that there's a HAPC there
19 really focuses the question on whether or not those activities
20 would affect spawning bluefin.

21
22 **CHAIRMAN BOSARGE:** All right. Thank you. That was a very
23 interesting presentation, and I apologize for not remembering
24 that you all were a tag-team. Any other questions or feedback
25 for our presenters? Okay. I think that wraps up our HMS
26 Amendment 5b and HMS Amendment 10 presentation. Now, we will
27 move on to our Climate Vulnerability Analysis for Gulf-Managed
28 Stocks, and that is under Tab A, Number 8 in our briefing book,
29 and we're going to have the SEFSC, and is that going to be you,
30 Dr. Ponwith? Okay.

31
32 **CLIMATE VULNERABILITY ANALYSIS FOR GULF-MANAGED STOCKS**

33
34 **DR. PONWITH:** That is going to be me, and that is an excellent
35 opportunity for me to acknowledge that the the person in the
36 Southeast Fisheries Science Center who has been leading this
37 effort on behalf of us is Dr. John Quinlan, and I want to
38 acknowledge his work in preparing us for this very next step in
39 our work on climate.

40
41 Today, we're going to be talking about the Climate Vulnerability
42 Assessment, which we are going to kick off in 2017. This is
43 related to the National Climate Science Strategy that NOAA
44 Fisheries put out last fall, and the other thing that we have
45 been working on throughout 2016 is the Gulf of Mexico's Climate
46 Science Regional Action Plan, and that will ring a bell with
47 you, because many of you came to the workshop that was held in
48 November of last year to kick off this effort, and many of you

1 contributed to the comments that came from the Gulf Council on
2 our Draft Regional Action Plan when we put it out for public
3 comment.

4
5 I just want to pause for a second acknowledgement, and that is
6 to thank the Gulf Council for the thoughtful input that was
7 provided that really helped us strengthen this regional action
8 plan, and I think that's particularly important, because we view
9 the Gulf Council as one of our primary clients of this regional
10 action plan, one of the groups that I think will really benefit
11 from the fact that that plan will be implemented beginning this
12 year.

13
14 The purpose behind the climate vulnerability assessment is to
15 determine what stocks in the Gulf of Mexico are susceptible to
16 changes in a changing climate, and that could be shifts in
17 abundance or shifts in productivity or densities and things like
18 that.

19
20 Today, we're going to talk a little bit about what that process
21 looks like, and this is kind of a schematic of what that process
22 looks like. We will begin by looking at the vulnerability
23 assessment framework, and, essentially, what we're looking at is
24 examples of sensitivity attributes, which might be the
25 complexities in the reproduction of these animals or habitat
26 specificity, and, adding to that, examples of climate factors,
27 like sea surface temperature or changes in salinity or changes
28 in ocean acidification, and looking at those things in
29 combination.

30
31 We use existing information that we have in hand right now to
32 create species profiles and then build on those species profiles
33 using, again, existing information plus expert opinion to score
34 each of these stocks in the Gulf of Mexico relative to how
35 vulnerable they are to some of these climate factors.

36
37 Then the next step is to look at multi-stock vulnerability
38 scores and rankings of those scores within the Gulf of Mexico.
39 Then we will use that input and those analyses to generate a
40 vulnerability report for each of the species relative to these
41 key attributes, and that is just kind of an overview of how that
42 process is going to work.

43
44 The Gulf of Mexico Fishery Management Council has a key role to
45 play in this, and, again, you've been very collaborative in our
46 work thus far. We look forward to that continuing, going into
47 the future, and we think it's going to be really valuable to get
48 your help to prioritize the species and the stocks to assess.

1
2 We're not going to be able to do all of these. We really want
3 to focus on the ones that we think are ecologically or
4 economically important in the Gulf of Mexico and are worthy of
5 looking at relative to some of these climate drivers. We also
6 want to understand your take on regional climate processes. What
7 kind of climate impacts do you anticipate, in your views, to be
8 the ones we should be focusing on?

9
10 Again, we have a lot of people with fantastic data holdings, in
11 terms of the fishing industry themselves, as well as our state
12 and interstate partners, to help us with life history data,
13 which are going to be crucial tools for helping with these
14 evaluations. Suggesting tangible products that we could be
15 generating that would help you as decision makers in the Gulf of
16 Mexico make climate-informed decisions, which is ultimately what
17 this is all about.

18
19 What kind of materials or decision support tools would best
20 support management, ecological impacts, biological opinions, and
21 then also your input on the best way to communicate some of
22 these results.

23
24 Again, the purpose that we're focusing on for doing these
25 climate vulnerability analyses is to understand climate model
26 projections within the region and what kind of gaps in
27 ecological knowledge we have to understand what those climate
28 impacts in the Gulf would be on the species that we're managing
29 here, to help establish how stocks might respond, a decline or,
30 in some cases, potentially even expand in response to these
31 climate drivers, and then to identify communities dependent on
32 vulnerable stocks, once we know which stocks are indeed
33 vulnerable, to build a greater economic resilience to climate
34 change going forward.

35
36 Before we go to questions and comments, just how are we going to
37 go about doing this vulnerability analysis? It's kind of a two-
38 way matrix. The things that we're looking at are exposure to
39 some of these climate signals, like sea surface temperature and
40 currents and precipitation, and then look at that in combination
41 with the sensitivity of these different organisms throughout
42 their life history to those exposures, and that, in combination,
43 gives us the ability to score these individual species in terms
44 of their own vulnerability.

45
46 This is just kind of an example of how we would walk through a
47 species or relative to some of the questions we would have about
48 their vulnerability to climate impacts, and so that is the

1 presentation, and I guess what I would do is open it up to
2 questions.

3

4 We are designing the process right now. The Northeast led this,
5 and they have completed their climate vulnerability analysis.
6 We will go to school on things they did that were particularly
7 successful and be carrying these out throughout the year, and
8 one of the questions we're doing right now is looking at whether
9 we should do this in conjunction with the South Atlantic or
10 whether we should do these separately, and we're willing to
11 entertain your input on that as well. At this point, any
12 questions or comments?

13

14 **CHAIRMAN BOSARGE:** Thank you, Dr. Ponwith. That was very
15 interesting. Are there any questions or comments from the
16 group? I have a comment. I have listened to a few
17 presentations on the same general topic, on different coastlines
18 though and things that they're seeing, more directed at the
19 Atlantic, and now they're seeing some shifts in different
20 populations, either northward or southward, and I believe most
21 of it was relative to maybe some changes in temperature, water
22 temperature, but the Gulf is a little different, kind of, in a
23 lot of ways.

24

25 That Atlantic coastline, for the most part, is all U.S.
26 coastline, until you get very far north, whereas, here in the
27 Gulf, we think of it as the Gulf and we have our five states,
28 but it does continue on southward, that coastline does, and it
29 leaves things -- It leaves our jurisdiction, for sure, and we go
30 down into Mexico and curve back around, and its not a closed
31 system, obviously, but, if you look at the coastline, it does
32 loop in and just about come back together.

33

34 I would like to see how these impacts are going to be different
35 for our system versus a system that's managed just about from
36 one end to the other, as a north-south line that's all U.S.
37 coastline, as I said, until you get to the very -- It has
38 different management implications and things that we can control
39 and things that are going to be outside of our control, but, if
40 we could know a little bit better what to expect and where we
41 can see certain shifts possibly coming or movements, that would
42 be very interesting, I think, to see that comparison.

43

44 **DR. PONWITH:** That's excellent, because that is almost like I
45 bribed you to ask the question. I am actually really interested
46 in that kind of comparison as well, and our ability to complete
47 this climate vulnerability analysis with respect to the context
48 that we're functioning in in the Gulf of Mexico. Once we finish

1 that, it will be a fascinating comparison of how things are
2 similar and how things are different in these very different
3 ecosystems, comparing the Atlantic seaboard to the Gulf of
4 Mexico.

5
6 You bring up an interesting component, and that is the fact that
7 we do have a system that borders international interests as
8 well, and we're aware of that and are raising that in
9 international fora, through the Gulf of Mexico Large Marine
10 Ecosystem Program, through our bilateral with the NOAA Fisheries
11 counterpart in Mexico, which is INAPESCA, and making sure that
12 they're aware that we're doing this and looking for
13 opportunities to collaborate, to understand, could we be seeing
14 northward movements of species that are thermally challenged
15 from increased sea surface temperatures, or I think one of the
16 more interesting signals that we could see is changes, subtle
17 changes, in sea surface temperature influencing current
18 patterns.

19
20 There, a subtle change in temperature can have profound changes
21 in current patterns, which can really influence recruitment
22 processes in the Gulf of Mexico, and I think that's going to be
23 one of the more interesting areas that we should be on the
24 lookout for, and so I agree with you, and I think that
25 comparison will be very interesting. I will be looking forward
26 to completing the vulnerability analysis so we can more directly
27 answer questions like that.

28
29 **CHAIRMAN BOSARGE:** It may increase our collaboration with the
30 Caribbean Council, and that would make for a very nice joint
31 meeting. You've always got to think about the positives. All
32 right. Thank you, Dr. Ponwith, for that presentation. Next, if
33 he's ready, we're going to have Mr. Rusty Pittman come up and
34 give his Mississippi Law Enforcement Presentation. You can find
35 this in your briefing book under Tab A, Number 9, and we are
36 very excited to have you, sir.

37
38 **MISSISSIPPI LAW ENFORCEMENT PRESENTATION**

39
40 **MR. RUSTY PITTMAN:** Thank you, Madam Chair, and good afternoon.
41 I am Rusty Pittman, Assistant Chief of the Marine Patrol for the
42 Mississippi Department of Marine Resources. As you can see on
43 our first slide, this is our mission statement with the
44 cooperative law enforcement through the Gulf states. The last
45 two sentences are to enhance, protect, and conserve, and that's
46 what we're all about.

47
48 This is last year, which our contract ended in August, some of

1 our achievements and our accomplishments that we did. We had
2 2,044 man hours dedicated to enforcement of federal fishery
3 regulations and 894 vessel hours dedicated to inshore, midrange,
4 and offshore patrols. These patrols resulted in 191 commercial
5 contacts and 797 recreational contacts.

6
7 Some of the fishery violations that we came across were, for
8 state violations, we had forty-two, and they were issued for
9 various offenses. There was red snapper during the closed
10 season, undersized red snapper, and the possession of gray
11 triggerfish during the closed season.

12
13 Three of our cases that we referred to the NOAA Office of Law
14 Enforcement were possession of a prohibited species, the dusky
15 shark. Now, I did this presentation before the presentation on
16 the dusky shark, and so we didn't talk about this. There was
17 also illegal turtle excluder devices and no federal shrimping
18 permit. The first two cases, one was the officer with NOAA, the
19 law enforcement with NOAA, James Kejonen, is here today, and he
20 is handling those two cases for us for the federal.

21
22 That is your dusky shark. This was brought in by a fisherman to
23 a tournament to be entered as a bull shark. It just so happened
24 that the weigh master at the tournament was one of our retired
25 biologists, Buck Buchanan, and he notified us, and we sent an
26 officer over there to handle the case.

27
28 This is the turtle excluder device. In talking to James and
29 other federal law enforcement officers and state officers, we
30 have never come across anything like this with a chain that was
31 sewn into the second flap and tied down. This captain also, two
32 weeks later, was stopped again, this time by NOAA, and cited for
33 an illegal TED violation.

34
35 My picture didn't turn out that good. The bow does go a little
36 further than what it's showing, but this is one of our inshore,
37 midrange, and offshore patrol vessels. This was a Silver Ship
38 that was built back in the 1990s that we had refurbished a few
39 years ago with funds through NOAA and the joint enforcement.

40
41 Our dedicated offshore patrol vessel is the forty-eight-foot
42 Mississippi. It was built by Silver Ships, too. The one that
43 we're fixing to really be proud of, that you all haven't seen,
44 that hardly anybody has seen, is the new vessel here, built by
45 Silver Ships, again, and they won the bid. This is a forty-one
46 foot, and it will be powered by three 350 horsepower Mercury
47 motors. It was purchased through NOAA, with our funds through
48 the joint enforcement agreement. It should be delivered this

1 week. We are expecting delivery on Friday. We were hoping that
2 delivery would have been here today, and we were going to bring
3 it around so we could show the council our vessel, but it's not
4 going to be here until Friday. It's outfitted with up-to-date
5 electronics, and it will handle a crew of up to six officers.

6
7 This is the picture of it as it's being built in Silver Ships,
8 in the hangar, and that's the inside of the cabin there with all
9 of the electronics in it. Then there's the triple 350s. It
10 will do a speed of seventy miles per hour, but we were told the
11 fuel range is amount per gallon, and so, with 475 gallons of
12 fuel, we'll be able to go far offshore, which this boat will be
13 specifically used for offshore patrols in the EEZ, as far as we
14 can go and come back.

15
16 Marine Patrol's continued success means continued enforcement
17 through the joint enforcement agreement. It means continued
18 patrols in the EEZ for federal fishery compliance, and it means
19 continued strong partnerships with our federal and state
20 partners. It means continuing our mission of enhancing,
21 protecting, and conserving marine resources in federal and state
22 waters. If there is any questions about the two cases, the
23 federal cases that are pending, two of three, James, Officer
24 Kejonen, is here, and he will be glad to answer any questions.

25
26 **CHAIRMAN BOSARGE:** Thank you. Excellent presentation, and I
27 just want to personally say thank you for everything that you do
28 for us out there. We appreciate it. Were there any other
29 questions or comments for Mr. Pittman? Dale and then Chris.

30
31 **MR. DIAZ:** Rusty, I want to thank you also. I've known Rusty
32 since 1990, and Rusty has been a very effective leader for our
33 Marine Patrol since 1990. He has been a mentor and trained a
34 lot of young officers, and I think one of the best compliments I
35 can give you is you enforce the law and use a whole lot of
36 common sense, and I think that's what has made you so successful
37 for the State of Mississippi.

38
39 I do notice that you've got highlighted in here, Rusty, the
40 joint enforcement agreements, and, since I have known you, these
41 joint enforcement agreements have went from a very small amount
42 of money that used to be transferred to the state, \$25,000 or
43 \$30,000, or maybe \$50,000 at one time, but now it's morphed into
44 where it's enough where we actually can pay people to put hours
45 into doing some of this offshore enforcement, and I think the
46 Coast Guard does a very good job, but the Coast Guard alone, I
47 don't think, could give us the level of enforcement that we're
48 getting now. What's your thoughts about how things are going

1 with the joint enforcement agreement and any other needs that
2 you might have from that agreement?

3
4 **MR. PITTMAN:** It would always be nice to get more money, but
5 we're happy with what we get, and we use -- We are very
6 conservative with what we spend. Of course, with our equipment,
7 half of that from this year's contract, or last year's contract,
8 went for that boat. The other goes for, as you said, time-and-
9 a-half for officers on their days off to patrol the federal EEZ.

10
11 Also, the Coast Guard, we do joint patrols with the Coast Guard,
12 where we will have officers board and go on their boats with
13 them and go off together, and so that's worked out great, and
14 the same thing with NOAA, with the law enforcement officers with
15 NOAA and James. We have all done joint patrols. Alabama and
16 Louisiana, we've done patrols with both states.

17
18 As a matter of a fact, we're going to be doing a detail tomorrow
19 with Louisiana and Alabama, and so it's really worked out great,
20 and hopefully we can keep the joint enforcement agreement, keep
21 the funding for it, and, like you said, Dale, we started out
22 with very little. I think it was like \$10,000, maybe, or
23 \$20,000, the first year, and I appreciate all the kind words you
24 said about me, but remember now that you were my lieutenant at
25 one time.

26
27 **CHAIRMAN BOSARGE:** Mr. Blankenship.

28
29 **MR. BLANKENSHIP:** I just wanted to thank Rusty for the
30 presentation and tell you that I have always enjoyed working
31 with you, for the past twenty years or more, and I think you do
32 a good job over here in Mississippi, and I've enjoyed partnering
33 with you, and I'm so glad that, as we continue that state
34 partnership, that we can continue to build you boats in Alabama
35 for you all to patrol out of.

36
37 **MR. PITTMAN:** I appreciate that, Director. I will tell you
38 this. Scott approached me yesterday and said he's going to hit
39 you up, because he went over and saw the boat the other day.

40
41 **CHAIRMAN BOSARGE:** Lieutenant Commander.

42
43 **LCDR DANAHER:** Thank you, Madam Chair. Officer Pittman, great
44 presentation. I wanted to ask you, but how often -- It doesn't
45 necessarily have to be your agency, but any observations that
46 you have had. You briefed some good compliance measurements
47 today, from your agency specifically, and how often do you see
48 that happening at either council meetings or other types of

1 functions, where you're producing that compliance measurement?

2
3 **MR. PITTMAN:** You're talking about the compliance rates and how
4 we were checking people in the federal EEZ? Is that what you're
5 talking about?

6
7 **LCDR DANAHER:** Correct, because you have the numbers of how many
8 boardings you conducted and then how many violations you
9 discovered from those boardings.

10
11 **MR. PITTMAN:** Right, and the compliance rate is really -- You
12 have a lot of fishermen. You have probably a lot more
13 recreational fishermen than you do commercial fishermen, and,
14 with the checks that we do, the compliance rate is really good.
15 You have a few that always violate, but, compared to the last
16 several years, compliance is going up. It really is.

17
18 **LCDR DANAHER:** Another question I have, sir, is do you ever work
19 with partner agencies, either from your state or other states or
20 even the Coast Guard? Have you ever sat down to like compare
21 the numbers before?

22
23 **MR. PITTMAN:** We haven't, and that's a good question. I think
24 we ought to sit down and see where we're going and where we've
25 come from and check it that way on compliance. That could lead
26 into a better partnership with the neighboring states and the
27 Coast Guard and NOAA.

28
29 **LCDR DANAHER:** Yes, sir, and thank you again.

30
31 **CHAIRMAN BOSARGE:** Thank you, sir. We appreciate it.

32
33 **MR. PITTMAN:** Thank you, Madam Chair.

34
35 **CHAIRMAN BOSARGE:** All right. Next on our agenda, we're going
36 to go through the Landings Summaries. Ms. Gerhart, I think
37 you're going to help us with that.

38
39 **NMFS-SERO LANDINGS SUMMARIES**
40
41 **MS. GERHART:** This is Tab A-10 in your briefing book. We have
42 already seen this tab a little bit earlier today, or I guess it
43 was yesterday, when we were talking about gray triggerfish.
44 This is both going to be reef fish and coastal migratory pelagic
45 species. On the first page, we have reef fish.

46
47 Starting with commercial, there's just the two species that we
48 do regular dealer monitoring with. Remember that the rest of

1 the species are either in the IFQ program, and so they aren't
2 through this type of monitoring, or they are part of a stock
3 complex.

4
5 Just as a point, the stock groups, we don't have updates to in
6 this report, and the reason is we were a little late on getting
7 all the data, and we really just didn't have time for those, and
8 so we will show you those next time, but, if you would like to
9 look at them, they are on our website, the Southeast Region
10 website, and that shows those stocks. Again, those are ones
11 where there is no commercial and recreational allocation. There
12 is a single ACL.

13
14 That leaves just the two commercial species, gray triggerfish
15 and greater amberjack. As you can see, gray triggerfish is at
16 around 67 percent of the quota at this point, and these landings
17 -- It says August 5 there, but that's not correct. It's through
18 October 11, and so this up until last week, and so they're the
19 most recent landings that we have.

20
21 Greater amberjack did reach the ACL, or the ACT rather, and it
22 actually exceeded the ACT, but it did not exceed the ACL. It
23 was shut down on October 4 of this year, and so that remains
24 shut for the rest of this fishing year, which is through
25 December 31. Gray triggerfish is still open at this time.

26
27 For the recreational landings, you can see there the two where
28 we have exceeded the ACLs. Our triggerfish, again, we talked
29 about that earlier, and these landings are through Wave 3, and
30 you can see that there is still some time in there. We did not
31 open either gray triggerfish or greater amberjack after the
32 spawning season closure, which was June and July, and so, on
33 August 1, that normally reopens. We did not reopen either of
34 those, because the quota had been caught by that time.

35
36 The other species, you can see are below their ACTs and ACLs at
37 this time, and we did talk about red snapper again yesterday,
38 and these numbers are the same as in the table that you saw
39 there, but it's just for this particular year that's shown.

40
41 This is then the coastal migratory pelagics. What you see is
42 actually all king mackerel. Spanish mackerel and cobia are both
43 stock ACLs, and so, again, no allocation between the commercial
44 and recreational sectors. Those aren't shown here, but they are
45 well below their ACLs, and you can see those exact numbers on
46 our website, if you would like.

47
48 For commercial, again, the data dates, it says August dates

1 there. Again, this actually should be October 11, our most
2 recent, and so it's the most recent final week that we had those
3 landings reports. Starting with the Western Zone, you can see
4 95 percent. We actually closed the Western Zone this past
5 Friday, which is the 14th, at noon, and so the Western Zone is
6 closed now.

7
8 One thing to note about all of these quotas is these are the
9 quotas without the increase that was approved by this council
10 through Amendment 26. That is still in the process of going
11 through secretarial review, and it will be implemented,
12 hopefully, within the next few months. If that does happen, we
13 would do a reopening of any of the closed zones to utilize the
14 rest of that additional quota that is coming out.

15
16 Another thing that is part of Amendment 26 was moving the
17 boundary between the Gulf and South Atlantic groups and making
18 it a permanent boundary that doesn't shift over the course of
19 the year from winter to summer.

20
21 Because Amendment 26 isn't in place yet, that shift will still
22 take place on November 1, so that the east coast Florida sub-
23 zone for the Gulf will come into existence on November 1, under
24 that quota that it's under the old system. However, our
25 expectation is that we will get the implementation of 26 in
26 place before the end of the fishing year and then we will
27 readjust, so that any of those landings in that zone will then
28 be counted against the Atlantic quota instead of this east coast
29 quota, which will no longer exist for the Gulf. Again, that's a
30 little bit complicated, if you all remember from Amendment 26,
31 but I can explain that further later if you would like.

32
33 Then the Northern Zone just opened up on October 1, and so they
34 have less than two weeks of landings, but they're at 23 percent
35 right now, and so we're watching that zone closely to see when
36 that may need to close, and, again, if we do close them, we
37 would likely reopen them if Amendment 26 is approved and
38 implemented.

39
40 The Southern Zone is open. It's been open since July 1.
41 However, the fish are not down there yet. I imagine that they
42 will start coming down there fairly soon. We see, towards the
43 end of the year, that we start to see landings from that zone,
44 but, right now, we don't have any landings. Then the gillnet
45 season is closed until the Tuesday after Martin Luther King Day,
46 and that's January 17 this year, and so that remains closed and
47 will be open at that time.

48

1 Finally, the recreational, this is actually the 2015/2016
2 landings, which have just become complete, and so the Wave 3
3 that we saw for the other species is the last wave of this
4 fishing year, and so that May/June you see is the Wave 3 for
5 2016, and so this is mostly complete. We are still missing
6 Texas data for the high season, and so part of May and all of
7 June are missing from Texas, but, other than that, these are
8 fairly complete numbers for that last fishing season, and so
9 only about 36 percent of the quota was taken. I will take any
10 questions, if you have them.

11

12 **CHAIRMAN BOSARGE:** Thank you, Sue. Martha.

13

14 **MS. GUYAS:** Sue, it looks like you guys have Wave 4 for some
15 species, but not others. When do you think we could see Wave 4
16 for some of these other species?

17

18 **MS. GERHART:** As we talked about with the red snapper landings
19 that we did yesterday, those are very preliminary. Those are
20 just out of MRIP. They are MRIP only, and so they don't include
21 Texas, LA Creel, and I don't think they even include the
22 headboat data, and so they are very preliminary.

23

24 Also, even the MRIP data goes to the Science Center for some
25 adjustments that are due to some things that are specific to the
26 Southeast Region, and so my expectation of when that will be
27 available would be probably, I am guessing, another month,
28 maybe, from now, but they will be posted on our website when
29 it's ready.

30

31 **CHAIRMAN BOSARGE:** Dale.

32

33 **MR. DIAZ:** Ms. Gerhart, thank you all for getting those red
34 snapper numbers to us for that discussion yesterday. I know
35 they are very preliminary, but that was very helpful, and so I
36 appreciate you all working extra hard to get those.

37

38 I just want to make sure that, for greater amberjack, your table
39 shows that, for the percent ACL, we're at 112 percent, and so
40 we're -- If that's correct, we're in a situation where there is
41 going to be a small payback for next year with greater
42 amberjack? Is that correct?

43

44 **MS. GERHART:** Yes, and, once we finalize those numbers. Again,
45 these are preliminary, but, if that remains, then any amount
46 over the ACL does go as a payback the next year.

47

48 **CHAIRMAN BOSARGE:** Ms. Gerhart, you said it, but I just missed

1 it. You said with the pending Amendment 26 and finalizing all
2 of that that, if there's anything there, that you may be
3 reopening some of those commercial seasons, and did you say
4 weeks or months on those openings, if they come to fruition?
5

6 **MS. GERHART:** As to how long the opening would be? We would
7 have to look at how much quota there actually is and look at
8 catch rates and try to calculate that. It will be one of those
9 things that is maybe a little difficult, because we,
10 particularly with the Western and Northern Zone, we almost
11 always are closed in the fall, and there is no fishing in the
12 spring.
13

14 If we do spring fishing, we would have to do some estimates of
15 what fishing rates might be then, and so we don't have -- We
16 haven't done that yet, because, again, we haven't gotten -- We
17 don't know how much was actually caught through this season to
18 know how much they will have, but the increase for the Northern
19 Zone in particular is a quite substantial amount of quota
20 increase, and so we would imagine that it would be open for a
21 while.
22

23 **CHAIRMAN BOSARGE:** Thank you. I appreciate that update. Any
24 other questions? Yes, Mr. Blankenship.
25

26 **MR. BLANKENSHIP:** I am concerned when I look at the landings,
27 particularly for red snapper, even for the for-hire during that
28 January, February, March, and April timeframe. I guess most of
29 those are going to be from discards? Most of that is where that
30 would come from?
31

32 **MS. GERHART:** No, these would be landings. One of the things we
33 did look into, if you're comparing to previous years, is that
34 some of the states, at least, were open January 1. Plus, on top
35 of that, remember that we had the nine-mile extension off of the
36 northern states, and so that's why we believe those early waves
37 are a little bit higher than what we've seen in previous years.
38

39 **MR. BLANKENSHIP:** For the for-hire vessels as well?
40

41 **MS. GERHART:** The for-hire, I think Jessica tried to explain
42 this a little earlier. The for-hire landings outside of the
43 season come from the headboat survey, and the headboat survey
44 has mostly federally-permitted vessels, but there is at least
45 one, and maybe more, vessels that are not federally-permitted
46 and therefore could have been fishing in state waters outside of
47 the federal season. That would be where those landings came
48 from.

1
2 **MR. BLANKENSHIP:** That vessel did well.

3
4 **CHAIRMAN BOSARGE:** Okay. Any other questions? All right. We
5 are slightly ahead of schedule. We are scheduled for a short
6 break before public comment. We're scheduled for a break in
7 about fifteen minutes from now, and so what I would like to do,
8 while we have just a second, is I checked with all of our
9 different counterparts around the room that would give some
10 liaison reports to us.

11
12 Charlie told me that he has one in our briefing book, and he
13 referred us to that, if we would like to take a look at some of
14 the things the South Atlantic is doing, but I believe Lieutenant
15 Commander Danaher has a couple of slides that you would like to
16 show us, and we'll go ahead and entertain that, if you're ready.

17
18 **LCDR DANAHER:** Yes, ma'am.

19
20 **CHAIRMAN BOSARGE:** Okay. Go ahead.

21
22 **SUPPORTING AGENCIES UPDATE**
23 **U.S. COAST GUARD**

24
25 **LCDR DANAHER:** Thank you, Madam Chair. I'm just going to knock
26 out the update today. The intent for this meeting was to
27 conduct more of a thorough update on the illegal fishing and the
28 lancha interdictions on the U.S.-Mexico border, but we're going
29 to wait and do a more comprehensive and thorough briefing in
30 January. There were just two slides that I created real quickly
31 here that I wanted to show you.

32
33 Something that we try and obtain as often as possible is larger
34 cutter support in the Gulf. District 8, which is headquartered
35 out of New Orleans, normally only has access to air stations and
36 patrol boats, which can get the bulk of the work done, but, when
37 we're trying to maintain a more enduring presence in certain
38 areas, it's helpful when we can get larger cutter support from
39 the boss's boss up there in the Atlantic area and Norfolk.

40
41 Cutter Resolute is going to be supporting us this fall. I am
42 not at liberty to discuss the details of the patrol schedule,
43 but the two primary areas that we will be focusing on and
44 applying this cutter support is the maritime boundary line and
45 also the Flower Garden Banks National Marine Sanctuary. They
46 will be performing law enforcement missions in those areas.

47
48 The associated pictures that are there just represent some of

1 the other capabilities the cutter will have. It will be taking
2 on a helicopter, an MH-65 Dolphin, and not the entire time, but
3 during some of the more focused operations, and then also the
4 Mark III, over the horizon, cutter boat, which increases the
5 pursuit capability for the cutter.

6
7 Just the other item that I wanted to make note of is that
8 Commander Carmen DeGeorge who is, if I'm not mistaken, was
9 formerly in this chair years ago, is the Commanding Officer of
10 this cutter, and so he's got a distinct passion for helping us
11 out here in the Gulf this fall.

12
13 Just another little event to capture is it was an interagency
14 event that occurred just last week. On the morning of October
15 13, the U.S. Coast Guard duty section at Station South Padre
16 Island was monitoring the maritime boundary line with a newly-
17 installed long-range infrared camera. It can see usually about
18 fifteen nautical miles out.

19
20 Northbound high-speed contact was spotted with the camera, and
21 the duty personnel alerted local law enforcement and Customs and
22 Border Protection Air and Marine regarding the vessel. The air
23 and marine resources, there were some that were on patrol that
24 early morning, and those vessels were vectored to intercept the
25 contact of interest that was northbound.

26
27 Local and state law enforcement also coordinated intercept on
28 the beach, and they observed a contraband transfer between the
29 lancha and a pickup truck. 730 pounds of marijuana was seized,
30 and several suspects were arrested on the beach. The lancha
31 fled the scene, but then was quickly interdicted by the CBP Air
32 and Marine speedboat, who apprehended the four-person crew.

33
34 The reason I bring this up is it just further defines the
35 diverse criminal element that we're facing on the southern
36 border, aside from the illegal fisheries, and the drug smuggling
37 and the human trafficking are other components that we're trying
38 to counter in addition to the illegal lancha fishing, which
39 we'll talk more about in a few months. This was a great
40 example, a textbook case, of agencies working together, and they
41 achieved a successful endgame, and that's all I have, Madam
42 Chair.

43
44 **CHAIRMAN BOSARGE:** Thank you. That was a very interesting
45 presentation. Dr. Stunz.

46
47 **DR. STUNZ:** Quick question, Madam Chairman. Just speaking of
48 the lancha fleet that you were discussing a couple of months

1 ago, we will get an update? I was just curious about where we
2 are with that, or we'll hear an update soon, you mentioned?

3
4 **LCDR DANAHER:** Yes, Dr. Stunz. We did establish a record for
5 lancha interdictions in Fiscal Year 2016. It was forty-five
6 interdictions. Now, that doesn't include how many times we
7 either intercepted a contact that was successfully able to flee
8 back into Mexican waters before we could apprehend them or a
9 detection via like an aircraft detection, where we didn't have a
10 surface asset on scene to make an interdiction, but it was
11 forty-five lanchas for Fiscal Year 2016, which is pretty good.
12 I believe it was thirty-nine the year before.

13
14 **CHAIRMAN BOSARGE:** Mr. Riechers.

15
16 **MR. RIECHERS:** If I could, I just want to thank you and your
17 efforts. Obviously our folks were involved as well, and we
18 certainly appreciate the cooperation down there, especially when
19 you see these kinds of efforts that happen routinely,
20 unfortunately, probably too routinely, but where it really takes
21 all of those enforcement efforts working together, and so I
22 appreciate that.

23
24 **LCDR DANAHER:** Thank you, sir.

25
26 **CHAIRMAN BOSARGE:** Mr. Walker.

27
28 **MR. WALKER:** You said the camera had the visibility for fifteen
29 miles? It was fifteen miles east or fifteen miles west, and so
30 you have a coverage of thirty miles?

31
32 **LCDR DANAHER:** No, that's fifteen miles total, Mr. Walker. It's
33 on top of a tower, but we're trying to increase the detection
34 capabilities on the border in as many different ways as we can.
35 Mr. Walker, if you cross the border and go south into Mexican
36 territorial seas, I can't help you.

37
38 **CHAIRMAN BOSARGE:** Thank you. It sounds like there's a lot of
39 anticipation for your next presentation as well in January, and
40 so thank you, sir. All right. We're going to take a short
41 break now. We are scheduled for public testimony at 2:45.
42 Let's take a break and be back at 2:40, since we tend to run a
43 little late. Let's shoot for 2:40 at the table. Thank you,
44 guys.

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

47
48 **CHAIRMAN BOSARGE:** Good afternoon, everyone. Public input is a

1 vital part of the council's deliberative process. Comments,
2 both oral and written, are accepted and considered by the
3 council throughout the process. The Sustainable Fisheries Act
4 requires that all statements include a brief description of the
5 background and interest of the person in the subject of the
6 statement. All written information shall include a statement of
7 the source and date of such information.

8
9 Oral or written communications provided to the council, its
10 members, or its staff, that relate to matters within the
11 council's purview are public in nature. Please give any written
12 comments to the staff, as well as all written comments will also
13 be posted on the council's website for viewing by council
14 members and the public, and it will be maintained by the council
15 as part of the permanent record.

16
17 Knowingly and willfully submitting false information to the
18 council is a violation of federal law. If you plan to speak and
19 haven't already done so, please sign in at the iPad registration
20 station located at the entrance to the meeting room. We accept
21 only one registration per person.

22
23 Each speaker is allowed three minutes for their testimony.
24 Please note the timer lights on the podium, as they will be
25 green for the first two minutes and yellow for the final minute
26 of testimony. After the three minutes is up, the red light will
27 blink, and a buzzer may sound. Additional time is allowed to
28 dignitaries providing testimony, at the discretion of the Chair.
29 First up this afternoon for public testimony, we will have Mr.
30 Bill Kelly, followed by Mr. Gary Bryant.

31
32 **PUBLIC COMMENT**

33
34 **MR. BILL KELLY:** Madam Chair and members of the council, Bill
35 Kelly representing the Florida Keys Commercial Fishermen's
36 Association. I would like to thank the council again for moving
37 forward with the circle hook exemption for commercial fishermen
38 on yellowtail snapper in the Gulf. I appreciate that.

39
40 I also wanted to talk to you with regard to CMP Amendment 29,
41 and I want to thank you again for moving forward with that as
42 well. That concept first put forward by Madam Chair Bosarge and
43 translated into science speak by council staff member Ryan
44 Rindone was a very positive step to move forward here.

45
46 I am dismayed, and I had to scratch my head, which is probably
47 the reason I've lost so much hair, but to listen to SSC comments
48 regarding data inefficiencies in managing kingfish, that we're

1 going to have to reduce the ACL over the next couple of years.
2 Here is a stock of fish that's been under one of the most
3 successful rebuilding processes in the history of the fishery,
4 thirty years worth, and more than thirty-million pounds left on
5 the table over the last ten years by the recreational sector,
6 and we still have concerns about whether or not we should move
7 forward.

8
9 As Mr. Sanchez pointed out, we're essentially fishing about four
10 or five tiers down from OY, MSY. You throw in scientific
11 uncertainty and management uncertainty and you take a risk-
12 averse approach, and then you have to wonder what on earth is
13 going on here that we don't have positive signals that we can
14 move forward in allocations with this fishery, and that's
15 another important point here.

16
17 Reallocation and allocation aren't dirty words, and they need to
18 be addressed by the council. With the SSC and what they've done
19 with kingfish here, it's now obvious that underfishing is just
20 as detrimental to the users as overfishing is to the stocks, and
21 then they turn around and tell us that we've got too many old
22 fish out there, and it's incumbent on the councils to allocate
23 appropriately so that we can harvest the numbers that they set
24 forth.

25
26 Anyway, this is a very positive step in the right direction, and
27 I want to salute all of you on taking that action, and I hope
28 that those preferreds will carry through the Full Council
29 meeting this week so that they can be forwarded to the South
30 Atlantic Council for additional positive action. Thank you very
31 much.

32
33 **CHAIRMAN BOSARGE:** Thank you. Gary Bryant, followed by Walter
34 McNeil.

35
36 **MR. GARY BRYANT:** I'm Gary Bryant, owner and operator of Red Eye
37 Charters from Fort Morgan, Alabama. I'm also one of the members
38 of the AP panel for charter/for-hire. Most of my comments today
39 will be about 41 and 42. On 42, I like what they have. They
40 have multiple species, and they have a landings history. That
41 gives them a leg up on what they're going to get. If it moves
42 forward, they will get the opportunity to catch what they have
43 historically caught. As a member of 41, that's what I want.

44
45 The problem is to get there. I please encourage you all to move
46 the ELBs forward, so we can start building some history. To
47 move away from the derby, we need to have a product that's
48 better. To have that, we need some landing histories. We have

1 been under our target, our catch target, the last two years, and
2 so that means there is no reason why I should have less fish
3 under the new program than I am actually catching. We have not
4 gone over our target, and so there's no reason that everyone
5 participating in the fishery should have less fish.

6
7 The problem is the plan doesn't look at who is participating.
8 It tries to divide fish equally, or in some fashion, among
9 everybody, and we need to identify the people that are fishing.
10 We need to identify how much they are actually fishing. There
11 are areas of the Gulf that the fish are closer in than others.

12
13 I happen to be in an area where I can run multiple trips a day,
14 because the fish are twelve to fifteen miles out. Under the
15 derby last year, I gave seventy-six groups access to our fish.
16 Under the plans we're looking at now, I'm looking at maybe eight
17 trips that I can give access to the fish. Like I said, the main
18 thing is we are under our target. If we do this right,
19 everybody should be able to catch what they've been catching.
20 Thank you.

21
22 **CHAIRMAN BOSARGE:** Next, we have Walter McNeil, followed by Troy
23 Frady.

24
25 **MR. WALTER MCNEIL:** I am Walter McNeil. I'm a charter captain
26 and owner of Nicole Fishing Charters out of Fort Morgan,
27 Alabama. I am also a reef fish shareholder in the commercial
28 sector. The biggest thing for me right now is I think we need
29 to -- On the Amendment 42 and the 41, the charter sector
30 separation and fish allocation and everything, we've got -- The
31 main thing is logbooks. We've got to get some up-to-date
32 logbooks, and we've got VMS on our vessels right now, and we've
33 had some -- This past year, everything worked smooth, and we
34 should have some catch history, but we need to have an official
35 catch history.

36
37 The people that are fishing and making a living at it are the
38 ones that need to have this allocation when it does come out,
39 and, on the kingfish, you all are talking about doing three fish
40 per person and going up from two, and I would like to see the
41 size limit go down, because sometimes we'll go out there and I
42 will catch eight or ten kingfish that are twenty-three inches
43 and I have to throw them back and my customers can't keep
44 anything, whereas, if we're going -- Like the guy said earlier,
45 we're leaving fish on the table, and there is no sense in not
46 dropping the size limit and letting some customers keep some
47 fish. That's all I've got. Thank you.

1 **CHAIRMAN BOSARGE:** All right. Troy Frady, followed by Bart
2 Niquet.

3
4 **MR. TROY FRADY:** Thank you, Madam Chairman. My name is Troy
5 Frady. I'm a charter boat captain from Orange Beach, Alabama.
6 I've been in business for fourteen years, and I really enjoy
7 making 100 percent of my income charter fishing. I am here on
8 my own, and I am speaking only for myself.

9
10 I feel like we need to expedite data collection, so we can
11 identify the charter/for-hire industry and the participants who
12 are fishing. I support every participating vessel having a
13 permanently-affixed electronic logbook and have a backup plan,
14 just in case of mechanical failure.

15
16 I think Amendment 41 and 42 should continue moving forward, but
17 I want to make sure that you've thought everything through
18 before implementation, because, if you do something wrong now,
19 it will be difficult to change it later.

20
21 I know 40 and 41 and 42 are all about red snapper. Well, 41 has
22 a couple of other species in there, but I am tired of talking
23 about ARS, and if American red snapper is the problem with
24 everybody in here, why don't you consider, just for the time
25 being, to remove red snapper from the document and add a
26 multispecies component to it and let it run for a while? Let 41
27 and 42 run.

28
29 That way, it will give you an opportunity to work out and fix
30 any unintended problems that you have with the program. As a
31 model, start with everyone gets an equal share and allow
32 transfers. After three years, or however many years we deem
33 possible, let's say 50 percent get -- After three years, let's
34 take a portion of those fish that everyone was allocated back.
35 Say if you take 50 percent back from everybody and you
36 redistribute it to those participants who are left in the
37 industry after you have identified who is using the shares, and
38 it will also allow for new entrants coming into the program.

39
40 By only taking back a portion, it means the vessel owners can
41 plan for the future, with a set amount of fish, and the
42 redistributed portion goes to those who are actively landing the
43 species. Redistribution could also include an additional bump
44 in the quota to those who have multi-passenger boats who have
45 been paying their dues for three years. It would also help
46 those, like I said, for new entrants.

47
48 We can do this on like a continuous rolling cycle every three

1 years or every four years. By doing so, this will identify the
2 latent permits and allow new entrants and end up with an
3 allocation with all who actually fish it. God bless you, and
4 let's make fishing great again.

5
6 **CHAIRMAN BOSARGE:** Thank you. Next, we have Bart Niquet,
7 followed by Dale Woodruff.

8
9 **MR. BART NIQUET:** Good afternoon. I am glad to be here. Thank
10 you for letting me talk. I have a few minor things. On the
11 Flower Gardens, I think to leave it status quo and perhaps put a
12 few permanent anchor buoys down so that people can tie up to it.
13 That won't help much, but it will be there.

14
15 On the minimum size on gag grouper, the only ones small like
16 that that I see being caught are on TV in Tampa Bay and Biscayne
17 Bay, and they go in there with iceboxes, and I never see them
18 release one, and so maybe that's part of your problem.

19
20 The hailing proposals are redundant and confusing. Why don't
21 you leave well enough alone on that? On the inactive permits,
22 right now, they act as a built-in buffer and promote more rapid
23 growth of the stock. If the council decides to redistribute
24 them, the rules you set up at the beginning of the IFQ program
25 mandate that they be split evenly between the shareholders,
26 regardless of them having a reef fish permit or not. The
27 council rescinded that reef fish permit at the last
28 qualification period, after the last review, and remember that?
29 It's already in your minutes. Read them.

30
31 It seems odd to me that our dockside people report that the
32 average size of headboat red snapper and commercial boat red
33 snapper are between four and six pounds, and the average size of
34 a charter and private boat fish are between twelve and fifteen
35 pounds, and some of them are up to twenty. It might be two
36 separate Gulfs, but let's be realists. Most of your rules don't
37 do much more than confuse the issue. You know the private boat
38 anglers are going to bring in the biggest fish they can, and you
39 have too many people fishing with no control over them.

40
41 The triggerfish program, how could the SSC and the rest of the
42 council miss the size of this species and how, with all the
43 resources of the U.S. government left to you, you could set up a
44 program with no way to modify it or get out of it? That's poor,
45 poor planning.

46
47 Leasing allocation seems to be a problem with the committee,
48 but, if you remember when they came up with this, deciding the

1 goals of the IFQ program, I was on the Reef Fish Panel at that
2 time, and we were led by a member of your staff, big Dave
3 McKinney. As one of the major parts of that, he said that we
4 would be able to lease or sell fish inside the shareholders
5 stock. That was one of the main parts that they had, so that
6 boats coming with an overload of fish could reach out. You had
7 twenty days, at that time, before he would be fined, so that he
8 could find poundage.

9
10 **CHAIRMAN BOSARGE:** Mr. Niquet, I need you to wrap it up, please,
11 sir.

12
13 **MR. B. NIQUET:** I will be through in just a moment. Yes, ma'am.
14 Maybe either somebody in the council was lying then or they're
15 being lied to now. Thank you.

16
17 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Dale Woodruff,
18 followed by Joe Nash.

19
20 **MR. DALE WOODRUFF:** My name is Dale Woodruff. I've got two
21 boats out of Orange Beach, one dually-permitted six-pack with a
22 commercial permit and one that's a multi-passenger vessel with
23 up to twenty passengers. Guys, we need electronic logbooks.
24 We've been up here at this podium too many times, too many
25 years, and said the same things over and over and over again,
26 and we're still asking for electronic logbooks.

27
28 Two-thirds of the fishery has some type of data reporting, and
29 we're still trying to fix the other third, and it's getting
30 tiresome. It's simple. I'm sorry if somebody don't want one on
31 their boat. I don't believe they're fully invested if they
32 don't. I don't believe they want to be in this business if they
33 don't want to report their fish. Maybe they are trying to do
34 cash sales and not reporting to the IRS. I don't want to have
35 to deal with them every year, but I do.

36
37 We've got to admit that we don't know who is fishing. We really
38 don't. We've got all these permits in the Gulf up on the shelf,
39 Idaho or wherever, Ohio, and we don't know what's being used,
40 but you can tell where there is 600 permits, possibly, being
41 used right now, but we don't know what's being caught. We've
42 got have electronic logbooks.

43
44 The charter/for-hire catch, we've come up with 83 percent. We
45 only caught 83 percent, and Texas hasn't fully reported.
46 Amendment 40 is working, and so what we've done, we've done
47 good. We were under last year with the charter/for-hire and
48 we're under this year for the charter/for-hire. It's working.

1
2 Due to possible state non-compliance, since triggerfish was shut
3 down for the rest of the year, we went over and we know we're
4 not going to have something next year, but we've got to prevent
5 the states from going non-compliant, and you know it's going to
6 happen if you say you can't catch any trigger next year in
7 federal waters.

8
9 One of these five states will probably go non-compliant, and I
10 think there needs to be separation, again, for the triggerfish
11 and maybe even for the amberjack, because you know it's going to
12 happen. There's going to be some non-compliance going on,
13 because they believe that they feel like they should catch those
14 fish in state waters. That is going to prohibit us from
15 catching triggerfish for the next two or three or maybe even
16 four years, because those triggerfish are in state waters now,
17 and they are thick.

18
19 41 and 42, they need to be implemented at the same time. We can
20 work on them. We can get it all nice and get it in its package,
21 but 41 can't go without 42, and 42 can't go without 41. You
22 don't know what I am catching. I have got to have the
23 electronic logbooks, and I've got to have the proof. I've got
24 to be able to show you. You can't limit me and then give me an
25 electronic logbook and then give me the data where I can't show
26 you what I am catching with the minimum amount of fish. It just
27 can't be done. You're going to restrict me and then give me an
28 electronic logbook. I see that I'm over, and I guess that's
29 about it. Thank you.

30
31 **CHAIRMAN BOSARGE:** We have a question for you, Mr. Woodruff,
32 from Chris.

33
34 **MR. BLANKENSHIP:** Dale, thanks for speaking. Did you
35 participate in the voluntary logbook program in Alabama this
36 year?

37
38 **MR. WOODRUFF:** Yes, sir, I did. The State of Alabama knows
39 exactly how many trips I ran. CLS America knows exactly how
40 many trips that I was out on the water. I reported all of my
41 fish, and so the State of Alabama knows exactly how many fish I
42 caught on my big boat and on my little boat and how many days,
43 if it was twice a day or all day.

44
45 **MR. BLANKENSHIP:** Thanks.

46
47 **CHAIRMAN BOSARGE:** Mr. Swindell has a question for you.

48

1 **MR. SWINDELL:** What about the ease of use? Do you find it
2 difficult to use the logbook or do you think it's easy enough to
3 get done?
4

5 **MR. WOODRUFF:** It's very simple, it really is. We're at the
6 technology that we have now these days, where the smartphones,
7 where you've got a smartphone now that teaches you how to use
8 your own smartphone. The electronic logbooks, they're simple.
9 They really are. What we do need on the electronic logbooks
10 now, with the program that we were in, we may need a few more
11 fish, but we're in a study. We're in a growing process, and we
12 have asked CLS America for a few more fish to be added on there.
13

14 That's the only complaint I have, that there wasn't enough
15 species of fish for me to report on that electronic logbook. I
16 want to report everything that I catch on my boat. I want it
17 reported, because it can be used eventually, one way or the
18 other, when NMFS decides to start using it.
19

20 **CHAIRMAN BOSARGE:** Patrick.
21

22 **MR. BANKS:** What type of boat are you running, did you say?
23

24 **MR. WOODRUFF:** I have one boat that's got twenty passengers, and
25 it's a fifty-two-foot Miller, and my other boat is a thirty-one-
26 foot six-pack boat, six passengers, and so I'm in both
27 categories.
28

29 **MR. BANKS:** So the six-pack is a center console?
30

31 **MR. WOODRUFF:** No, the six-pack boat does have a cabin. I
32 understand the center console situation, but we're packing on
33 \$40,000 and \$50,000 and \$60,000 worth of electronics on a center
34 console to go fishing, with 300 gallons of fuel and four motors,
35 150 to 200 miles in the Gulf of Mexico, running rig to rig, and
36 you're telling me that another little piece of equipment, a
37 little bit bigger than this, is going to be something that's
38 going to inhibit you? I just can't buy that.
39

40 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Joe Nash,
41 followed by Billy Neff.
42

43 **MR. JOE NASH:** I'm Joe Nash, and I own and operate Cool Change
44 Charters in Orange Beach, Alabama. You're going to hear it a
45 lot today, but we would like to implement the electronic
46 logbooks. We've asked for them for years, and I know some
47 people are on the program and some aren't, but we are on the
48 program. We have reported everything that we caught and

1 everything we released for every trip we ran, and so they do
2 work.

3

4 Just like Dale was saying with the center console, I know a lot
5 of these people don't want to have them on their boats, but it's
6 only a little bit bigger than a cellphone. I mean, we've got
7 thousands and thousands of dollars' worth of electronics onboard
8 any boat you're on. Some of the center-console boats are worth
9 three or four or five or six times what our boats are worth, and
10 so they have room for them, but they just don't want to use
11 them, but we need that. We need the information, and we want to
12 give the information. We've been saying that for years.

13

14 We finally have the opportunity, and I believe, if they look at
15 what we're doing, you will see a trend, even with the small
16 amount of boats that are on it. We're releasing a lot of fish
17 and the mortality is not as bad. We were talking about
18 triggerfish earlier, and, some trips, we're releasing thirty or
19 forty or fifty triggerfish, and I've had some trips that were up
20 to eighty and ninety triggerfish, and so the stock assessments
21 should be able to see this, and maybe the numbers might be a
22 little bit off.

23

24 41 and 42 need to go in together. With the Beaufort study, they
25 are on their own study, but we didn't have the opportunity to be
26 on that study, and so we would like to be together on this, so
27 everybody knows what to go with. With the electronic logbooks,
28 one of the things you may want to look at, as far as delete some
29 of the vessels that aren't interested in red snapper, is, if
30 they do not want to participate, if it does become a share
31 program of fish, they would be opting out of the share program,
32 because then, that way, you would know that that boat is not
33 fishing for red snapper. We just want the fish to go where
34 they're supposed to go, where we're catching them. I know
35 everybody wants a piece of the action, but you've got to look at
36 it.

37

38 If we go into grouper and hogfish and everything else, I guess
39 we're going to get those, and we don't really see very many of
40 them where we're at, and so that will be taken away from the
41 people that do harvest those kind of fish, and we just want to
42 work together and do what's fair. We really have to sit down
43 and work together. Let's make something easy, something that
44 everybody can live with.

45

46 We just want to make a living and have a good time and enjoy
47 fishing. We like taking people fishing. We want to all enjoy
48 it, and we can't do that if we just keep trying to figure out

1 who is getting what and where and when, and you don't want one
2 guy walking away with half of the quota and then somebody else
3 get absolutely nothing that is in that particular fishery.
4 Other than that, I just wanted to thank you for having us here
5 today and that we can speak, and just think of fairness. We
6 just want everything to work for everybody, if we can. Thank
7 you.

8
9 **CHAIRMAN BOSARGE:** Thank you. Next, we have Billy Neff,
10 followed by Mike Colby.

11
12 **MR. BILLY NEFF:** How are you doing? I'm Billy Neff with Class
13 Act Charters in Orange Beach, Alabama. I am going to make this
14 short. We need electronic logbooks. We want to see electronic
15 logbooks on all boats, on all charter boats, in the Gulf of
16 Mexico. That way, we can get the accurate data that we need.
17 The people that don't want to provide the data, I don't really
18 understand that.

19
20 We've been doing it voluntarily on the Class Act and on the Baby
21 Blue since it was available, and it's giving the data. It's
22 giving the correct data that we need. It's showing everyone
23 what we're catching and what we're not catching, and so I think
24 it's very important that we get the electronic logbooks on all
25 boats. As far as 41 and 42, I think they need to go in together
26 at the same time. Thank you.

27
28 **CHAIRMAN BOSARGE:** Mr. Neff, I believe we have a question for
29 you from Mr. Swindell.

30
31 **MR. SWINDELL:** Thank you being here today. What size boat do
32 you have?

33
34 **MR. NEFF:** I'm with the Class Act, and the Class Act is a fifty-
35 two-foot Miller, and the Baby Blue is a thirty-one-foot Johnny
36 Morgan.

37
38 **MR. SWINDELL:** Okay. Are you able to work with the logbook on
39 the way in or as you're catching fish? When do you use it?

40
41 **MR. NEFF:** We usually do it on the way in, before we get back to
42 the dock. We will log in and log everything down on both boats,
43 and it's simple enough to use. We do it on the way in, before
44 we get back.

45
46 **CHAIRMAN BOSARGE:** Thank you, sir. We have one more question
47 from Mr. Walker.

48

1 **MR. WALKER:** Thank you, Billy. I was just going to ask, are you
2 witnessing a lot of triggerfish offshore also?

3
4 **MR. NEFF:** Yes, the triggerfish are everywhere. I have been
5 doing this for almost fourteen years, and this is probably
6 getting up there with the most triggerfish that I've ever seen.
7 The amount of them that we're throwing back is just insane.
8 When we go commercial fishing, it's the same thing. On a
9 commercial trip, we're only allowed to keep twelve triggerfish,
10 and we're catching -- If we're out there for three or four days,
11 we're catching hundreds and hundreds of them and just throwing
12 them back, trying to catch vermilion snapper and other species
13 that we can keep.

14
15 **MR. WALKER:** Thank you.

16
17 **CHAIRMAN BOSARGE:** Next, we have Mike Colby, followed by Randy
18 Boggs.

19
20 **MR. MIKE COLBY:** Thank you, council members. I'm Mike Colby
21 from the Clearwater Marine Association. I'm a headboat and
22 charter operator out of Clearwater, Florida. I didn't arrive
23 until yesterday, and I was listening to Monday on the webinar at
24 home. With Bob Gill's presentation to you all, I was hopeful
25 that my comments would be informational to the Data Collection
26 Committee, in response to some of the things that Bob said and
27 some of the feedback that I'm getting out of our east Gulf area.

28
29 I can preface all of that by saying that I know that this is a
30 really, really important framework action. This redoes the way
31 we think about fishery-dependent information, particularly what
32 we're asking operators to do, to provide not only effort data,
33 but catch data. I also queried some of the guys on my email
34 list in the eastern Gulf, and I am relying on their feedback for
35 what I'm telling you, and that's four or five people, and
36 they're talking to some of their fleet guys.

37
38 After we signed people up for the project, that was kind of the
39 part where the fishermen said I know we need to improve how we
40 collect data and the timeliness of how we deliver the data and
41 maybe even, to an extent, how we evaluate that data, and, after
42 you go through that, we signed these people up.

43
44 Then, what I'm getting now is the challenges to making that work
45 can be wrapped in one or one-and-a-half things. The biggest
46 challenge is getting the fishermen to incorporate doing this in
47 their everyday activity. I fish for a living, and I know you're
48 almost robotic when you get to the dock. I am checking my

1 engine room and I am checking my fuel. Is the ice machine full?
2 Where are my customers? Get the bait on the boat and do this,
3 and you're going through these motions.

4
5 It's not impossible -- I mean, I've got some guys in this
6 project that are still using flip-phones, but they can do this,
7 and so the challenge is just getting the fishermen to
8 incorporate this in their daily activities, and the other
9 challenge is then when you're out on the water, and I know there
10 was a lot of discussion, and there can be a lot of discussion in
11 the committee, about how does a fisherman report.

12
13 Some people have said, well, I can't do it and I fish alone or
14 this and that and the other and there is a safety at sea issue,
15 and the feedback I'm getting is, and I will preface that by
16 saying that we've got a lot of boats in the eastern Gulf that
17 are very similar to those that fish in Louisiana.

18
19 They are thirty-four-foot Contenders with three egg-beaters on
20 the back, and they're forty-knot boats, and I've got an old
21 forty-foot Stapleton with twin-jimmies in it, and I'm fourteen
22 knots, but I can go down in my cabin and put my deckhand on the
23 wheel, and I interact with my customers.

24
25 By the time I've got that tablet on, I've got every customer on
26 that boat that's going, wow, this is cool, and they are actually
27 helping me enter the data, but the way our fishermen are getting
28 around this on the thirty-four Contenders is, and they've told
29 my port guys about it, but, man, the last stop of the day, put
30 them in neutral and everybody is getting their beer and their
31 Coke. I enter it and hit "submit", and then we motor home.
32 Thanks.

33
34 **CHAIRMAN BOSARGE:** Mr. Colby, we have a question for you from
35 Mr. Swindell.

36
37 **MR. SWINDELL:** Thank you for coming today. Since your comments
38 about talking to others, are some fishermen just absolutely
39 reluctant to provide the information, or they just don't want to
40 spend the time? I am getting the feeling sometimes that some
41 people just don't want to provide information to anybody. Thank
42 you.

43
44 **MR. COLBY:** Sir, there might be a little of both, but I can't
45 speak for 1,247 permit operators. My gut reaction is that --
46 When I was signing people up for this project, starting in
47 October of last year, I mean I phoned more people than I can
48 care to remember and, yes, I had people just hang up on me and

1 say I ain't going to do it and you can't force to me to do it,
2 click.

3
4 Now, I can't describe that operator. I don't know if they're a
5 part-time operator or a full-time operator or what size vessel
6 they have or how they perceive the business, but the people that
7 we did sign up were the people that perceived the benefits to
8 their business from this. Anytime you improve the data inputs
9 going into a fishery, that's going to improve your fish.

10
11 If it improves your fish, that's going to improve your business,
12 and so those people made that hurdle, and I think -- In thinking
13 about the people that just pound the table and say I'm not going
14 to do this, and they can't make me do it and I'm not going to do
15 it, they haven't made that hurdle yet in their mind. They
16 haven't reached that far yet, and I think that's where industry
17 needs to take a bigger role in this, where we need to step up to
18 the plate and go to ports and talk to fishermen and make them
19 see the advantages of an ELB reporting platform.

20
21 **CHAIRMAN BOSARGE:** Dr. Stunz, did you have a question?

22
23 **DR. STUNZ:** Yes, and I had a quick question for you. I hear
24 what you're saying, and several before you came up and testified
25 that you guys really want this. Obviously I've heard that many
26 times, but, when Mr. Gill gave his presentation, there is still
27 units available that I guess weren't distributed, and so I'm
28 trying to reconcile -- If you guys are not getting the units
29 when they're available, and it's really just the cost of the
30 service, I am wondering how that's going to be when individuals
31 have to go out and purchase them on their own, and so I am
32 trying to reconcile where is the disconnect of, if the fleet
33 wants to report, why aren't they -- It seems like there would
34 have been a waiting line to get more VMS units, and that doesn't
35 seem to be the case.

36
37 **MR. COLBY:** I can't answer to all of that, but I can tell you
38 that, as a fisherman, I know cost is always on my mind, and that
39 certainly could be one of the motivations for not doing a
40 voluntary project, and even less of a motivation if it's
41 mandatory, but I also know what a lot of the other fishermen
42 don't know, is that there are many, many funding opportunities
43 out there that I am investigating and others will be
44 investigating to offset costs to the industry.

45
46 Now, having said that, there will be costs to government, and,
47 in terms of ramping up for validation and certification of the
48 data and the data being calibrated, I get all of that, but I

1 think the more we make it known to fishermen that they're not
2 going to be left out there alone and we're going to find ways to
3 offset many of these costs to industry. Will there be one
4 monthly cost for a satellite service, just like your cellphone?
5 Probably, but, in the initial rollout, I am very hopeful that
6 we're going to find ways to offset that cost and get the fleet
7 outfitted and move on down the road with this.

8
9 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Randy Boggs,
10 followed by Ricky McDuffie.

11
12 **MR. RANDY BOGGS:** Hi, guys. Randy Boggs. Please ask me that
13 same question before I leave the podium, because I've got a lot
14 to cover. Guys, you all know who I am and what I do, but I want
15 to talk to you about something different today. I sent you an
16 email that you're all going to hate me for. It's a hundred-and-
17 something pages. I also have headboats, and you all know that,
18 but I also have a charter boat, and I've been listening to a lot
19 about what's been going on about the allocation issues in 41 and
20 how to do this.

21
22 I sat down and tried to think of a commonsense approach to this,
23 and I've showed it to a lot of the guys, and I've asked the
24 council to post it on their website. I took the total number of
25 people available on all the charter boats from south Florida
26 north, and I cut it off where we felt like we were pretty
27 confident that there were no snapper caught south of there.

28
29 I took that number of anglers, and I don't have the numbers in
30 front of me, because it would slow me down, but I took that
31 number of anglers and I took the fish that we were allocated
32 under the sector separation and I divided it by -- I used a
33 seven-pound weight. I divided the number of anglers into the
34 number of fish, and then we divvied them out to the boats.

35
36 It comes up with a number, and it's fair and equitable for
37 everybody. It doesn't matter if you're a six-pack boat or a
38 multi-passenger boat, but this comes down to access to the
39 American public's fish. It's not about the charter boat
40 captains, and it's not about what we do. The American public
41 has access to these fish, and it should be equitable on each
42 boat, and I don't know exactly what the number came up with,
43 twenty-one, twenty-five, thirty, but it came up to X number of
44 spaces per boat, and it's in the email. It's seven pounds per
45 person. We did it in pounds, and then we transferred it over.

46
47 If you did that, and you allocated the fish that way and you did
48 a reporting system and a use-it-or-lose-it, if you did it for

1 two years and you allocated the fish, it's going to be terrible
2 on the charter/for-hire captains for two years, because we're
3 probably not going to, any of us, get nearly what we normally
4 catch, but, at the end of two years, if you go back and look at
5 the harvest, and then you redistribute the fish based on what
6 they harvested -- If a boat got 3,000 fish and he caught 1,500
7 fish, then the other 1,500 would roll back into the pool and get
8 re-equitably distributed.

9
10 If you did that twice or three times, then the fish are going to
11 end up where they need to be and the boats that don't need them
12 -- I would love to tell you -- In the headboat program, I am
13 going to give you a fictitious number.

14
15 Let's say I've got 1,500 fish in the headboat program. I can't
16 ramp up and catch 3,000 fish in a year. I just can't increase
17 my customer base. If I gave trips away, I couldn't catch that
18 many fish. I mean there's just not that much business there for
19 me to garner, but this is a fair and equitable way to separate
20 the fish. You roll them back in over four years, and then, at
21 the end of the fifth year, if they want intersector trading or
22 if they want to be able to trade the fish or sell the fish or
23 move them, at the fifth year, you could do that and tie this
24 into a VMS system and you would do really well.

25
26 You asked the question, and I've got a little bit of time, and
27 so I'm going to hit on the VMS. The reason that the VMS are not
28 popular, and I didn't know this when I started this program. I
29 called every headboat along the entire Gulf coast. I have spoke
30 to most of them in person.

31
32 One of the reasons that people don't like reporting on these,
33 number one, is they believe the VMS system can be hacked into,
34 and they feel like that somebody will be able to go in and steal
35 their fishing spots. I am out of time.

36
37 **CHAIRMAN BOSARGE:** Go ahead, Dr. Stunz.

38
39 **DR. STUNZ:** I was just saying Captain Boggs had a lot of ground
40 to cover, and I will re-ask the question, or if you want to
41 finish your answer.

42
43 **MR. BOGGS:** A lot of people believe that the VMS system can be
44 hacked into and that people can steal the places that they're
45 fishing, and they don't trust that. There is an inherent fear
46 of that, and that is one of the things. The other thing is that
47 a lot of these boats are older boats, and the older boats have
48 been paid for for years, and this is a cash-cow for a lot of

1 these guys.

2
3 A lot of these guys run cash trips. They fish for cash, and
4 they feel like if they put this VMS on the boat, and I don't
5 believe that there's any truth in it, that the IRS is going to
6 look at their VMS records and go back and see how many days they
7 fished and how many fish they caught and they're going to lose
8 out on that. That's the two main reasons that people don't want
9 to cooperate with a VMS program, and that is the two biggest
10 reasons that I've heard all the way through. Guys, I am sorry
11 about the long email, but take a look at it. Maybe it will help
12 with the allocation issues in 41. Thank you, guys, a bunch.

13
14 **CHAIRMAN BOSARGE:** Thank you. Mr. Boggs, we've got a question
15 from Mr. Swindell over here.

16
17 **MR. SWINDELL:** Are you aware of any one -- You have a VMS on
18 your boat?

19
20 **MR. BOGGS:** During the headboat EFP, we had a VMS on the boat.
21 We reported via the VMS, and all three of my boats have them on
22 there and have them on there.

23
24 **MR. SWINDELL:** Are you aware of anyone with any kind of system
25 that they can get into your VMS information? Have you ever
26 heard of one having that problem?

27
28 **MR. BOGGS:** No, and, as far as I know, and I talked to law
29 enforcement about this, but, as far as I know, nobody has ever
30 hacked into the VMS system. Nobody is able to track it. I
31 mean, it's very private.

32
33 The commercial fishermen, you've got David sitting here, David
34 Krebs and David Walker, and all the guys that commercial fish.
35 I am not saying it's a realistic fear, but it's one of the
36 things that has been voiced to me over and over and over again.
37 You know, people build their lives on their ability to catch
38 fish, and a lot of these guys don't want to take a chance on
39 compromising a thing, and that's the biggest drawback that I've
40 heard.

41
42 **CHAIRMAN BOSARGE:** One more, Mr. Boggs, from Mr. Banks.

43
44 **MR. BANKS:** Mr. Boggs, have you ever had a situation where you
45 were getting ready to go on a trip and the VMS, for some reason,
46 didn't work and you couldn't go on the trip and you had
47 customers standing there and you couldn't go out on the trip?
48 What's the reliability of the units that you were using?

1
2 **MR. BOGGS:** We have had many, many, many issues. When the
3 Headboat Collaborative was -- When the EFP came into effect, we
4 had ninety days to get that thing up and running. We had, the
5 first year, about sixteen boats. In ninety days, we got sixteen
6 VMS on the boat and got the system up and operational. The
7 National Marine Fisheries Service got us piggybacked into the
8 commercial fishery system, and we set up accounts. We set up
9 accounts for everybody and we did all of this in ninety days.

10
11 Yes, there were several days that we couldn't go out, but all
12 you have to do is call. There is a 1-800 number that you call
13 and tell them that you're hailing-out. Then you call it when
14 you're hailing back in. I could call my wife and she could send
15 them an email. It doesn't stop you from going fishing. I mean,
16 there is people there that monitor it, or you can leave a
17 message, and they know what you're doing.

18
19 As a safety measure, during the collaborative, which is what I
20 can speak for -- Just to tell you a quick story, I walked in one
21 night and I saw Chris and a couple of the other policemen, and
22 they said, we see you had a bad day of fishing today. I said,
23 how did you know that? They said, well, we got an email and you
24 had thirty-six people on the boat and you only caught fifty-
25 something fish. The news of what I had on the boat beat me to
26 the law enforcement and beat me to the dock. They knew what I
27 had before I got there. It never slowed me down. It never
28 stopped me from fishing one day.

29
30 **CHAIRMAN BOSARGE:** One more question from Mr. Walker.

31
32 **MR. WALKER:** Randy, how difficult do you find it to hail-in and
33 hail-out?

34
35 **MR. BOGGS:** The CLS America thing, it's a swap screen. You swap
36 it and tap it and swap it and tap it. The guys on my boats, I
37 have one guy who is more computer literate than I am, which is
38 really bad, and the guy, within three days, he had it figured
39 out. You just slide it and tap it and slide it and tap it and
40 it's very, very easy.

41
42 The only thing negative that I will say about the VMS is you
43 have to crank your boat on a regular basis, because they do have
44 a tendency to pull your batteries down. That's one of the
45 negatives to it, and then the other problem with it is, with the
46 units that we had, the screens are small. If you're in the Gulf
47 and you're beating and banging and bouncing around and you're
48 trying to enter the number of fish when you get ready to come

1 home, sometimes you would mis-enter the fish. Once you hit
2 send, then you had to call the reporter, Dave Borty in our area,
3 and you had to call him and let him know that you had made a
4 mistake on the entry.

5
6 In the EFP, we had some discrepancies, about eight or ten
7 discrepancies, and, most of the time, and I'm not going to tell
8 you a lie, it was me that made the mistake, and it's usually
9 because I've got great big fingers and the boat would be
10 rocking, and I would hit a "3" instead of a "2", and so I would
11 report thirty-three fish instead of twenty-three fish, but just
12 a phone call solved that.

13
14 **CHAIRMAN BOSARGE:** We have one more question from Mr. Greene.

15
16 **MR. GREENE:** All right, Randy. You covered a lot of ground
17 there quick, and you're too big to carry out of here, and so are
18 you feeling okay?

19
20 **MR. BOGGS:** We're doing good, man.

21
22 **MR. GREENE:** All right. Attached to those big fingers is a big
23 guy. You sent us an email, and I'm kind of looking down the
24 screen, and I know that you have a headboat and you've been
25 pretty involved or you were the Headboat Collaborative, and you
26 sent us this email. Is this specific to 42 or is this --

27
28 **MR. BOGGS:** It could be 41 or 42 or 57. It doesn't matter.
29 This is just a -- This is the fairest way that I could think of
30 to -- I have showed it to about twenty-five different people out
31 here in the audience. If everybody gets the exact same thing in
32 here initially to start with, if every permit gets funded the
33 same, nobody can complain. It's not tiered and it's not based
34 on anything.

35
36 You know, going in -- I stood right here and told you that the
37 first year is going to be terrible, because you're not going to
38 get what you have historically caught, but boats that get funded
39 at a bigger rate, the fish are going to roll back in, either in
40 one or two years, and you're going to get more fish each year,
41 and it's going to get better. If you do that use-it-or-lose-it
42 provision, it's going to roll back in.

43
44 Is it the number of fish you need? No. If it gives you the
45 freedom to go when the weather is good, and you know all about
46 that, going when the weather is good and being able to harvest
47 these fish and get maximum dollars for your fish, imagine being
48 on one of your trips when the tuna don't bite and you need a few

1 snapper.

2
3 If you had twenty-five or thirty snapper to catch forty miles
4 southwest, you could put a few hundreds of fish in the box and
5 satisfy your customers. It's just the way that I felt like was
6 really fair, because it gives the public, the American public,
7 the access on an equal basis, on a six-pack boat, a multi-
8 passenger.

9
10 Wayne Werner told me that, when you do this allocation, it said
11 that you have to make it hurt equally across the board. I
12 wouldn't be opposed -- To be honest with you, when I did the
13 numbers, it came in very close to the number of fish that I
14 actually harvested on my boat. It came in within a few hundred
15 fish. Would it hurt to lose a few hundred fish? Yes, but it
16 came in close enough that if I knew that I was going to get a
17 few more fish the second year or the third year or the fourth
18 year, that I could probably live with it.

19
20 **MR. GREENE:** Okay, and you're going to be here the rest of today
21 and maybe tomorrow if we have some questions about this?

22
23 **MR. BOGGS:** I am probably going to duck out a little bit this
24 afternoon. I've got a pair of John Deere up there that I
25 haven't laid eyes on yet, and I would like to go see my new John
26 Deere that I am putting in the boat, but I will be here all day
27 tomorrow.

28
29 **MR. GREENE:** Thank you.

30
31 **MR. BOGGS:** Thank you, guys.

32
33 **CHAIRMAN BOSARGE:** Thank you. Mr. Ricky McDuffie, followed by
34 Chris Niquet.

35
36 **MR. RICKY MCDUFFIE:** I am Ricky McDuffie. Sea Hunter Charters
37 is my business, and I have a multi-passenger boat and a headboat
38 also, and so I'm kind of in between on 41 and 42, but I just
39 think we need to keep moving forward with them and tweak them a
40 little bit.

41
42 I know some people are wanting them to go in at the same time,
43 but, if we have to go with 42 and get it going and have it be
44 the precedent for getting 41 -- If we need to give it a model to
45 go by, I'm in favor of that, but we've got to get the logbooks
46 operable. We have to have them. We've got to be accountable,
47 and that's -- We need to speed that up. We need to get it
48 where, this summer, we can be using it, that it could be used

1 and logged. We've got to get it moving faster.
2
3 We're moving at a snail's pace, it seems like, and, as far as
4 triggerfish, you go try to catch vermilion and you sit on a spot
5 for twenty or thirty minutes and burn up a flat of squid trying
6 to throw back twenty or thirty or forty trigger and get
7 vermilion. Then, if they don't pan out, then you've got move to
8 the next hole and start the process all over again. We are
9 releasing, like some of the other guys were saying, crazy
10 numbers of triggerfish. They're coming back strong, and I
11 think, with some moderate regulations, we should be able to
12 catch a few of them and still maintain a population.
13
14 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Chris Niquet,
15 followed by Susan Boggs.
16
17 **MR. CHRIS NIQUET:** Chris Niquet, Panama City, Florida. On the
18 subject of 41 and 42, I think you need to either pass them both
19 at the same time or combine them, and, for electronic logbooks
20 on these same vessels, you need to have a carrot-and-stick
21 approach.
22
23 They agree to put the logbooks on their vessels and report like
24 they're supposed to or else, when the allocation time comes,
25 they don't get no allocation. It's real simple. Driving is a
26 privilege and not a right. If you can't pass the test, you
27 don't get to drive. That's just the way it works. That will
28 put the onus on the people. If you don't want a logbook, you
29 ain't going to participate in this fishery. You will see some
30 of them hard-liners come around.
31
32 Now, on another subject, if this council is going to implement
33 rules and regulations on 41 and 42 going forward that is going
34 to create a pinch point, I call it, in the transferability of
35 poundage or permits or allocation or shares, at some point
36 you're going to have somebody like me step in and buy up vast
37 amounts of these things and create another situation just like
38 you've got in the commercial sector. You're going to be faced
39 with more lawsuits, and you're going to be here fifteen years
40 hence, just like you are in the commercial sector.
41
42 I don't know what rules and regulations you've got to put in
43 place, but something has got to happen. You've got to figure it
44 out. You're going to have to either distribute them equally
45 amongst all the participants and then, after three or four
46 years, figure out who is catching what. They ain't catching
47 them in Key West, these red snapper. Distribute them equally
48 amongst those going forward and let the free market decide from

1 then, but you're going to have to restrict ownership somehow to
2 the people in the industry.

3
4 On the triggerfish, I talked to a fellow the other day fishing
5 for vermilion snapper and white snapper. He fishes out of
6 Apalachicola. He fished for four days and he had 4,800 pounds.
7 After the first day, he had to quit fishing in the daytime. The
8 triggerfish were so thick that he couldn't get a gear to the
9 bottom. He had to start fishing at night. Most of the time,
10 the triggerfish don't bite at night. There is plenty of
11 triggerfish. Please correct the problem and get the limit up to
12 twelve per day instead of twelve per trip or something to give
13 these fellows a chance to catch them. Thank you very much for
14 your time.

15
16 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Susan Boggs,
17 followed by Ken Haddad.

18
19 **MS. SUSAN BOGGS:** Good afternoon. My name is Susan Boggs from
20 Reel Surprise Charters in Orange Beach, Alabama. I would like
21 to call your attention to one thing on that spreadsheet real
22 quick. There are two tabs on that spreadsheet. One of them is
23 just for the charter/for-hire vessels and one we went in and
24 included if you grouped the headboats, and so I just wanted to
25 call that to your attention.

26
27 What I would like to speak to today is, of course, the
28 electronic logbooks. I believe they're essential to the charter
29 fleet, and I support all of the preferred alternatives to the
30 modifications to charter vessel and headboat reporting
31 requirements. I would like to see the council take final action
32 on this modification in January.

33
34 This is a modification that has little to no opposition from the
35 fleet. With electronic logbooks, this will assist with moving
36 Amendment 41 forward. I support include multispecies in
37 Amendment 41. I urge the council to please support the final
38 action of the referendum requirements for Amendment 42 tomorrow.

39
40 As the charter/for-hire vessels continue to move forward with
41 Amendment 41, please do not push back on Amendment 42, as the
42 headboats have landings history and the success of the plan, the
43 EFP, which was proven -- Amendment 42 was proven within the Gulf
44 Headboat Collaborative EFP, and I thank you for your time today.

45
46 **CHAIRMAN BOSARGE:** Thank you. Next, we have Mr. Ken Haddad,
47 followed by Mr. Tom Wheatley.

48

1 **MR. KEN HADDAD:** Thank you, Madam Chairman and council members.
2 My name is Ken Haddad with American Sportfishing Association. I
3 am going to speak kind of around Amendment 29, mackerel, a bit,
4 for a little bigger picture, maybe, but we've given you detailed
5 comments.

6
7 Those, in quick summary, are take into account the three-fish
8 effect and be very conservative and don't put anything in place
9 that holds the recreational sector accountable for going over a
10 temporary ACL.

11
12 Now, with that said, I want to talk about OY for a minute and
13 how that plays into some thinking we have. Right now, when you
14 think of OY, and we heard it this morning, it tries to be the
15 ABC or the MSY. If you go to the Magnuson-Stevens, it says it
16 should be developed on the greatest overall benefits, including
17 economic, social, and biological consideration, and we would
18 argue that there is no analysis for many of these species that
19 we believe takes in the interests of the recreational fishing
20 arena into developing OY. It's much more of a capture as much
21 of the ABC as you can get into OY.

22
23 It's possible that a lower OY is better for the socioeconomics
24 of the recreational mackerel, and so why do we think this is
25 important? There is a difference in how the commercial and
26 recreational fishers fish for a given species. Commercial
27 fisheries typically attempt to catch its entire allocation,
28 while the recreational fishers typically fish by encounter and
29 don't have as a goal to fish its entire allocation, and you see
30 that in red snapper and mackerel. In one, we're definitely
31 fishing the entire allocation, but we would argue that's because
32 of encounter. The other, we're not, and that may be due to
33 encounter also.

34
35 Right now, the recreational sector is happy with the current
36 fishing situation for mackerel, based on encounter and
37 allocation. This is one species where you are not hearing a
38 whole lot of banter by the recreational side, and we suggest
39 this may be due to encounter rates. We don't understand it, and
40 it may not be, but it's not being looked at, and that's kind of
41 our point, is that, instead of just looking at what's being
42 underfished, you need to be asking why are they being
43 underfished, and we are busting at the seams for most species
44 and why not mackerel? We don't know.

45
46 This morning, the Reef Fish AP brought up the intent to look at
47 the recreational and commercial allocation exchange, and we
48 think this is important, for a number of reasons. We think it's

1 important for mackerel. We, the recreational community, don't
2 understand where this is going to go, and, if you don't talk
3 about it and let us know what your plan is, we are concerned.
4 The same thing is going to be happening with dolphin, as you
5 know, and so we would like you to take it up. Thank you.

6
7 **CHAIRMAN BOSARGE:** Thank you, Ken. We have a question.

8
9 **DR. CRABTREE:** Ken, I wondered if you could give us an update on
10 what's going on with the focus group and when we might see a
11 report.

12
13 **MR. HADDAD:** It's going great. We just had a meeting Monday, a
14 meeting with some of the commercial, for-hire, and environmental
15 groups. We had a good interchange, and we produced -- I will
16 call it a brainstorm of options papers that have come out of the
17 other meetings. We got good feedback on all of that, with some
18 ideas on viability of some of the options that we're looking at.

19
20 We have one more meeting scheduled at the end of November with
21 the Planning Committee, and perhaps some others, to look at the
22 production of the final product, which would be -- Our list of -
23 - We don't know if we're going to do them in priority order, or
24 we don't know if we're going to give any priorities. What we're
25 finding, honestly, is that many of the options we're looking at,
26 without further analysis that we're not capable of doing, it's
27 hard to make a judgment on whether it's a viable management
28 option or not, but there is some pretty interesting options in
29 there.

30
31 We will have a product that at least takes things quite a way
32 down the road on what are possible options to look at for
33 different management approaches, for red snapper, specifically.
34 We have kind of narrowed ourselves to red snapper right now,
35 because of the Red Snapper AP. We're on target to have a
36 product at the beginning of the new year.

37
38 **CHAIRMAN BOSARGE:** Mr. Haddad, we have one more question for you
39 from Mr. Swindell.

40
41 **MR. SWINDELL:** Thank you for being here. In your membership, I
42 assume you have many boat owners and not just individual
43 fishermen. Would they be willing -- Have you had any talks
44 about using electronic logbooks and VMS on their boats?

45
46 **MR. HADDAD:** We haven't talked VMS. That might be a little
47 extreme. We have talked about the smartphones and various
48 things like that as options for better data collection. Data

1 is, frankly, a limiting factor for almost everything we're
2 talking about and pretty much the universe of the fishermen. We
3 know so little, but, yes, that is part of the discussions, for
4 sure.

5
6 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Tom Wheatley,
7 followed by Bill Staff.

8
9 **MR. TOM WHEATLEY:** Good afternoon, council. My name is Tom
10 Wheatley. I represent the Pew Charitable Trusts. I live, work,
11 and fish out of Tampa, Florida. I'm going to touch on two
12 issues today for deep-sea corals. First, we would like to thank
13 the council, and also staff, for bringing the scoping document
14 to this meeting to safeguard deep-sea coral communities.

15
16 Scientists think they have discovered only a fraction of the
17 potential value of deep-sea corals. For instance, octocorals
18 possess properties that might be useful in treating cancer. The
19 skeletons of black corals actually contain growth rings, similar
20 to trees, that provide clues to changes in ocean temperature
21 over time and water chemistry. Bamboo corals have use in bone
22 grafting, and several species of deep-sea sponges that share
23 deep-sea coral communities have anti-inflammatory, antiviral,
24 and also anti-tumor properties.

25
26 Then there is the significant contribution these corals actually
27 make to providing shelter, feeding grounds, and nurseries to
28 things like cat sharks, crustaceans, eels, and, of course, fish,
29 including species such as deepwater groupers. Over the coming
30 months, we look forward to working with stakeholders, and, of
31 course, this council on finding sensible and realistic ways to
32 safeguard these coral communities.

33
34 Second, on electronic logbooks, the charter/for-hire electronic
35 logbook amendment is nearing completion, and we urge the council
36 to finalize this amendment in January of 2017. We believe the
37 technical data committee has provided a really good list of data
38 elements that can be used with this program, and we agree with
39 the current approach of keeping this list as an appendix in the
40 document. It does two things. It provides transparency to the
41 charter fishing community of what data is going to be collected,
42 but it also leaves the agency enough flexibility to make
43 changes, if needed, working with this council.

44
45 With that said, there is one data element that is slightly
46 confusing to me. I don't really understand why the requirement
47 to report the disposition of fish discarded, whether it's a live
48 discard or a dead discard, is limited to just highly-migratory

1 species. It does seem like that data would be important in the
2 stock assessment process for all species, and so I would urge
3 you to think about that and potentially add that as we move
4 forward, and that's all I have. Thank you.

5
6 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Bill Staff,
7 followed by Casey Price.

8
9 **MR. BILL STAFF:** I'm Bill Staff from the Charter Boat Sea Spray,
10 thirty-five years of charter fishing. I am proud to be in the
11 75th percentile of the accountable fishery of snapper. Amendment
12 41 needs to be tweaked a little. I think we need to have
13 multispecies, mainly so we can have something to fish for.
14 Trigger is closed and amberjack is closed and, of course,
15 snapper is closed. It doesn't leave us much to sell this time
16 of year.

17
18 Roy, you said it best a few years ago. Find something that
19 everybody can live with, that everybody won't be happy. I can't
20 live with 3,000 pounds of snapper, sorry. I am in the top tier
21 of the charter boats, and it is a hard pill to swallow that some
22 headboats may get eleven or twelve times the fish that I'm going
23 to get if 42 goes through it its present form. I like the
24 program that Randy Boggs talked of, and, with some tweaking, I
25 think it would work well.

26
27 Also, if that couldn't be used, we will do a derby. I've
28 already got my logbook installed, and I've been using it. It
29 charges with a phone charger, and so I don't have a dead battery
30 issue, and I hope we can use it to get some timely data that
31 would help us in the future. Let's use them as a qualifier,
32 just like a commercial fisherman said, but let's use them as a
33 qualifier.

34
35 Gray triggerfish, they have rebounded, and I fish offshore a
36 lot, and I stopped in there back before it closed in May, just
37 to see, and these guys aren't lying to you. They're there. I
38 had May 30 and 31, the last two days, twelve people, and I
39 caught forty-eight triggerfish in the first four stops I made,
40 not having knowing they were there, and that's not a lie.
41 That's the truth. I appreciate your time, and hopefully we can
42 keep moving forward.

43
44 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Casey Price,
45 followed by Eric Brazer.

46
47 **UNIDENTIFIED:** Casey is not here.

48

1 **CHAIRMAN BOSARGE:** All right. Eric Brazer, followed by Gary
2 Jarvis.

3
4 **MR. ERIC BRAZER:** Thank you very much, Madam Chair. That has a
5 nice ring to it, doesn't it? I am Eric Brazer, Deputy Director
6 of the Gulf of Mexico Reef Fish Shareholders' Alliance. Thank
7 you for the chance to speak.

8
9 For my first point, I would like to talk about Amendment 36A.
10 We support the AP's preferred alternatives. All of the votes
11 that the AP made were overwhelmingly in support of their
12 preferred alternatives. In fact, I think there was only one
13 vote where there were greater than zero members in opposition,
14 if that makes sense, and I think that was the method of
15 redistribution of those inactivated shares. To that point
16 specifically, we still think there is a use -- There is a need
17 to put those shares to use addressing discards, addressing the
18 next generation of fishermen, and, if that can't happen through
19 36A, we're just going to continue to make that happen through
20 the reef fish quota bank.

21
22 On gag and mutton, we support Martha's committee motion to move
23 Action 3 to Considered but Rejected, for the reasons she
24 mentioned yesterday, and we support Action 5, Alternative 2,
25 increasing the size limit to twenty-four inches, because of the
26 biological gains and to create some parity with the recreational
27 sector.

28
29 I am going to lump my coral and Flower Garden Banks comments
30 into one. This is a controversial issue, it's pretty clear, but
31 it's an important one, given that I don't think there is a
32 commercial fisherman out there that wouldn't say that healthy
33 corals and complex habitats don't add value to commercial
34 fisheries.

35
36 We believe that habitat protection and responsible fishing can
37 coexist, that they should coexist, and that's going to require
38 taking a hard look at the data and also having a little bit of
39 trust in the system and trust in the people involved in the
40 system.

41
42 We are glad there is going to be more rationale in the corals
43 document, and we're happy to work with council staff and members
44 to help disseminate that and distribute that information to the
45 industry. We hope the Flower Garden Banks National Marine
46 Sanctuary gives you guys more time to deliberate and discuss the
47 sanctuary expansion, and we ask you to support the proposal in
48 the document. We think the tiered system is a creative solution

1 and the development of the endorsement program is key to making
2 sure that fishermen continue to have access to these areas in a
3 way that supports healthy coral systems. Again, those two
4 things can coexist.

5
6 If you create the space for that endorsement program, we will
7 work with you and staff and the National Marine Sanctuary
8 Advisory Council, the industry council, to flesh that out and to
9 identify program standards and requirements and things like
10 that.

11
12 I am going to take a right-turn here and talk about amberjack.
13 The trip limit went from 2,000 pounds to 1,500 pounds on the
14 commercial side. The season closed even earlier, and I would
15 like you to consider dropping that trip limit down to 500 pounds
16 on the commercial side. I don't think it's possible by January
17 1, but, if you ask staff to look at it, we can start to figure
18 out a way to really extend that season and, ultimately, have a
19 real, legitimate conversation about whether Amendment 33, an IFQ
20 system, can solve some of these problems that we're seeing in
21 amberjack, and I support the logbooks. Thank you.

22
23 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Gary Jarvis,
24 followed by Bobby Kelly.

25
26 **MR. GARY JARVIS:** You guys know who I am. I'm Captain Gary
27 Jarvis, President of the Destin Charter Boat Association. It's
28 good to see you all once more. Folks, it's time to take the ELB
29 amendment to a final vote and to send it to National Marine
30 Fisheries for implementation. Since 2008, in New Orleans, it's
31 been workshops and webinars and pilots and presentations and
32 scientifically evaluated, and, to cap it all off, probably
33 10,000 public testimonies from the members of our industry over
34 that eight-year period in favor of electronic logbooks.

35
36 The irony of this is there's been a charter/for-hire fishery-
37 dependent data reporting system in place in the Gulf of Mexico
38 since 1986, and now, since 2013, it's become the very electronic
39 logbook that we've been asking for for over a decade. Our
40 community of fishers in Destin, with different passenger-
41 carrying capabilities, need equal opportunity to ELBs.

42
43 It makes you wonder why we spend so much time telling stories
44 and making excuses not to move forward when the product and
45 technology necessary to improve data collection in fisheries
46 management is right here, just a fingertip away.

47
48 I respectfully ask that you bring this to fruition, as this

1 amendment is on the agenda for final action in January. Delay
2 of this action again serves no purpose, other than to fail
3 twenty-first century needs of better management of our entire
4 fishery resources in the charter/for-hire sector.

5
6 My last comment is concerning Amendment 41 and 42. We have a
7 couple of important issues in these two amendments that need to
8 be addressed, and I apologize to this council for not
9 recognizing these months earlier and bringing this up at this
10 time. The first, and the most important, is the disparity in
11 the charge of the two amendments. One is for multispecies and
12 the other is not.

13
14 Both of these must have the same charge, whether to both either
15 be single species or both be multispecies, and these are the
16 reasons why. For over eighty years, the charter/for-hire
17 community has provided access to the public recreational anglers
18 together as a whole. Most management protocols addressing the
19 charter/for-hire industry, including the moratorium permits,
20 included charter boats and headboats.

21
22 It's very important, as we move forward with these amendments,
23 that the spirit of the historical daily and yearly operation of
24 providing access to the EEZ fisheries remain along those same
25 realities. This issue, and a few others, we have recognized,
26 and all of them can be resolved with continued discussion within
27 the industry and with help and guidance from the National Marine
28 Fisheries Service and this council.

29
30 It's my personal mission, as president of the largest charter
31 fishing fleet in the Gulf of Mexico, to make sure that we
32 develop an exceptional FMP that ensures the generational
33 continuance of the charter/for-hire sector and to ensure the
34 preservation of the historical significance of that industry to
35 communities like Destin and all the others along the coast.

36
37 We're getting close to accomplishing this improvement in the
38 management of our resources and the security of the industry as
39 a constant provider of public access, but the present product
40 before this council needs some revision. It needs some thought
41 and refinement and evaluation, to ensure that there are no
42 unintended consequences that will adversely impact the lives,
43 the legacy, and the heritage of the charter/for-hire industry.
44 Thank you.

45
46 **CHAIRMAN BOSARGE:** Thank you, sir. Mr. Jarvis, we have a
47 question for you.

1 **MR. BLANKENSHIP:** Thanks, Gary. Did you participate in the
2 voluntary ELB program this year?

3
4 **MR. JARVIS:** Yes, sir. This is the third ELB logbook volunteer
5 participation that I have been involved with.

6
7 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Bobby
8 Kelly, followed by Mr. Clarence Seymour.

9
10 **MR. BOBBY KELLY:** Good afternoon, council. I'm Bobby Kelly from
11 Orange Beach, Alabama. Thanks for having me today. Director
12 Blankenship, it's so nice to see your lovely face on the
13 council. I hope we see more of this, and I don't know what you
14 did with Kevin, but I'm sure he would be willing to let you have
15 it for a few more days.

16
17 The first thing is I'm a dual-permitted boat. I just came in
18 off of a commercial fishing trip, and I want to speak to Mr.
19 Walker's Amendment 46 on triggerfish, to raise the commercial
20 TAC. He says sixteen would give us four extra fish, and that is
21 not nearly enough fish to compensate the amount of squid that
22 those guys ate me out of house and home on a little two-day
23 trip. Those guys are ravenous and ferocious, and I think
24 there's a much healthier stock that we can harvest out there,
25 and so I would ask to raise the limit on triggerfish and go a
26 little faster in your stock assessments, to do what you can.
27 The fishery is vibrant and it's healthy out there. They are
28 mean and ferocious, and they taste great.

29
30 As far as the electronic logbooks, I'm in favor of it. I have
31 been in favor of it. Any of your proponents are good, healthy
32 businesses that pay their taxes and they want to report. They
33 want good data.

34
35 I find that most of the pushback comes from people when they
36 mention ELB that they're antiquated, and, quite simply, I feel
37 like they're hiding income. That's the only reason to it. With
38 today's technology, what some of the people said, that they're
39 going to hide my fishing spot, and, with today's technology,
40 there is no such thing as a secret fishing spot anymore.

41
42 Everybody out there can have a radar and can keep track of you
43 for twenty miles. It doesn't matter anymore, and so I say move
44 forward with it. We're sixteen years into the twenty-first
45 century, and every fisherman out there is for electronic
46 monitoring. I myself participated in the CLS voluntary program
47 this year. It was a nice little tablet. When we got done
48 fishing at the end of the day, we walked downstairs and put the

1 deckhand on the wheel and walked with my customers and showed
2 them what I was doing and why we were doing it, and everybody
3 loved it. It's a great deal, these little VMS. It's easy,
4 peasy, Japanesey. I hope we can find a way to use that and take
5 final action on it.

6
7 As far as Amendment 41 and 42 goes, I am for a rights-based
8 management system. There is great benefits to it out there. I
9 get it. The way 41 and 42 are designed right now, you're going
10 to create a big system of the have and the have-nots when you
11 start talking 41 and 42. I don't really see that this council
12 would want to make another class of sea lords out there. I just
13 don't do it.

14
15 We're headed in the right direction. The fact that we can all
16 sit down at this table and agree that we want this idea is
17 great. We have got a great unity in the charter/for-hire fleet,
18 the headboats and private charter boats. We can work this out.
19 We will work this out, but just give us time. We ask you to put
20 the ELBs on the boats and figure out who is catching what and
21 then let's divide the fish. Right now, we don't know who is
22 catching what. Thank you, all.

23
24 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Clarence
25 Seymour, followed by Mr. Mike Nugent.

26
27 **MR. CLARENCE SEYMOUR:** Thank you, Madam Chair. Can we go back
28 to the list, the names, Ms. Bosarge, please? Now we can go to
29 the chart. I'm Captain Clarence Seymour from Biloxi,
30 Mississippi. I'm federal-permitted for hire, and I have made a
31 little chart for you guys today. It's kind of to show the area
32 of demographics of what makes Biloxi and Gulfport, Mississippi
33 special to the industry, which it's kind of hard, but I'm going
34 to go ahead and explain it real quick.

35
36 There is thirty-two permits showing on the list of Mississippi.
37 There is ten that's active in Biloxi, and I've got one in the
38 Back Bay right over here, and there is four in Gulfport,
39 Mississippi. My three-mile line is showing, and that's the EEZ
40 past that, which everybody knows that. The nine-mile line, it
41 runs through the boundaries here, and so our reporting area is
42 only for red snapper and triggerfish would be out, and then
43 amberjack is about seventy nautical miles south of Biloxi.

44
45 In the forty-six-day season, we stayed in this area that you see
46 of FH1, 2, and 5. The four oil rigs that is left, that is
47 pretty well a reality to that, and so there is no more structure
48 out than what's out there in our state waters, but the guys

1 asked me, and I want to be on record to make sure that my fleet
2 -- They put me up here and asked me for reporting issues.

3
4 Being that we are a special area here and we have quite a
5 journey to get to the federal EEZ, and everybody knows that, but
6 I wanted to let you know that we are all about reporting, but I
7 think the guys might have a problem with getting slapped with a
8 seventy-dollar-a-month fee. I just want to make sure that's on
9 the record that I stated that from Mississippi.

10
11 We will do -- I will do whatever it takes to be reportable and
12 accountable for our industry, but the main point would be some
13 of our fellows are -- The VMS system is what they're afraid of,
14 and I don't know why. I've got it on my boat, and I didn't -- I
15 was in the pilot program, and I didn't turn it on. I tried to
16 get CLS to get down there. I had a little issue with my light
17 that came on, and so, anyway, but, Roy, permits with home port
18 would be pretty helpful too, because there are some permits
19 being listed in the State of Mississippi that are in Louisiana,
20 because I found them, and I -- Maybe we could add that to the
21 thing, but I guess I'm out of time. Triggerfish, make sure you
22 take care of these guys on triggerfish. Thank you.

23
24 **CHAIRMAN BOSARGE:** Thank you, sir. We appreciate you coming.
25 Next, we have Mr. Mike Nugent, followed by Mr. Tom Steber.

26
27 **MR. MIKE NUGENT:** My name is Mike Nugent, and I'm a charter boat
28 owner and operator from Aransas Pass, Texas, and I'm also a
29 member of the Ad Hoc Red Snapper AP. The first thing that I
30 wanted to talk about is the electronic logbooks, and, to
31 reiterate a lot of what's been said, you can go back ten years
32 and start looking at when we're saying we need it and it's a
33 needed thing and then, it was in Biloxi, as a matter of a fact,
34 and time gets away from me, but I bet it was six or seven years
35 ago when Harlon Pearce was sitting over there in the Louisiana
36 section that we were going to have electronic logbooks and we
37 were going to fast-track it.

38
39 Well, one man's fast-track is another man's turtle, but the
40 point is that we don't agree, all of us, on the kind of
41 electronic logbook maybe, and there are things we don't agree
42 on, but, with all the disagreements we have in our industry,
43 it's hard to find anybody that doesn't support the electronic
44 logbooks, and that seems to be the very thing that we can't get
45 put in. Maybe if we had used psychology and everybody told you
46 that, hell, no, we don't want one that we would have had one ten
47 years ago. I don't know, but it just bears thinking about, I
48 guess.

1
2 It's got to be done, and, again, you know, when you're getting
3 ready in 41 and you're trying to figure out how to divvy up
4 these fish by the methods we're looking at, if we had a couple
5 or three years or two years or one year of electronic logbooks,
6 to find out who is fishing and how many times they're fishing
7 and go from there, it would make a whole lot of sense.

8
9 Then, after criticizing and berating for taking too long to put
10 something into effect, I am going to turn around and, when it
11 comes to 41 and 42, I am going to caution you about passing
12 something too quickly. I am nothing if not hypocritical, I
13 guess.

14
15 When you think about how important 41 and 42 is, I would just
16 urge you not to get the feeling that you've got to do something
17 and you've got to get 42 passed, because there is things in it
18 that need looking at. For example, the number of boats in there
19 that don't have catch history, they passed the definition of a
20 headboat, and so they must be a headboat, but, since they don't
21 have a catch history, you're going to put them into the charter
22 boat fleet to get some red snapper allocation.

23
24 The minute they drop into the charter boat fleet, that's going
25 to be the largest capacity vessels in the charter boat fleet
26 taking the lion's share of the amount of fish that's already
27 being argued about to be divvied up, and so I would just urge
28 caution and try to get it right, because they are important. I
29 guess I'm about out. Thank you very much.

30
31 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Tom
32 Steber, followed by Mr. Steve Tomeny.

33
34 **MR. TOM STEBER:** I am Tom Steber, and most of you know me. I
35 have been at a lot of council meetings, and I'm President of the
36 Alabama Charter Fishing Association and a member of both 41 and
37 two APs. I want to thank you again for setting up Amendment 40
38 that is allowing us to try to build a management plan to help
39 you manage. I had a whole bunch of other things to say, but I
40 could not say it any better than Gary Jarvis did, and so I want
41 to second his speech, and I will leave it at that.

42
43 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Steve
44 Tomeny, followed by B.J. Burkett.

45
46 **MR. STEVE TOMENY:** How are you doing? I am Steve Tomeny. I run
47 a couple of headboats down in Port Fourchon, Louisiana. I've
48 been at it for a long time. I've been up here at the podium a

1 lot of times asking for logbooks or VMS or whatever it takes to
2 count our fish.

3
4 Also, I've been asking for a rights-based fishery management
5 plan. I've been involved in 42 and 41 and as many conversations
6 as I can get in on, and so I'm for these things, and I'm still
7 for them, and I can't wait to see it get on the water. We've
8 just got to get it right and make sure that we don't make any
9 big mistakes and we will move on, but I definitely want to see
10 the electronic logbooks get moving along and get the final
11 action done. If you don't do it at this meeting, do it at the
12 next one, and that's mostly what I've got. It's nothing too
13 much today. Thank you.

14
15 **CHAIRMAN BOSARGE:** Thank you. Next, we have Mr. B.J. Burkett,
16 followed by Mr. Johnny Williams.

17
18 **MR. B.J. BURKETT:** My name is B.J. Burkett, and I own and
19 operate Hook'em-Up Charters in Panama City Beach. It's an
20 eighteen-passenger boat, and I also do dual-permitted. I also
21 own a commercial fishing vessel, the Lady Y. I reef fish and
22 king mackerel fish on it.

23
24 Just to change gears from what everybody else has been talking
25 about up here a little bit, just real quick, red grouper. The
26 red grouper is a struggling fishery right now. If you look at
27 the catch landings on the IFQ site, you will see that. The
28 increase in the quota by two-million pounds was a huge mistake
29 for the fishery and for the shareholders in that fishery. The
30 fishermen aren't coming close to catching the existing quota,
31 and so why add more? If anything, it needs to go the other way.

32
33 Triggerfish, they haven't just rebounded, but they're a
34 nuisance. They're one of the most aggressive species in the
35 Gulf. If you all don't let us start catching them, they're
36 going to eat everything and everybody. It's getting very bad.
37 I really hope you all can take your blinders off on that and do
38 something about it.

39
40 Amendment 41 and 42, I agree with several others that have
41 already commented on it. We need to slow down on it and get
42 them put together. If not, you're going to cause a huge feud
43 between both groups, and so those need to be put together.

44
45 Electronic logbooks, while I'm up here, can I make a motion to
46 just go ahead and put them in place? I mean, we need the
47 electronic logbooks, please. How many times have you all got to
48 hear it? That's all I've got. Thank you.

1
2 **CHAIRMAN BOSARGE:** Mr. Burkett, we have a question.

3
4 **MR. GREENE:** Thanks for coming. In your area of the Gulf, I
5 know you guys have caught a lot of gags in the past. Do you
6 have any issue with going to twenty-four inches on a gag
7 grouper, and what are you seeing over there for gags, as far as
8 this year and last year goes?

9
10 **MR. BURKETT:** Directly off of Panama City, it's definitely
11 slower than it was last year. Now, if you get a little bit
12 south of us, that's a whole different deal. My commercial boat
13 fishes out of Apalachicola, and there is a lot better amount of
14 gags in that area, but Panama City is still very slow on gags.

15
16 **MR. GREENE:** Going to twenty-four inches in size, would that be
17 a problem?

18
19 **MR. BURKETT:** No, and, I mean, we're not seeing very many small
20 ones. Twenty-four inches, for me, does not make a big
21 difference.

22
23 **MR. GREENE:** Thank you, sir.

24
25 **MR. BURKETT:** Thank you.

26
27 **CHAIRMAN BOSARGE:** Mr. Johnny Williams, followed by Mr. Mike
28 Eller.

29
30 **MR. JOHNNY WILLIAMS:** Good afternoon. I'm Johnny Williams from
31 Williams Partyboats Incorporated in Galveston, Texas. I'm a
32 third-generation partyboat operator out of Galveston. I am here
33 to speak about Amendment 41 and 42. I think we should go
34 forward with Amendments 41 and 42.

35
36 When I was involved with the first ad hoc committee meeting for
37 the for-hire sector, a gentleman that is in the charter boat
38 industry, Bob Zales, put forth a motion that we divide the for-
39 hire sector into the partyboats and the charter boats, and I
40 think the motion passed pretty much unanimously. We all saw, at
41 that meeting, at that time, that we needed to divide the two
42 groups, because they basically weren't the same. They had some
43 differences.

44
45 For one thing, we had catch records in the partyboat industry,
46 in my case, back into the 1980s, before it was even mandatory,
47 mandated by Amendment 1 for the partyboats to report, and so I
48 don't really see any need to hold 42 back because 41 is not

1 ready yet. I think we should try to proceed with both and
2 implement both as quickly as possible, but there is no reason
3 that the people that are in 42 should have to languish for a few
4 years while we get 41 prepared, and, as I said, at the first
5 for-hire sector ad hoc committee, we saw that difference, and
6 that's why we divided up into two groups, and that's why we have
7 41 and 42.

8
9 It seems unnecessary to hold 42 up because 41 is not ready.
10 What a solution may be -- I mean, if 42 is going to be easily
11 done and 41 is going to be a challenge, we could go ahead and do
12 the electronic logbooks and let all the charter boats get data
13 for a couple of years. I wouldn't want to do it for one year,
14 because there may be a situation where someone lost an engine in
15 the middle of the year and couldn't participate in the fishery
16 or something during the derby, but I have been in the partyboat
17 business for a long time, and we had this pilot program for two
18 years.

19
20 I participated in it both years, and it was a wonderful process.
21 The thing has been completed vetted, and it's been examined top
22 to bottom. As far as I know, all the participants that were in
23 the first year were also in the second year. It was such a
24 wonderful program, and I urge you to go forward with 42 and 41
25 as quickly as you can and also make 41 multispecies. Thank you
26 very much, and I hope you all have a great day.

27
28 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Mike
29 Eller, followed by Mr. Jim Green.

30
31 **MR. MIKE ELLER:** Mike Eller, hailing from the great state of
32 Florida, Destin, Florida, the world's luckiest fishing village.
33 It's my thirty-fourth year, consecutive, as a charter boat
34 fisherman. We need electronic logbooks, once again. I've been
35 up here for fifteen or sixteen years, since 1995, talking about
36 them, and so we need them. The truth needs to come out. No
37 matter who is catching what, the truth needs to come out. It's
38 not hard. I did participate in the pilot program, and it takes
39 me about a minute, maybe a minute-and-a-half, to fill out my
40 logbook. It is very, very, very simple.

41
42 Anybody that says they can't do it, but yet they post pictures
43 on their Facebook page and they post videos on their Facebook
44 page from their boat, that shows you. Technology has finally
45 caught up with what we want to do, and there is no reason to
46 delay any longer.

47
48 If it takes two years to implement it, then let's do it. If we

1 would have done it ten years ago, we would already be there
2 right now, and so it's ridiculous, the fact that we keep coming
3 up here and asking for it and asking for it and asking for it.

4
5 Everybody wants to know the truth. Everybody wants to know
6 what's being caught, but yet, for some reason, the powers that
7 be won't move forward, and so let's move forward with electronic
8 logbooks.

9
10 Triggerfish, what you've been hearing about it, it's incredible.
11 I have been charter fishing my entire life, since I was fifteen
12 years, my adult life, and I've never seen anything like it.
13 It's unbelievable. It's like the days of old, two at a time,
14 great big ones. I just saw a picture on Facebook from Gary
15 Jarvis's boat, and they caught two triggers on one hook. I
16 mean, it's incredible. It's really a success story, and so the
17 closures that we had have really -- They're there, and it's
18 incredible. I think if you fell into the water that they might
19 eat you.

20
21 Amendment 41 and 42, we've got to get them right. We can't do
22 like Obamacare and let's pass it and then tweak it. Let's get
23 it right from the very beginning. If we're got to slow 42 down
24 to get it all right, then that's what we need to do. We need to
25 make it fair and equitable. Today, I propose to the fishermen
26 that I know here that why don't we take this winter and why
27 don't we put together -- Let's find every one of those permitted
28 boats.

29
30 Let's find out what boat it's on and are they fishing or are
31 they not fishing and where they're at and what's going on. They
32 won't do it for us, and so we're going to do it. We're going to
33 find out every single boat. Are they in the red snapper
34 fishery? Is it a latent permit? We're going to have it done
35 this winter. We're going to put a file on every one of them,
36 and we're going to show who is fishing and who is not fishing,
37 and I bet you we are about 90 percent accurate.

38
39 We need your help. We need electronic logbooks. Let's quit
40 talking about it and let's do it. If it takes two years to
41 implement it, let's do it. In two years from now, we'll be glad
42 we did. Thank you very much.

43
44 **CHAIRMAN BOSARGE:** We have a question for you, sir. Just a
45 moment.

46
47 **MR. SWINDELL:** Electronic logbooks, are you able to use the data
48 for yourself? Are you keeping records as it goes along with

1 your electronic logbook?

2
3 **MR. ELLER:** The record is in the electronic logbook, and so I
4 can go back and pull any of it up that I want, and I have a VMS,
5 and I wanted to tell you something about the VMS, real quick.
6 People worry about looking at your fishing spots, but I went to
7 log on to look at my boat on the VMS, on the computer, because I
8 had an incident and I wanted to see my course and my track line.
9 It's not very accurate. It showed me driving my boat across
10 land to get into the pass. It only shows a dot every fifteen or
11 twenty minutes, and so, unless you sat in one place all day
12 long, nobody is going to be able to tell what -- They can see
13 the area that you went fishing in, but they're not going to
14 steal your fishing spot. The electronic logbook, through CLS,
15 needs a little tweaking, but it's very, very good. Thanks.

16
17 **CHAIRMAN BOSARGE:** All right. Mr. Jim Green, followed by Mr.
18 Scott Hickman.

19
20 **MR. JIM GREEN:** Hello. I'm Captain Jim Green, Vice President of
21 the Destin Charter Boat Association and CFA. For over a decade,
22 our industry has asked for the accountability tool of logbooks.
23 We have begged to give this council and the agency a resource,
24 and this isn't a contentious topic or idea, but it's the right
25 thing to do.

26
27 As a headboat operator, I fill out a report every trip, and it
28 takes about a minute. This data is validated and used as a
29 platform to manage our fisheries. Our industry is burdened by
30 inconsistent state seasons and payback provisions. That looms
31 over not just the angler's head, but the crew and the
32 businesses.

33
34 We want to account for every fish harvested, and we no longer
35 want to be part of an equation that extrapolates. It is
36 extremely important to our industry that we develop an
37 electronic logbook to help identify who is participating, which
38 would be used for effort, and also, by requiring data to be
39 submitted before a landing, it will keep the reports accurate
40 and aid validators, and, of course, provide real-time data.

41
42 It will also make closures far more palatable, if we can see
43 real numbers showing what we caught instead of we have estimated
44 you have caught the quota. They will go a long way with our
45 fleet as a whole, and so please move forward with this amendment
46 and accommodate our industry with this tool.

47
48 Under Amendment 41 and 42, with the recent triggerfish and

1 amberjack closures, it's become glowingly apparently that these
2 species are following the same troubled path as we've had with
3 red snappers. In this, we urge the council to allow the 41 AP
4 to continue exploring the amendment with a multispecies
5 alternative. We have made some good progress in both 41 and 42,
6 and though we have found some issues, we are working those out.

7
8 No matter how these amendments develop, it is important to our
9 industry that they hit the water at the same time. Whether
10 separate plans or combined, we need to ensure that we have
11 developed the best plan for our industry as a whole. Thank you
12 for allowing us to work so diligently on these amendments, and
13 please reconvene the APs at the earliest convenience.

14
15 When it comes to triggerfish, the DCBA would like to state that
16 they want a March opening with a two-fish bag limit and a new
17 stock assessment. As you have heard, all of it is true. It's
18 unbelievable the amount of triggers we're seeing, and it's
19 unfathomable that we possibly might not have a 2017 season, and
20 this is another example where logbooks would make this not such
21 a bitter pill to swallow. Thank you.

22
23 **CHAIRMAN BOSARGE:** Captain Green, we have a question for you.

24
25 **MR. SANCHEZ:** Thank you, Captain Green. Doug Gregory, you're
26 going to love this. When you say convene the AP, do you think
27 you should convene them together, the headboat AP and the for-
28 hire AP, so you could work out some of these differences that we
29 have been alluding to today?

30
31 **MR. GREEN:** I would say that wouldn't such a bad idea. That's a
32 lot of Type A personalities in a room at one time, but either
33 separate or together. We have some -- More problems and issues
34 come up as we continue this dialogue with each other, and we
35 have things that need to be addressed, and so, whether separate
36 or together, I am up for the challenge. I'm on both, and so I
37 would be there anyway. Thank you, all.

38
39 **CHAIRMAN BOSARGE:** Thank you. Next, we have Mr. Scott Hickman,
40 followed by Mr. Michael Short.

41
42 **MR. SCOTT HICKMAN:** Good afternoon, Madam Chair and members of
43 the Gulf Council. Thanks for listening to us today. First off,
44 I am Captain Scott Hickman from Galveston, Texas. I am both a
45 commercial shareholder and a long-term charter/for-hire
46 operator. I was glad to see HMS come give the presentation
47 today on sharks, and I would hope that the council would write a
48 letter in support of the alternative, the preferred alternative,

1 for recreational and charter/for-hire HMS permits to include the
2 endorsement where they can do the education aspect and get the
3 endorsement to continue to harvest blacktip sharks in the EEZ.

4
5 Sharks are a huge recreational fish. In fact, there's probably
6 more people catching sharks near-shore and offshore than even
7 snapper fish, and I know we hear a lot about red snappers.
8 Shane Cantrell and I both worked real hard with the HMS people
9 for years, trying to come up with this, because we knew
10 eventually that the dusky problem was going to be a real issue,
11 and so if you all could send a letter along saying that would be
12 great fishermen, to let people do this educational process to
13 get that endorsement to continue to harvest blacktip sharks in
14 the EEZ.

15
16 Also, I sit on the Flower Garden Banks. I hold the recreational
17 seat, and I have for quite some time. Corals are something I am
18 very passionate about. I can't imagine my children living in a
19 world without coral. Corals are very important for habitat, and
20 that's all corals, deepwater corals and shallow-water corals.
21 That's an essential part of the habitat in the ocean.

22
23 I would like this council to move forward with protecting these
24 corals in this coral amendment. We are having alarming rates of
25 coral dying off and coral bleaching events worldwide, and so
26 anything this council can do to help protect these vital
27 ecosystems would be really great.

28
29 As far as the CLS America program, I am the regional guy for
30 that in Texas. I was asked last spring, and we signed up about
31 forty captains, and I had another ten on the list or more that
32 wanted units. We ran out of units. I know Dr. Stunz alluded
33 that there were extra units. There were some units they held
34 out for replacements, so if they had issues with parts in such a
35 short two-year pilot that they could provide those.

36
37 We're getting great feedback from the captains. They like the
38 units. Probably the only negative I had is I had a captain that
39 his wife had figured out how to go on the computer and track his
40 boats. He said he was going tuna fishing one night, and he was
41 actually up at a bar in Clear Lake, and he got in a little
42 trouble, but that's one of the good things. You can track those
43 boats, and it's a safety aspect.

44
45 As far as Amendment 41 and 42, I will say it once again. If
46 we're going to do multispecies in 42, we need to do multispecies
47 in 41. We need to take our time on these amendments and they
48 need to be done correctly. They need to be done fairly. You

1 can't just have a bunch of people getting a really great program
2 and the other guy is maybe not getting such a great program. It
3 needs to be well thought out.

4
5 I totally agree with reconvening the APs, just like Captain
6 Boggs said today, and he had some good ideas on some allocation
7 concepts. Some folks in the agency had run some new ideas by us
8 here at this meeting, and so let's roll up our sleeves and make
9 sure we do this thing right on 41 and 42. There is a lot of --
10 Americans' access to this fishery that don't own a boat do it on
11 charter boats, and so we want to be fair to all the folks that
12 get on a charter boat and go fishing, and so that's about it,
13 and I thank you all for your time.

14
15 **CHAIRMAN BOSARGE:** We have a question.

16
17 **MR. BANKS:** Scott, how many of those forty that you signed up
18 are center console, or are they all captain boats?

19
20 **MR. HICKMAN:** I would say, out of forty, I would say thirty-five
21 are center console boats that are less than thirty feet, twin-
22 engine, twenty-seven to thirty-foot boats. A few of them are
23 triple-engine boats, like mine, go-fast type boats, and I think
24 they're just a very small handful.

25
26 Most of the Texas fleet is exactly like the Louisiana fleet.
27 It's outboard-powered and go-fast with a T-top and a radio box.
28 The units are very nonintrusive. They've got a little box, a
29 junction box. It's got a little antenna about the size of a
30 Nerf football, and you've got a little tablet about the size of
31 a big cellphone.

32
33 **MR. BANKS:** Were any of those guys -- Did it take almost putting
34 somebody's arm behind their back to get them to be convinced to
35 try it? Then were they relieved that it wasn't as bad or as
36 intrusive as they thought?

37
38 **MR. HICKMAN:** No, sir, and I actually called about ten people
39 and just put the word out and said, hey, they want to do
40 something in Texas. If you all want to be part of this program,
41 send me all your information, and word spread, like it always
42 does, within the charter boat fleet, and we were overwhelmed
43 with response of people wanting to do it, to volunteer, knowing
44 that this would be important and something they wanted to get
45 involved in. They desperately wanted an ELB program.

46
47 I haven't heard any bad feedback as trying to use it or an issue
48 with the technology. These people all have multiple layers of

1 electronics on their vessels, and so it's not a big step to use
2 this compared to using a radar or a chart plotter or any of
3 that, and so it was well received.

4
5 I've got a couple of guys from Galveston that participated that
6 are here at this meeting that can -- You can ask them. They
7 have told me that they really enjoyed it, and so they want to
8 see the program move forward. This year, in fact, I've got
9 about another ten or fifteen on a list driving me crazy wanting
10 to participate, and I think that CLS is going to be able to
11 increase the program next year, and so that will be good.

12
13 **CHAIRMAN BOSARGE:** Mr. Michael Short, followed by Mr. Zack
14 Franey.

15
16 **MR. MICHAEL SHORT:** How are you all doing? My name is Michael
17 Short from Galveston, Texas. First off, I just want to thank
18 Scott for airing my dirty laundry out there, but that thing
19 works great.

20
21 First off, 41 and 42, we need to slow those down a little bit
22 and get multispecies added to both of them, and we've got some
23 work to do on that one. The VMS electronic logbook, I like it.
24 It's great. I own six boats, two of them federally-permitted
25 boats, and both of them are center console. One is a thirty-six
26 Contender and one is a thirty-foot Pro-Line, and I have no idea
27 where they even put it in the Pro-Line. You can't even see it
28 anywhere. The only thing you've got is the little tablet. In
29 my boat, it's inside the console, out of the way. It stays dry.
30 The only time you see it is when you open the door, and so
31 that's about all I've got.

32
33 **CHAIRMAN BOSARGE:** We have a question for you, sir.

34
35 **MR. SWINDELL:** With the VMS, can you access the VMS yourself on
36 a computer, or does it just go to the --

37
38 **MR. SHORT:** I cannot hear you, sir.

39
40 **MR. SWINDELL:** On the VMS system, can you access the information
41 on it yourself?

42
43 **MR. SHORT:** Yes.

44
45 **MR. SWINDELL:** From what, from a computer?

46
47 **MR. SHORT:** Are you talking about from my wife looking at it?
48 Yes, she had no problem figuring that out.

1
2 **MR. SWINDELL:** From your wife or anyone else looking at it?
3
4 **MR. SHORT:** No, there's a code that only you know about that you
5 go in and put in it.
6
7 **MR. SWINDELL:** If someone else should get your code, they could
8 easily use it, and is that right?
9
10 **MR. SHORT:** I have no idea. I am not computer savvy.
11
12 **CHAIRMAN BOSARGE:** Thank you, sir. We have Mr. Zack Franey,
13 followed by Mr. David Krebs.
14
15 **MR. ZACK FRANEY:** How are you guys today? I am Captain Zack
16 Franey from Galveston, Texas. I have a federally-permitted
17 boat. I am currently on the list waiting for a VMS. I agree
18 with Mike and Scott that we need to get 42 and 41 right with
19 multispecies and electronic logbooks to keep track of the fish
20 that we're catching and that we're releasing and get accurate
21 numbers, so we can have accurate catch allotment. That's all
22 I've got.
23
24 **CHAIRMAN BOSARGE:** I think we have a question for you, Zack.
25
26 **MR. SWINDELL:** One quick question. What size vessel do you
27 have?
28
29 **MR. FRANEY:** It's a thirty-three-foot Scorpion, twin outboard.
30
31 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. David
32 Krebs, followed by Ms. Pam Anderson.
33
34 **MR. DAVID KREBS:** Madam Chairman and council, my name is David
35 Krebs, and I own Ariel Seafoods in Destin, Florida and
36 Sebastian, Florida, and I have been invested in the commercial
37 fishing industry for over forty-five years now. I sit on your
38 APs, Reef Fish and Mackerel, and I participate in the SEDAR
39 process, and I actually drove over today from Destin just to
40 thank you for allowing me that privilege, to be involved, and
41 also to thank you for all the work that you have to do to do
42 your jobs effectively.
43
44 I haven't been coming to many council meetings in a while, and,
45 all of a sudden, I am here, and I figured out why. I thought it
46 was going to be just a simple thank-you and I was gone, and yet
47 I hear some things that are probably near and dear to my heart
48 that have changed.

1
2 King mackerel, I'm on the AP, and we talked about this
3 reallocation on the AP, and, although it sounds simple, our
4 concern is, from the AP's perspective, that reallocation of this
5 stock, until the recreational community settles down, could be
6 negative, and I say that because, from a dealer standpoint, the
7 size of fish that we've been harvesting the last two years are
8 getting progressively smaller.

9
10 Now, I need big fish. If he's over ten pounds, I'm a happy
11 camper. If he's six pounds, he's a big Spanish mackerel.
12 That's the way the market sees it. The Naples run was small and
13 the Jupiter run was small. The Gulf run, we don't know,
14 because, when the fish are due to get big in late October and
15 November and into January in the western Gulf, the season is
16 closed these days. We're going to have this quota increase and
17 the shifting of the boundary lines, and, when we get to 400,000
18 pounds plus in the northern subzone, that's going to be a big
19 barometer for us, to see what the stock is really doing.

20
21 We know we have until December 20 to catch our fish in the
22 northern subzone. December 20, they're gone, and they have been
23 for twenty-five years. When the water gets cool, they leave
24 Apalachicola and they head to the Keys, where they can have sun
25 and fun.

26
27 I have a little bit of concern there. The gag issue, I heard we
28 want to go twenty-four to be with the recreational industry, and
29 we talked about this at the Reef Fish AP. Twenty-two, we're
30 finally close to catching our gag. They're sexually mature at
31 twenty-two. Most fishermen that were there that gave testimony
32 said that twenty-three inches was -- They weren't catching a
33 twenty-two, and they were catching a twenty-three. It all of a
34 sudden put the commercial industry in a box, because we don't
35 have parity with the recreational industry. I think that's the
36 wrong approach.

37
38 They want to mention there for second length by having a bigger
39 size limit. The recreational industry is not concerned with how
40 well the stock is doing, per se, and I'm being a little foolish
41 there, but they need season length more than they need -- They
42 use the size limit to get there.

43
44 The last thing is the triggerfish. They are crawling on the
45 water, and I know Councilman Walker has addressed that, and we
46 addressed it in the AP. Twelve triggerfish on a commercial boat
47 was 102 pounds last week, and so a five-pound one used to be a
48 banjo. I don't know what we're going to call an eight-pound

1 one, and so that winds me up. Thank you.

2
3 **CHAIRMAN BOSARGE:** Thank you, sir. We have a couple of
4 questions from Mr. Walker and then Dr. Dana.

5
6 **MR. WALKER:** Hi, David. I had a couple of questions. Was
7 triggerfish -- Were you happy with the numbers? Then what are
8 your thoughts on the amberjack 500-pound trip limit that was
9 mentioned earlier?

10
11 **MR. KREBS:** Thank you for that. The triggerfish, the reason
12 that we went to these headcounts was we said that discarding
13 them doesn't hurt the animal. If that's the fact, we have
14 really struggled with supplying the restaurants that want to eat
15 these fish commercially during the seasonal months, which is May
16 to October.

17
18 A twelve-fish trip limit on a commercial boat really isn't
19 accomplishing anything. We would be better off going with an
20 open season, like it's always been, because I don't know anybody
21 that is just purposely targeting them. That's for you guys, in
22 other testimony, to separate.

23
24 The twelve fish hasn't been healthy for anybody, and I heard Mr.
25 Brazer talk earlier about reducing the amberjack trip limit, and
26 that's the same thing. For us, we need amberjack commercially
27 for our summer-month seasons, when the tourists want to eat
28 them, when the American public wants to show up and eat them.
29 It's not something we're putting in grocery stores or anywhere
30 around, as far as our coast is concerned. Texas could be
31 different, and South Florida could be different, but I would
32 think that you would really hurt the commercial ability to
33 prosecute that fishery in our area if you went below a 1,500-
34 pound trip limit.

35
36 **MR. WALKER:** Thank you.

37
38 **CHAIRMAN BOSARGE:** Dr. Dana.

39
40 **DR. DANA:** Thank you, David. I don't believe there is anyone
41 that understands the king mackerel fishery as well as you do,
42 particularly the commercial aspects of it. In the CMP
43 Committee, we are looking at Amendment 29, which does a
44 conditional lease going from the recreational to the commercial.
45 We had talked about it a little bit, but can you talk to the
46 council about your feelings on that?

47
48 **MR. KREBS:** Again, we talked about it at length on the Mackerel

1 AP, and the concern was I did hear -- We hear several charter
2 operators saying if we don't have triggers and if we don't have
3 jacks -- When I was a kid growing up in Destin, we didn't bottom
4 fish on charter boats. All we did was troll for kingfish. The
5 headboats did the bottom fishing and the charter boats did the
6 trolling.

7
8 It is a fishery that, at any given time, the recreational
9 industry may want back, and so, the way we've been operating and
10 prosecuting this fishery for all these years, it's almost like
11 Myron says that we've got a buffer out there.

12
13 That fish that the recreational hasn't been catching has in fact
14 acted as this great big buffer, and so I just -- My concern is
15 always, if you want to increase something, increase the testing,
16 the biology of the fish, because, to my knowledge, since the
17 1970s or the 1980s, we haven't had a really ongoing tagging
18 checking of the fish.

19
20 The fish in Jupiter, which the May run in Jupiter is always a
21 spawning stock. When I first started buying fish in Jupiter in
22 2006, I think we had a thirty-pound average on a king mackerel.
23 They were huge females. We haven't had a run of fish in the
24 last four years anything like that, and, even talking to Mr.
25 Hartig from the east coast -- Ben is on the South Atlantic
26 Council, and I said, this is a spawning stock and why aren't we
27 trying to protect it? The opinion has always been there is
28 plenty and plenty and plenty.

29
30 Well, I don't know if it's water temperature or salinity or
31 what's changing how the harvest rate is, but, for us, and we're
32 not in the Keys. It's the only place that I am not there, and I
33 trust what Mr. Kelly says to be the gospel for them, but, from
34 everywhere else that we're participating the fishery, they're
35 getting smaller and a little bit more difficult to catch, with
36 the exception of Naples. Last year, Naples, the stock showed up
37 there and they worked on those fish in February. It was a great
38 fishery for them.

39
40 I think once we cycle through -- I wish we were going to get the
41 bump this year to go to 400,000 in the Northern Subzone, because
42 that will carry over to -- Well, even if it comes late, we'll
43 have a spring fishery in Destin, and it will reset next October,
44 and that's going to really solve our Panhandle problems, I
45 think, going forward.

46
47 **CHAIRMAN BOSARGE:** One more question for you from Mr. Sanchez.
48

1 **MR. SANCHEZ:** Do you handle any of the fish in the Keys caught,
2 the overwinter fish?

3
4 **MR. KREBS:** No, I don't. I see the freezer fish come through
5 the pipeline, and some of the fish make it up to Miami, and we
6 may get a couple of vats of big fish that we'll send out west or
7 something from them, but, as far as actually going out there --
8 I probably need to, but I've left Seafood Atlantic and Fish
9 Busters. That's been their territory, and you've got to mind
10 your own business sometimes. Thank you, all.

11
12 **CHAIRMAN BOSARGE:** Thank you, sir. Ms. Pam Anderson, followed
13 by Mr. Albert Stinson.

14
15 **MS. PAM ANDERSON:** Thank you. Madam Chair, Dr. Crabtree, and
16 council members, I am Pam Anderson with Captain Anderson's
17 Marina in Panama City Beach, and I'm the fishery rep on the Bay
18 County Chamber of Commerce.

19
20 In response to the stated need for better harvest data, our
21 industry has asked the council for years to not just insist that
22 we have electronic logbooks, but tell us the particular data
23 needs and why. The technical committee review has done that,
24 and we thank the Data Collection Committee for following through
25 with that request. We believe the specifics here go a long way
26 to explain the need and how to accomplish that need.

27
28 Two issues we still have with some of our boat operators are
29 requiring the expense burden of the VMS system and having the
30 report completed before docking. If VMS is required, we
31 believe, just like in the commercial sector, that NOAA or NMFS
32 should bear the initial expense. This council did set a
33 precedent when they financed the commercial sector's VMS, and it
34 should be the same for for-hire.

35
36 For modifications to headboat reporting, for 2.2, Action 2,
37 Alternative 3 is our preferred. We have no issue with hail-in
38 and hail-out. It is similar to a radio check. For 2.4, Action
39 4, Alternative 4 is our preferred. That gives the captain
40 enough time to collect data from the deckhands and check it for
41 accuracy and then report it.

42
43 The GPS capabilities are not an issue as long as the captains'
44 proprietary information is kept confidential. A fair referendum
45 is one permit, one vote. Once that is decided, the division of
46 allocation should go according to catch history. This is the
47 most fair way.

48

1 One thing we're hearing about the headboats and charter boats
2 wanting to go together, going side-by-side, I think it has to do
3 with one group deciding that they weren't going to get enough
4 fish and this is all that happens with sector separation and all
5 of these other things, and this should not be a surprise for
6 these folks.

7
8 As we have stated in the past, Magnuson's 407(d) will prevent
9 subsectors from being made responsible for excess harvest or
10 beneficiaries of any quota carryover. This was one of the
11 reasons that we opposed sector separation in the first place.

12
13 A new term is surfacing of recreational and commercial exchange.
14 For those not aware of the efforts to push this, it is just
15 another term for intersector trading, the way I see it. In
16 Amendment 42, we still believe 2.2, Action 1, that no action is
17 best for our industry. We needed an improved data collection
18 system and a way to confirm the number of trips and passengers
19 as well as fishing harvest data. That is all attained with the
20 modifications for reporting requirements. All the rest is to
21 give an avenue to accomplish intersector trading.

22
23 In 2.2, Action 2, Alternative 1, if any species is selected
24 besides red snapper, it will not tie us back to Amendment 40,
25 and so we will not have access to the sunset that may happen. I
26 will submit other comments on that in writing. Am I over my
27 time?

28
29 **CHAIRMAN BOSARGE:** Yes, ma'am.

30
31 **MS. ANDERSON:** Okay. I had a couple of other things to say, but
32 I will hold those and send them in written comment. Thank you.

33
34 **CHAIRMAN BOSARGE:** Thank you. We appreciate it. Mr. Albert
35 Stinson, followed by Mr. Mike Thierry.

36
37 **MR. ALBERT STINSON:** Thank you for letting me be here today and
38 giving my opinion on this. We have had a lot of my coworkers
39 and co-charter boat guys. I have a thirty-four-foot charter
40 boat, federally-permitted, out of Orange Beach. I reflect the
41 sentiments that Randy Boggs and Troy Frady and Bill Staff and
42 all of them have hit on, and there's no reason for me to keep
43 going on about that.

44
45 There was one thing, the subject about the electronic logbooks.
46 Early on, I signed up for the logbooks, and, by no fault of
47 anyone, I missed the appointment with the gentleman to get the
48 equipment on my boat. I did get the receiver, and I did get

1 some of the equipment installed, the antenna and this and that
2 and the other, but, as I went to going ahead and getting the
3 tablet and this and that and the other, I started getting
4 information and feedback from other people, some of it good and
5 some of it bad, and so there was a lot of being unsure about it.
6 I was not sure exactly what about the location of the VMS and if
7 it was going to be something that somebody could access, and so
8 misinformation and stuff. I will take responsibility for that.

9
10 I will go ahead and say that I am in favor of it. I think it's
11 something I should have gone ahead and done, and I will do it.
12 I have everything but the tablet, and so I don't see a problem
13 with reporting. We need that for our industry. It's been going
14 on, and I'm a second-generation charter boat captain. I've been
15 doing it all my life. There's more triggerfish out there than
16 you can say grace over. It's kind of tough when you're on a
17 six-pack boat and you can go through a flat of squid trying to
18 catch a b-liner and you're feeding it to triggerfish. There's
19 plenty of them out there, guys, and you all have got to do
20 something to allow us to access that fishery.

21
22 I like the idea that Randy had. I think there can be something
23 done there, and I'm in favor of 41 and 42 not being stalled. We
24 need to tweak them out and get them where they need to be. You
25 all have got a lot of smart heads up here, and I am real
26 impressed by the comments I've heard today, and I would like to
27 see 41 and 42 worked on. I do think they need to hit the floor
28 running at the same time, and, other than that, I think that our
29 industry needs the electronic logbooks and data to move us
30 forward. Thank you.

31
32 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Mike
33 Thierry, followed by Mr. Michael Miglini.

34
35 **MR. MIKE THIERRY:** Thank you, all. I'm Captain Mike Thierry
36 from Dauphin Island, Alabama. I've been charter/headboat
37 fishing for over fifty years, and I probably spend approximately
38 150 days a year in that Gulf.

39
40 I support Amendments 41 and 42. I feel they will greatly help
41 our industry, but I also feel like 41 should mirror 42 with
42 multiple species in both and implementation of these amendments
43 at the same time, to eliminate any inequities that could occur.

44
45 Mandatory reporting with electronic logbooks is way overdue. We
46 have asked for this for years. It needs to be put into place as
47 quickly as possible, please. It is very important to know who
48 is catching these fish and who is depending on these fish for

1 our livelihoods.

2
3 I am part of the CLS pilot program, and I was surprised how easy
4 it was to use. It takes me about five minutes to enter my data
5 or less than five minutes to enter my data for a day. There's
6 been no inconvenience, and it's worked great. My equipment has
7 worked great.

8
9 I would like to see a size limit on our king mackerel
10 eliminated. I feel like the discards are dying, and I hate to
11 waste fish. Triggerfish, everybody has sat up here and said it,
12 but there's plenty of them. In all my years of fishing, it's as
13 good as it has ever been. Thank you, all.

14
15 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Michael
16 Miglini, followed by Ms. Patricia Davis.

17
18 **MR. MICHAEL MIGLINI:** Hi there. I am Michael Miglini from
19 Corpus Christi, Texas. When I kind of started with all this
20 charter boat and getting involved with the council, I seriously
21 thought we would be done by now, but it's been a really long
22 road, working with the charter/for-hire and getting sector
23 separation allocation, and it's been a long road. There's a lot
24 of work left to do, and I think you see Amendment 41 and 42 and,
25 the way they're written, I think they need some more work, but
26 that's part of the process.

27
28 We always said that if you put all the charter boat operators
29 and headboat operators together and give them an allocation that
30 you've got a pretty good chance of being able to figure
31 something out. I think what you're seeing and hearing right now
32 is just part of the process of getting that done.

33
34 I think that it's worth taking the time to do it right, and I
35 think everybody in the industry looks forward to developing a
36 product that shows how much work went into it and sets an
37 example for the rest of the regional fishery management councils
38 and others to follow.

39
40 I think that anytime you make a fishery management plan,
41 especially for charter/for-hire, you need to look at really the
42 goal of what you're trying to accomplish, and I think that when
43 you look at charter boats and charter boat operators in the for-
44 hire sector, you need to realize that the value is what you
45 leave the dock with, the people that are on the boat and
46 providing that public access to fishing for people that don't
47 own a boat.

48

1 That's going to require small boats and big boats and old
2 operations and allowing for new entrants. I don't think we
3 should manage the charter/for-hire sector like a commercial
4 fishing sector, because while one is valued on what you come
5 back to the dock with in pounds, and certain economic
6 efficiencies are great for commercial fishing, but they're not
7 necessarily going to meet the goals long-term of the
8 charter/for-hire sector, and I think it's important to realize
9 that.

10
11 I think that on logbooks, and it's been said a million times,
12 but I've just kind of got to say it again, but it's really --
13 There is an effort to divide things up, but there is not a
14 denominator of common quality among the permitted vessels. You
15 have got a somewhat data-rich group and an extraordinarily data-
16 poor group, and so it's going to be tough, and I think the
17 logbooks and the data needs to move forward, of course. I think
18 that's it. I think we're left with a lot of questions, and I
19 think that's a good thing. Thanks.

20
21 **CHAIRMAN BOSARGE:** We have one question for you, sir, from Mr.
22 Swindell.

23
24 **MR. SWINDELL:** Do you have a VMS and an electronic logbook?

25
26 **MR. MIGLINI:** I have dealt with VMS for a long time. I was
27 actually one of the first ones in my port, in Port Aransas, to
28 have one when I had a commercial reef fish vessel. I also own a
29 business that has sold dozens and dozens of VMS to people and
30 dealt with them, a lot of the issues and everything. I think
31 it's a very powerful tool, and I believe that, given a fishery
32 management plan that justifies it and warrants it, that most of
33 your charter boat operators are going to say, hey, that's worth
34 what we're getting, that the extra work is worth what we're
35 getting.

36
37 I think it's a very scary thing. I think one of the major
38 concerns that I've got with VMS is, first of all, having a
39 fishery management plan that makes it worth it, and, two, having
40 a provision in any VMS-required system that if you have the real
41 value of this whole thing, which is those people that want to go
42 fishing on a day, and they show up and that piece of electronic
43 equipment is broken, that there is a back-up system in place
44 where those people can still get to go fishing.

45
46 If it were a commercial boat, it's a big deal to have to wait a
47 day or two on a commercial boat, but you're going to be able to
48 make a trip, where a couple of hours for a charter is a big

1 deal. It can be a deal-breaker, and those people plan their
2 vacations and everything else like that to come down. They
3 don't want to leave two days from now because your VMS is
4 broken. They want to go fishing today, because they need to go
5 back, because the kids need to go back to school.

6
7 I would say anything with VMS needs to have a fail-safe. I
8 don't think that fail-safe should become a way of life or an
9 operating thing. It may be something where they can use it for
10 up to five business days and then you put it in the design
11 requirement of the VMS service provider that the VMS service
12 provider has two business days to get a replacement to the
13 operator. Something like that would alleviate a lot of the
14 concerns, I think, with VMS.

15
16 **MR. SWINDELL:** How about the electronic logbook?

17
18 **MR. MIGLINI:** I look at a lot of different fisheries and the way
19 they're managed and the fact that, arguably, the charter/for-
20 hire sector left close to half of its allocation on the table
21 this year, and I see electronic logbooks as an awesome
22 opportunity to be able to harvest that allocation.

23
24 There is lots of things the council could do. They could maybe
25 allocate days or time to catch reef fish and then, if you have
26 real-time logbooks, you have twenty-four-hour wave data as far
27 as landings. You could shut it down before you go over.

28
29 If you're doing an allocation-based system, to be able to
30 harvest all of the allocation, you can look at those landings
31 and allocate more so that the landings get done.

32
33 You know, I just don't see any way that the charter/for-hire
34 sector is going to be able to have a flexible catch model or
35 harvest model without providing better data, and I think
36 electronic logbooks are going to be necessary to do that, and
37 hopefully, once again, just like if VMS are required, I hope
38 that the fishery management plan, the result, is something that
39 the operators say, yes, this is more work, but, wow, look what
40 I'm getting from doing that work. I think that it needs to be
41 justified, and I think that everybody around in the industry
42 kind of sees the value of the data now and getting it. Thank
43 you.

44
45 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Ms. Patricia
46 Davis, followed by Ms. Alison Johnson.

47
48 **MS. PATRICIA DAVIS:** Hi. I'm Patricia Davis. I'm not a boat

1 captain. I'm actually a business consultant. A lot of people
2 in Fairhope, Alabama know me as a real estate appraiser and a
3 real estate broker. I've been around all of the United States
4 doing consulting for Mel Graham, the Boot Ranch in Texas, and I
5 spent about a year in Galveston, Texas lately.

6
7 I have noticed that the multispecies is crucial, because there
8 is so many different types of fish, and it's different in every
9 area I fish. I'm a recreational fisherwoman, and I went charter
10 boat fishing with Mike Thierry, and I go headboat fishing with
11 Johnny Williams. I am a little partial to passing it very
12 quickly, so he will retire and give that company to Captain
13 Jillian, but, in the meantime, 42 could be passed. 41, you
14 could add the multispecies, and we could all be happily ever
15 after, and we commend all the hard work that you've done on all
16 of this, and you guys have been wonderful. We've enjoyed our
17 time here, and thank you very much. Do you have any questions
18 at all?

19
20 **CHAIRMAN BOSARGE:** Thank you, ma'am. We appreciate it. Next,
21 we have Ms. Alison Johnson, followed by Mr. Richard Fischer.

22
23 **MS. ALISON JOHNSON:** Good afternoon, Madam Chair and Gulf
24 Council members. I'm Alison Johnson, and I'm the Responsible
25 Fisheries Campaign Manager for Oceana for the Southeast and Gulf
26 of Mexico. I would like to say a few words about Amendment 7,
27 the scoping guide for proposed coral protection in the Gulf of
28 Mexico.

29
30 Although that we think that the scoping guide is a step in the
31 right direction, we feel it is lacking information and does not
32 fully employ all the authority available to protect deep-sea
33 coral under the Magnuson-Stevens Act. For example, the scoping
34 guide discusses using habitat areas of particular concern as the
35 primary mechanism to manage deep-sea coral in the Gulf. HAPCs
36 are a subset of essential fish habitat, which is considered
37 ecologically important or rare.

38
39 HAPCs may be appropriate for some coral areas, but those that
40 did not provide essential fish habitat cannot be protected under
41 this mechanism. We feel that the scoping guide should discuss
42 the discretionary provisions of the amended MSA to protect deep-
43 sea coral. These measures would prevent expansion of fisheries
44 using bottom-tending gear in areas with deep-sea coral and
45 prevent damage to deep-sea coral in areas where they have been
46 observed.

47
48 We also think that the scoping guide should discuss Section 408,

1 the deep-sea coral research and technology program, which would
2 add background information and improve the development of
3 Amendment 7.

4
5 We think it's premature to send this document out for scoping
6 without soliciting additional input from scientists, NGOs, and
7 the Fisheries Service about the size, location, and number of
8 areas for consideration.

9
10 Lastly, we feel that the scoping guide should discuss a pathway
11 to add additional areas when new science becomes available and
12 also a mechanism to remove areas when deep-sea coral is
13 confirmed not to be present. I would like to thank the council
14 for allowing me to provide public testimony today, and we look
15 forward to working with you on this important amendment. Thank
16 you.

17
18 **CHAIRMAN BOSARGE:** Thank you. Next, we have Mr. Richard
19 Fischer, followed by Mr. Mike Jennings.

20
21 **MR. RICHARD FISCHER:** Hello, everyone. Madam Chair and members
22 of the council, thanks for having me here today to speak. I am
23 going to talk about Amendment 41 as well as the electronic
24 logbooks. Starting with 41, it looks like we're kind of between
25 PFQ and IFQ, and what we would like to say is the Louisiana
26 Charter Boat Association, as we represent many of the charter
27 boats in the State of Louisiana, both inshore and offshore in
28 our saltwater regions, that we would be in favor of PFQ instead
29 of IFQ.

30
31 Many of our captains, they have kind of been crunching the
32 numbers over the course of the last few months, and I think
33 they're kind of starting to realize that if we go to either one
34 of those systems that they're really only going to get fourteen
35 to eighteen days per year to go ahead and catch snapper and so,
36 whenever you put it to them like that, that way, maybe the
37 current forty-five-day season on a set time period sounds a
38 little bit better, and so they're still kind of split about
39 trying to decide where they want to go, but I think, for the
40 most part, there's a consensus that the current forty-five-day
41 season might be a better alternative for them.

42
43 We would like the council to enter a discussion on having a
44 split season, because a lot of our member captains have told us
45 that, look, we can book trips in the middle of the summer and we
46 don't necessarily need to have snapper as a fish that we can
47 catch in the middle of the summer.

48

1 If you look at other parts of the year, maybe they could kind of
2 dangle that as some kind of business opportunity there, to tell
3 customers that, look, other parts of the year you can catch
4 snapper, and we do want to say that we oppose allocation sharing
5 among permits. We kind of thought that that was the separation
6 between IFQ and PFQ, and we would like to keep it to where, if
7 it's a permit, you've got have it on your permit, and the only
8 way to lose that snapper allocation is to lose your permit.

9
10 Moving on to logbooks now, we have heard a lot of support for
11 logbooks so far today, but I can tell you, in talking to our
12 Louisiana charter fishermen, a lot of them are not in favor of
13 having logbooks.

14
15 We have had LA Creel in the State of Louisiana for the last few
16 years, and LA Creel has really shown us that it's possible to
17 get very precise data, and, even though our captains are
18 opposing logbooks, I think they are kind of reaching that
19 acceptance stage, to where they're kind of realizing that, look,
20 logbooks are going to happen, but we do absolutely, positively
21 need for there to be some kind of call-in, to where, if your
22 logbook is broken, you can have a number that you can call so
23 that you're not losing that business.

24
25 As for VMS, we don't want real-time GMS. We don't want VMS. We
26 are also opposed to having something that's fixed to the boat,
27 and we did want to thank Dr. Ponwith for going with some
28 suggestions the other day that were not necessarily items that
29 were fixed to the boat and that could be mobile-type devices.
30 It looks like I'm out of time, and so thank you, all, for
31 letting me speak here today.

32
33 **CHAIRMAN BOSARGE:** Thank you, sir. I think we have a question
34 for you.

35
36 **MR. SWINDELL:** Why are you against the VMS?

37
38 **MR. R. FISCHER:** They don't want to be tracked real-time. They
39 don't want something fixed to the boat. They would much rather
40 have something like a cell phone or any other kind of less-
41 cumbersome device. They just don't want the trouble of that.
42 It's going to cost money to install, and it's going to cost
43 money to service. They would much rather a less-cumbersome
44 device than something that's going to get fixed to a console.

45
46 In Louisiana, we're talking about a lot of center-console boats.
47 The vast majority are like that. There's not very many closed
48 hulls, and so they're in the rain, they're in the weather,

1 they're in the wind. They're in all the conditions, and so we
2 just want to make it as easy for them as possible.

3

4 **CHAIRMAN BOSARGE:** Mr. Banks.

5

6 **MR. BANKS:** Richard, how many federally-permitted members do you
7 have?

8

9 **MR. R. FISCHER:** In our membership, we have, I want to say,
10 between thirty and forty, and I haven't looked at that in that
11 past few weeks. Our membership is growing quickly. We have
12 doubled our membership in the past year, and we're hoping to be
13 able to double it again in the next year. I think there's about
14 seventy or eighty charter fishermen offshore that we're talking
15 about that actually fish in Louisiana, and we represent I think
16 between thirty and forty, and we're looking to up that here
17 pretty quickly. Anything else?

18

19 **CHAIRMAN BOSARGE:** I think that's it, sir. Thank you. Mr. Mike
20 Jennings, followed by Mr. Shane Cantrell.

21

22 **MR. MIKE JENNINGS:** Hello. I'm Captain Mike Jennings from
23 Freeport, Texas. I own two federally-permitted charter boats,
24 and I am the current President of the Charter Fishermen's
25 Association. I am going to speak mainly to 41 and 42, and I
26 will keep it brief, rather than sound like a broken record. I
27 think you all have heard a lot of the concerns that everybody
28 has had today, and it's been kind of a whirlwind two or three
29 weeks leading up to this meeting.

30

31 From an association standpoint on 42, we see that, between 41
32 and 42, we see that the charge, in our opinion, is unequal, and
33 the makeup is unequal. We take issue with some of the time
34 series that are being used, especially 2014, while the headboats
35 were in the pilot, and there's been a lot of discussion over the
36 last couple of days on that issue.

37

38 There has been also some thoughts and some dislikes on how the
39 boats from 41 that don't get allocation can be rolled into 42
40 and some thoughts and discussion on one side taking a haircut
41 that the other wouldn't take that may or may not have been
42 unfounded, compared to some of the stuff that we've seen since
43 we've got here the last few days.

44

45 With all this, it comes down, I think, to some issues where
46 we've had some problems with some misunderstanding of the
47 language in the amendments and some lack of clarity in some
48 language in the amendments and, at this current time, from an

1 association standpoint, we do not support 41 and 42 as they
2 currently are written, and I will repeat that, as they are
3 currently written.

4
5 We are fully committed to working towards a rights-based FMP and
6 continuing to work with this council on that issue, and I am
7 hoping that we do so in a nature that we can start to move
8 forward and address some of these situations, and especially one
9 of the big heartaches or heartburn has been the multispecies
10 issue that this council had the opportunity to pass at the last
11 council meeting and voted down.

12
13 That is causing some of the turmoil that's within this, and
14 whether that was by design or not is neither here nor there, but
15 I would like to see the council bring that back up and readdress
16 that, because that's one of the big issues.

17
18 As far as ELBs, we fully support the ELBs, and I may be a little
19 bit unique in my situation, but, as I've grown older, my boats
20 have grown bigger, but I have spent about twenty years of my
21 life running fast in a center console, and I have now moved up
22 to something with air conditioning and a bridge, but it's the
23 same concept of worrying about using that technology in rough
24 seas and things along those lines.

25
26 I can tell you, from experience, that I can sit on a console in
27 rough seas with an autopilot running, or steering with my feet,
28 and, as soon as my phone comes on, start texting and answering
29 the texts that are rolling through on my phone while zooming my
30 GPS out and moving and dragging my radar in so I can see the
31 jetties as I approach it. It's not that difficult.

32
33 The technology is easy to use, and I currently have it on my
34 boats. It's something we need to look at. If it's not a VMS,
35 then give us an alternative that fits what the Science Center
36 needs, and let's move forward with these ELBs and get this done.
37 Let's take that thing to final action and start a design that we
38 can put on the water and start narrowing some of this
39 information down that we know that we need. I appreciate it.
40 Thank you, all.

41
42 **CHAIRMAN BOSARGE:** Thank you. Next, we have Mr. Shane Cantrell,
43 followed by Mr. Jay Trochesset.

44
45 **MR. SHANE CANTRELL:** Hello. I am Shane Cantrell, Executive
46 Director of the Charter Fishermen's Association. I'm a charter
47 boat permit holder and a commercial catch share fisherman out of
48 Galveston, Texas.

1
2 First, off the top, I didn't see this one necessarily coming up,
3 but supporting this HMS amendment as it moves forward is
4 something that I've been involved with for the last four or five
5 years, since they wanted to move the blacktip shark up to
6 ninety-six inches. We started digging into that. The north
7 coast of Africa is the only place that they have those fish, and
8 we were able to get around that the first time. When you come
9 out of a lawsuit, you kind of take a little bit more action with
10 overfished and undergoing overfishing, and having that settled
11 out of court is a big deal.

12
13 It's the requirement, and we need to have a mandatory shark
14 identification course with the charter/for-hire endorsement to
15 be able to responsibly harvest these and continue to catch them,
16 continue to do the right thing for the fishery and not harm
17 these dusky sharks and not harm these sandbar sharks. These are
18 things we need in the water, and we need to be able to get that
19 data. We can get a lot more data off of that, especially
20 pairing it with the electronic reporting that we're already
21 going to do, and it would be all species.

22
23 You can put those in there just like you can put in anything
24 else. It would be a good thing to do. The electronic logbook
25 needs to be finalized and implemented as soon as we can. This
26 has started before I started coming to these council meetings,
27 and we need to get it done. January is a perfect time. I was a
28 little discouraged that it wasn't in October and we weren't
29 being able to do that now, but we can do it the next meeting.

30
31 I understand the concerns out of Louisiana on some of this
32 stuff. I fully support this going with Action 4, Alternative 2.
33 The technical data committee, or the technical review committee,
34 said we can do this and this will be okay. If Dr. Crabtree and
35 his people have some other ideas, let them know and let's see
36 what we've got in January. Let's get this thing passed. Get us
37 the information that we need to be able to execute this fishery
38 and get that extra 17 percent of those fish that we're leaving
39 in the water right now, to be able to fully use that.

40
41 Amendment 41 and 42, working through their respective issues, we
42 need to keep moving down this road and keep developing these
43 things, work it out and get something that everybody is happy
44 with and everybody is on an equal playing field in terms of
45 species. We need each one to be multispecies. It's critical to
46 have some of these fish available for different fishermen in
47 different regions, having a gag grouper available in the
48 Panhandle during snapper season instead of watching it float

1 off. That was huge this year, for me to be able to have red
2 snapper and amberjack on the table and go out and charter boat
3 fish for those.

4
5 The last thing I want to touch on is this carryover provision.
6 The beginning of this discussion is coming up, and it's very
7 concerning to me, as I look at this and kind of see how it's
8 going out. When we implemented the buffers and accountability
9 measures, we did not do it as a sector-specific scenario or sub-
10 sector-specific. We did it for the total deal, and so the 17
11 percent that's underharvested would go back into the total
12 recreational and fall out, and it would be covering overages
13 from a sub-sector that I'm not a part of, and that's very
14 concerning to me, that that's how we want to move forward in
15 that, and I would be happy to take any questions that you all
16 might have.

17
18 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question from
19 Captain Greene.

20
21 **MR. GREENE:** You've been involved with HMS for about five years?
22 Did I understand that correctly?

23
24 **MR. CANTRELL:** Yes, sir.

25
26 **MR. GREENE:** In our area of the Gulf, from the mouth of the
27 Mississippi River, to off of Apalachicola, where I fish a fair
28 bit, if we hook a grouper, red grouper, scamp, or gag grouper,
29 very rarely do we get them off the bottom without a shark eating
30 him. Now, we may catch one while somebody is fighting that
31 shark on that one, but that's about the extent of it.

32
33 How can we as a council move forward and help HMS do something
34 that would potentially open up some fishing around the dusky
35 situation, to where some of those guys can go back to fishing?

36
37 **MR. CANTRELL:** As I understand it, the council can weigh in and
38 provide a letter of support or a letter of advice towards HMS,
39 Highly Migratory Species, as they move forward. This council
40 doesn't directly manage those, but we do have, in the shark
41 fishery, the directed shark fishery, an in-person shark dealer
42 identification course.

43
44 If you're a shark dealer, and you're buying sharks, you're
45 mandated to go through this course. It's a one-day, four-to-
46 six-hour course. I've gone through it, and it's put together
47 through the agency, and you can identify these sharks with no
48 fins and no guts and no head and no tail. You can do it really

1 well. It's not that difficult to be able to do, but you've got
2 to see them. You've got to put them next to each other and be
3 able to do that.

4
5 You go through that, and you can get a very similar course and
6 adapt that to the charter boats. You can do it online or you
7 can do it in-person, whatever it needs to do to make sure we're
8 meeting those deals, because, if you can correctly identify that
9 shark and it's legal to harvest, you should be able to put it in
10 the boat, if that's what your customers want to do, and I
11 personally don't want to keep a lot of them, but I've got
12 customers that do, and they want to do that, and we've got to be
13 able to responsibly execute these fisheries, be able to go catch
14 them and know what we're taking and know what we cannot take.

15
16 If that fish comes up and it's a dusky or a sandbar, it's going
17 to be a prohibited species, and I can't justify keeping it, but,
18 if it's not, we've got to be able to do that, and this council
19 could put together a letter of support for that and be able to
20 move that forward.

21
22 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Jay
23 Trochesset, followed by Mr. Dan Green.

24
25 **MR. JAY TROCHESSET:** I'm Jay Trochesset from Silver Dollar
26 Charters in Biloxi, Mississippi. My family is four generations,
27 and I started running my own boat in 1973. I know it's late,
28 and I have two quick things.

29
30 I have a little problem with the VMS, in that Captain Seymour
31 had a chart, a map, up here earlier, and we have a unique
32 situation here in Mississippi. We don't get out in the EEZ
33 much, and this VMS, I have to a month-and-a-half pay for it, but
34 you've got to pay the whole year. Being in business all this
35 time, that's a problem for me, having to pay twelve months when
36 I don't use it but a month-and-a-half.

37
38 The other thing is the split season. Our people in Mississippi
39 would love to see a split snapper season, because we can run
40 every day in June and July, but we would like to run in
41 September or October or early November. I would like for you
42 all to think about that.

43
44 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Dan Green.

45
46 **MR. DAN GREEN:** How's it going? I'm Dan Green from Galveston,
47 Texas. I have been a charter boat and permit owner for the last
48 ten years, and, recently, this year, I decided to get into the

1 commercial fishery. I went out and bought my permit and leased
2 some allocation of fish, and I even became an IFQ shareholder.

3
4 It's working out great for me, but I fish on a twenty-six-foot
5 boat, and so I don't have a huge fish capacity like a lot of the
6 commercial fishermen. I can probably hold about 1,000 pounds,
7 and so having seasons for fish, like amberjack, that are longer
8 are more important to me, because I can go out and catch 500
9 pounds of snapper and then catch bycatch and stuff like that,
10 and so I would be for maybe a smaller trip limit on amberjack,
11 like 1,000 pounds, if it would extend the season out for a
12 longer period of time.

13
14 Also, I do like the idea of a sixteen-fish triggerfish limit,
15 and also, on the charter side, with the amberjack as well, we
16 need to find a way that we can access these amberjack in August
17 and September, because, in Texas, that's one of our main fish
18 that we take our customers out to catch that time of year, and,
19 without them, like this year, it's pretty hard to have a nice
20 box of fish for them to take home without the amberjack.

21
22 In regards to the electronic logbooks being a burden on the
23 operators of the small center consoles, like I said, I fish on a
24 twenty-six-foot catamaran boat, and I have the VMS that the guys
25 on the charter boats have, and it's very small. It's just
26 basically all you have accessible to the elements is a tablet,
27 and I just sit it on my center console all day, and it's fine.
28 It's pretty easy to use.

29
30 It's my first year to use it, and I haven't had any issues with
31 it yet, not one, and so I don't think there is any reason not to
32 have them, especially from a scientific standpoint. You guys
33 need better data, and why would you guys not make that
34 mandatory? That is one of the real uses for it. It's perfect
35 for that.

36
37 With Amendment 41, I would like to see the multispecies concept
38 with tradability within the sector, and also I really like the
39 idea that Randy talked about with the distribution of the
40 allocation, and that's all. Thanks.

41
42 **CHAIRMAN BOSARGE:** Thank you, sir. We had one individual that
43 wasn't present when their name was called, Casey Price. Did he
44 make it back to the room? If not, that completes everyone that
45 was on the list for public testimony. We appreciate everybody
46 taking the time out of their day and their lives to come and
47 speak to us. It is very meaningful, and it helps to guide us in
48 our deliberations. Thank you very much. We are adjourned for

1 the day, and we will start back up tomorrow morning at eight
2 o'clock.

3
4 (Whereupon, the meeting recessed on October 19, 2016.)
5

6 - - -

7
8 October 20, 2016
9

10 THURSDAY MORNING SESSION
11

12 - - -
13

14 The Full Council of the Gulf of Mexico Fishery Management
15 Council reconvened at the IP Casino & Resort, Biloxi,
16 Mississippi, Thursday morning, October 20, 2016, and was called
17 to order by Chairman Leann Bosarge.
18

19 **CHAIRMAN BOSARGE:** We have a couple of schedules that we're
20 going to try and accommodate, and so we may shift some of these
21 reports around a little bit. Obviously Reef Fish is always the
22 heavy lift, and so I think what we will do -- There is two main
23 reports that we're trying to accommodate. Dale, are you ready?
24 I will let you lead off with Shrimp, and then we'll follow that
25 up by Reef Fish. Then I think, after that, we can go back to
26 the normal agenda. Will that work for you, Dale?
27

28 **MR. DIAZ:** Yes, ma'am.
29

30 **CHAIRMAN BOSARGE:** All right. Then that's what we'll do. I am
31 going to turn it over to you, Mr. Diaz.
32

33 COMMITTEE REPORTS

34 SHRIMP COMMITTEE REPORT 35

36 **MR. DIAZ:** Good morning, everyone. This is the Shrimp Committee
37 Report. Update on National Marine Fisheries Service Turtle
38 Excluder Device Rule, Mr. Hoffman presented the current
39 compliance rate and a status update on the TED Rule. The
40 alternatives for the rulemaking include the status quo, required
41 use of modified TEDs in skimmer trawls, required use of modified
42 TEDs by all shrimp trawl vessels, and other potential
43 alternatives. The DEIS on the proposed rule is expected by the
44 end of the year.
45

46 Mr. Hoffman also presented the compliance policy and compliance
47 threshold. Mr. Hoffman stressed that the closure of the shrimp
48 fishery due to poor TED compliance is a last-resort action that

1 would occur only after education and outreach and enforcement
2 activities failed to remedy poor compliance.

3
4 Risk Assessment for Threshold Permit Numbers Relative to Sea
5 Turtle Incidental Take Restraints, Dr. Hart presented the
6 information provided in the risk assessment for threshold permit
7 numbers relative to sea turtle incidental take restraints. The
8 committee was also presented with the SSC report on this
9 document.

10
11 It was noted that the relative risk table available in the
12 document was a risk relative to the other alternatives and that
13 the SSC highlighted the caveats identified in this analysis.
14 The caveats include the following: 1)not all latent effort can
15 be realized; 2)economic and biological factors drive effort in
16 the shrimp fishery rather than the number of federal permits;
17 3)federal and state effort cannot be partitioned; and
18 4)moratorium permits only limit effort in the EEZ and, thus,
19 only federal effort is limited.

20
21 Revised Options Paper for Shrimp Amendment 17B, the committee
22 was presented with the revised draft options paper of Shrimp
23 Amendment 17B. The document now includes data from 2014, and,
24 thus, some of the values have changed slightly for Actions 1, 2,
25 and 3.

26
27 The committee discussed the threshold values for Action 3. With
28 the information from the risk assessment, the committee
29 discussed eliminating Alternative 6 in Action 3, which is the
30 only alternative that has a threshold greater than the current
31 number of valid permits.

32
33 There was concern about eliminating the only alternative that is
34 based on the number of valid permits and not based on the number
35 of active permits. It was noted that with the current rate of
36 attrition of permits through non-renewal, the threshold values
37 would not be reached for five to ten years. Thus, it was
38 discussed that it would be inappropriate to recommend reserve
39 pool permit requirements at this time.

40
41 The committee made the following motion. **The committee**
42 **recommends, and I so move, to move Action 3, Alternative 6 and**
43 **Action 5 to Considered but Rejected. Action 3 is Minimum**
44 **Threshold Number of Gulf Shrimp Vessel Permits. Alternative 6**
45 **is set a threshold number of valid or renewable Gulf shrimp**
46 **vessel permits equal to the number of valid permits at the end**
47 **of 2013, 2014, or at the end of the initial moratorium on**
48 **October 26, 2016. Action 5 is the Issuance and Maintenance of**

1 **Reserved Gulf Shrimp Vessel Permits.** The motion carried seven
2 to two.

3
4 Madam Chair, before I turn it back over to you, I did not read
5 the entire Action 5, but it's on the board if anybody wants to
6 discuss it, or, if anybody wants me to read it, I would be glad
7 to read it, but it's quite lengthy.

8
9 **CHAIRMAN BOSARGE:** Thank you, Mr. Diaz.

10
11 **EXECUTIVE DIRECTOR GREGORY:** All the council members were
12 emailed a copy of the committee report, and everybody should
13 have copies of all the committee reports, plus they're on our
14 website.

15
16 **CHAIRMAN BOSARGE:** We have a committee motion. We have it on
17 the board in front of us. Is there any discussion on the
18 motion? **Is there any opposition to the motion? Seeing none,**
19 **the motion carries.** Chairman Diaz, would you like to carry on?

20
21 **MR. DIAZ:** Yes, ma'am. The committee then discussed Action 6,
22 Transit Provisions for Shrimp Vessels Without a Federal Shrimp
23 Permit. The committee felt that Alternatives 2 and 4 could be
24 combined for clarity. It was noted that this would be changing
25 the AP's Preferred Alternative, and staff informed the committee
26 that the AP was not presented with Alternative 4, but would
27 likely be amenable to the change. The committee discussed that
28 Alternative 3 would be cumbersome to fishermen and could be a
29 safety issue.

30
31 **The committee made the following motion. The committee**
32 **recommends, and I so move, in Action 6, to change Alternative 2**
33 **to read as follows and remove Alternative 4. Alternative 2 is a**
34 **vessel possessing shrimp may transit Gulf federal waters without**
35 **a federal vessel permit if fishing gear is appropriately stowed.**
36 **Transit means non-stop progression through the area. Fishing**
37 **gear appropriately stowed means trawl doors and nets must be out**
38 **of the water and the bag straps must be removed from the net.**
39 **Alternative 4 is vessel possessing shrimp may transit Gulf**
40 **federal waters without a federal vessel permit if fishing gear**
41 **is appropriately stowed. Transit means non-stop progression**
42 **through the area. Fishing gear appropriately stowed means a**
43 **trawl net may remain on deck, but the bag straps must be removed**
44 **from the net. The motion carried with no opposition. Madam**
45 **Chair.**

46
47 **CHAIRMAN BOSARGE:** We have a committee motion on the board. Is
48 there any discussion on the motion? **Is there any opposition to**

1 the motion? Seeing none, the motion carries.
2
3 **MR. DIAZ:** Under Other Business, Dr. Hart presented the 2015
4 Gulf of Mexico commercial shrimp fishing effort estimate. In
5 2015, the fishing effort was equal to a 71.1 percent reduction
6 from the baseline effort, which is more than the 67 percent
7 reduction required for juvenile red snapper bycatch mortality.
8 Madam Chair, this concludes my report.
9
10 **CHAIRMAN BOSARGE:** Thank you, sir. I appreciate it. Mr.
11 Blankenship.
12
13 **MR. BLANKENSHIP:** I do have a motion. I just emailed it to the
14 staff. The motion is in Action 6, Alternative 3. We talked at
15 the meeting about unshackling the net and the difficulty that
16 that would be for the crew and what we're really trying to
17 accomplish.
18
19 In talking with Mr. Diaz, I think this motion would still give
20 us the same effect, which would be that they have the doors on
21 the deck, but they wouldn't have to unshackle the nets and be a
22 burden to the fishermen, but it would still, from an enforcement
23 standpoint, ensure that they're not shrimping when they go
24 through the EEZ without a permit. **I would make a motion on**
25 **Action 6, Alternative 3, that this be the new language for that**
26 **alternative.**
27
28 **CHAIRMAN BOSARGE:** Okay. Will you double check what is on the
29 board there and make sure that's your alternative, once we
30 finish editing it? Then I will read it into the record.
31
32 **MR. BLANKENSHIP:** Yes, ma'am.
33
34 **CHAIRMAN BOSARGE:** Okay. Let me read this. In Action 6, to
35 make Alternative 3 the preferred alternative. A vessel
36 possessing shrimp may transit Gulf federal waters without a
37 federal vessel permit if fishing gear is appropriately stowed.
38 Transit means non-stop progression through the area. Fishing
39 gear appropriately stowed means a trawl net and trawl doors
40 shall remain on deck, but trawl doors. Is that your motion?
41
42 **MR. BLANKENSHIP:** Yes, ma'am.
43
44 **CHAIRMAN BOSARGE:** Mara.
45
46 **MS. LEVY:** Maybe I missed it, but did you just want to change
47 the language to Alternative 3, or did you want to change it and
48 make it a preferred?

1
2 **MR. BLANKENSHIP:** I just wanted to change the language.
3
4 **CHAIRMAN BOSARGE:** Do we have a second to this motion? It's
5 seconded by Mr. Walker. Dr. Crabtree.
6
7 **DR. CRABTREE:** Leann, I guess I need to ask for your shrimping
8 expertise. If you're in rough seas, and so you've pulled your
9 nets up and you've got the doors hoisted up to the outriggers,
10 now this requires that you've got to put them on the deck, and
11 how dangerous is that to do?
12
13 **CHAIRMAN BOSARGE:** If it's rough, then that can get to be a
14 hairy situation, for sure. I thought though that we had that in
15 the document. Is that what we just removed from the document
16 earlier? Let's flip to the document real quick. Mr. Diaz, you
17 may have to straighten us out on this, but I thought we had an
18 alternative that would have you deck your doors and disconnect,
19 and then this will amend that so that you don't disconnect? Is
20 that essentially what we're doing?
21
22 **MR. DIAZ:** Right, and, I guess to Dr. Crabtree's point, right
23 now, to disconnect the nets from the doors, the doors are going
24 to have to be on the deck anyway for this alternative, and so
25 it's not changing the fact that they would have to put the nets
26 and the doors on the deck, but it's just taking the burden of
27 them having to unshackle the net from the doors, which are
28 already on the deck away from the fishermen, and I do agree
29 that, in rough seas, Dr. Crabtree, there are times when making
30 the fishermen have to put everything on the deck might be
31 something that would be quite dangerous. Thank you, sir.
32
33 **CHAIRMAN BOSARGE:** To that point, Dr. Crabtree?
34
35 **DR. CRABTREE:** We still have Alternative 4 in here, right, that
36 doesn't require them to put the doors on the deck.
37
38 **MS. LEVY:** It's Alternative 2 that got changed.
39
40 **DR. CRABTREE:** Okay, but we made that Alternative 2 at this
41 point, I guess, and, since we're not making this the preferred,
42 then I'm good with changing the language the way that Chris
43 wants to.
44
45 **CHAIRMAN BOSARGE:** Dr. Lucas.
46
47 **DR. LUCAS:** We started down this road yesterday in the
48 committee, and I think this was similar to what I was trying to

1 do, and then I believe our Coast Guard representative had read
2 it a different way, and so is you all's language different than
3 this?

4

5 **CHAIRMAN BOSARGE:** Lieutenant Commander?

6

7 **LCDR DANAHER:** Yes, Madam Chair. The language that I was
8 specifying, and I was going to bring this up regardless, but the
9 language in our manual, per the law, says what is the definition
10 of stowed? A trawl net may remain on deck, but trawl doors must
11 be disconnected from the trawl gear and must be secured. The
12 point I want to make for clarity's sake though here is that
13 these are for closed areas.

14

15 If you're just concerned about transiting through federal waters
16 and not having a federal permit, from a safety aspect, I could
17 see why you would maybe change the regulations a little bit,
18 but, for closed areas, we take a more strict approach on the
19 equipment stowage.

20

21 **CHAIRMAN BOSARGE:** Dr. Crabtree and then Mr. Banks.

22

23 **DR. CRABTREE:** One thing I think we need to be clear in the
24 document is, if we were to choose this as the preferred, and so
25 the trawl net would remain on the deck and the doors would be on
26 the deck, if they happen to have the doors stowed below deck,
27 which is even more restrictive, because they're on the way back
28 from the Tortugas Banks or something like that, that would be
29 okay? I think, as we write this, we need to make sure that if
30 they have everything stowed below or something like that that we
31 aren't making it illegal. I don't know if that's likely to
32 happen or not, but --

33

34 **CHAIRMAN BOSARGE:** Mr. Banks.

35

36 **MR. BANKS:** The question I have I think maybe is for Chris. At
37 what point -- I think you were saying the purpose is to try to
38 make sure that they couldn't shrimp illegally, and so at what
39 point would you be able to write a citation to this vessel? Is
40 it only if his net was actively fishing? Is that the point at
41 which you would be able to write a citation to the vessel for
42 fishing in closed waters?

43

44 **MR. BLANKENSHIP:** Well, for this, it would be without a permit,
45 and so it depends on what alternative we choose as to when you
46 would be able to write them a ticket. If we say that we only
47 have to have the net on deck and the back strap out which is
48 very easy for them to do, quick to do if they see a patrol boat

1 coming, that would make them where they would not be in
2 violation when the boat got there, but it would be easy for
3 them, if they didn't see a patrol boat, just to put the nets
4 over and shrimp. This would -- We have a suite of alternatives,
5 and this alternative would ensure that, as they're transiting
6 through those waters without a permit, that they couldn't easily
7 just drop the nets over and shrimp and get away with it without
8 the permit.

9
10 **MR. BANKS:** But in the absence of this is what I'm asking. If a
11 non-permitted vessel is transiting through the area, a closed
12 area, at what point -- If you were watching him from afar and he
13 had his trawl boards up on his booms and his net on the deck,
14 and he is transiting through a closed area, at what point could
15 you rush up to him and write him a ticket? Is it once he
16 dropped those trawl boards in the water?

17
18 **MR. BLANKENSHIP:** I don't really know what the current law says,
19 if it's they possess shrimp that they have the shrimp permit or
20 they have to actually be shrimping in the EEZ to have to have
21 the federal permit. It's been a while since I did that, but, if
22 it says that they have to be shrimping, then when those doors
23 hit the water, that would be enough for us.

24
25 **CHAIRMAN BOSARGE:** Okay. Just to recap, the motion that was put
26 forth by Mr. Blankenship, it takes that essentially most onerous
27 transit provision and makes it slightly less onerous, is
28 essentially what it does. You are still going to have to deck
29 your doors, but you're not going to have to disconnect your
30 gear. The decking the doors is the more hairy part. That's the
31 more strenuous part of this whole process.

32
33 It's just, when you disconnect your gear, that's a slight art.
34 There's a little tweaking there when you have to go and put it
35 back, and so this will actually make it a little less onerous,
36 I'm assuming, in case enforcement and some members of the
37 council want to go a little more strenuous on the requirement,
38 but not quite as strenuous as what we had it written before, and
39 so I think that's where you're headed with that, and is that
40 right?

41
42 **MR. BLANKENSHIP:** Yes, ma'am.

43
44 **CHAIRMAN BOSARGE:** So we have a motion on the board. Is there
45 any further discussion? **Is there any opposition to the motion?**
46 **Seeing none, the motion carries.** Do any council members have
47 anything else before we move on to the Reef Fish Report? All
48 right. Next on our agenda, we are going to bump up the Reef

1 Fish Committee Report, and so, Chairman Greene, I am going to
2 turn it over to you, sir.

3
4 **REEF FISH COMMITTEE REPORT**
5

6 **MR. GREENE:** Thank you, Madam Chair, and good morning. I just
7 want to take a second and thank the staff. This was a long
8 committee report, and they've done a very good job of
9 consolidating it and still being able to get most of in there,
10 and so it is not as short as I would like it. About one page
11 would be good for me, but it's as small as it can be, and so
12 thank you to the staff for your hard work on this.

13
14 The Reef Fish Management Committee Report from October 18 and
15 19, Review of Proposed Regulations on the Flower Garden Banks
16 National Marine Sanctuary, Tab B, Number 4, the committee was
17 presented with the proposed regulations for the expansion of the
18 Flower Garden Banks National Marine Sanctuary.

19
20 The proposed regulations are based on a tiered approach. Staff
21 also presented the Reef Fish AP comments and motions on this
22 document. In the proposed document, the first tier coincides
23 with existing Bureau of Ocean Energy Management no-activity
24 zones, and the document proposes to make these areas into no-
25 bottom-tending-gear zones. Traditional hook-and-line fishing,
26 including bandit rigs, would be allowable in these zones.

27
28 The second tier would be the area outside the BOEM no-activity
29 zones, but inside the boundaries of the proposed Flower Garden
30 Banks National Marine Sanctuary expansion. This tier would
31 allow bottom tending gear and anchoring, but would exclude
32 bottom trawling, traps and dredges.

33
34 The third tier would be outside the boundaries of the proposed
35 expansion and would not have any Flower Garden Banks National
36 Marine Sanctuary imposed regulations. The document also
37 includes recommendations for an endorsement, anchor
38 restrictions, and mooring buoys.

39
40 Staff presented the committee with specific recommendations for
41 each of the proposed expansion areas in the Flower Garden Banks
42 National Marine Sanctuary Preferred Alternative 3. Mr. Schmahl,
43 Flower Garden Banks National Marine Sanctuary Superintendent,
44 answered questions regarding current regulations, oil and gas
45 exploration, and exemptions in the sanctuary.

46
47 He also provided input on the current recommended regulations
48 document. Mr. Schmahl stated that there could be further

1 discussion with the council regarding the proposed regulations
2 submitted to the Flower Garden Banks National Marine Sanctuary
3 on the expansion areas.

4
5 The committee discussed different types of endorsements and also
6 discussed anchor types and regulations. Staff was instructed to
7 make recommendations consistent for each area, a three-tiered
8 approach for all sanctuary areas.

9
10 Staff has revised the language in the document to reflect two
11 different types of endorsements and anchor regulations, and this
12 is provided in track changes for the council's review. The
13 council is requested with making a motion about forwarding the
14 white paper along with a letter to the Flower Garden Banks
15 National Marine Sanctuary regarding the proposed regulations by
16 the December 2016 deadline.

17
18 **CHAIRMAN BOSARGE:** Thank you. We did put this into the briefing
19 book, Morgan, the track changes document, correct, so that you
20 could see it. As you know, this is our last meeting. We only
21 had two meetings to get this done, and so it is in there, and I
22 think Morgan did a very good job of trying to capture some of
23 the conversation and the questions that we had around the table
24 and build that into the document.

25
26 She elaborated a little bit more on the endorsement, to try and
27 address the questions that Camp had. You were wondering if it
28 would be for commercial and recreational, and she tried to --
29 What she did is the more in-depth endorsement, where you will
30 probably have to go and sit through a course of some sort that
31 would be very lengthy, that would be for a commercial fishing
32 endorsement only. The recreational endorsement would simply be
33 -- She has it listed out as an online certification program, if
34 that's okay. All right.

35
36 Then she did streamline the document and try and make each of
37 the banks consistent with the tiered approach. She did that,
38 and then we had a lot of verbiage in that executive summary
39 about the anchors. Once we had the conversation around the
40 table, it sounded as if maybe we shouldn't be quite as
41 prescriptive in the language here, but rather say that it will
42 need to be equipped with weak link, an environmental weak link,
43 and then essentially leave the rest of it in the education
44 portion, on how to use that, up to the endorsement program and
45 going through that class.

46
47 Those are the major changes that I see with the three pages she
48 printed out for me, so that I could go through it fairly

1 quickly, but does anybody want to bring the document up on the
2 screen? We're more than happy to do that, or go through it
3 further, because we will have to have a motion from the council
4 to forward this on as our recommendations to the Flower Gardens
5 Sanctuary. Lieutenant Commander.

6
7 **LCDR DANAHER:** Yes, Madam Chair. I kind of wanted to revisit
8 this, because I felt like I was taking maybe a controversial
9 stance with some of the no-activity zone boundaries the other
10 day, and I know that you have to make a decision, and so I'm not
11 trying to hold you up.

12
13 I think, having spoken a little bit further with G.P. Schmahl on
14 the side, if anyone is going to be close to those no-activity
15 zones that they will have already essentially been through some
16 kind of a preparatory course in order to be within the proximity
17 there, and I think from hitting that from two sides.

18
19 One is with the National Marine Sanctuary staff educating the
20 mariners before they go out there and then, from an enforcement
21 standpoint, I think we'll be able to see enough success so that
22 you can move forward.

23
24 **CHAIRMAN BOSARGE:** Thank you. We appreciate those comments.
25 Any other comments? If there are none, then I will entertain a
26 motion to forward this on as our recommendations to the Flower
27 Garden Banks National Marine Sanctuary.

28
29 **MR. DIAZ:** I would like to make that motion. The motion is to
30 forward the -- Is it a letter or a white paper, Morgan?

31
32 **CHAIRMAN BOSARGE:** Morgan, will you help us out a little bit,
33 maybe?

34
35 **MR. DIAZ:** The motion to forward the proposed regulations to the
36 Flower Garden Banks National Marine Sanctuary.

37
38 **CHAIRMAN BOSARGE:** We have a motion on the board. Do we have a
39 second to the motion? It's seconded by Mr. Greene. The motion
40 is to forward the white paper on the proposed regulations for
41 the proposed Flower Garden Banks National Marine Sanctuary
42 expansion. Is there any discussion on the motion?

43
44 **MR. GREENE:** To forward the white paper along with a letter to
45 them? Do we need a letter to go to them as well, Morgan?

46
47 **EXECUTIVE DIRECTOR GREGORY:** Yes, we'll have a cover letter with
48 the Chairman's signature with that, and you may want to be a

1 little more explicit than just white paper, because the white
2 paper are suggested regulations or suggested changes to the
3 regulations.

4
5 **MR. DIAZ:** Okay. Forward the white paper regarding the
6 suggested changes to the proposed -- Forward the white paper
7 with the suggested changes to the proposed fishing regulations.

8
9 **CHAIRMAN BOSARGE:** All right. I think we have it crafted. Is
10 there any discussion on the motion? **Is there any opposition to**
11 **the motion? Seeing none, the motion carries.**

12
13 We have sent them a letter prior asking them if a council member
14 or a member of our staff could be involved in some of their
15 deliberations going forward with some of their working groups,
16 and I am hoping that they will take heed to that letter,
17 especially once they get this, where they can see the value
18 maybe of having our involvement on those committees, and maybe
19 we'll be able to have someone from staff attend some of those
20 meetings. I think it would probably streamline the process a
21 little bit. I will turn it back over to you, Chairman Greene.

22
23 **MR. GREENE:** Thank you, Madam Chair. SEDAR 47, Goliath Grouper
24 Benchmark Assessment, Mr. Joe O'Hop from Florida Fish and
25 Wildlife Research Institute gave a brief presentation via
26 webinar summarizing the main points of the goliath grouper
27 assessment and the reasons why it was not accepted by the SEDAR
28 Review Panel.

29
30 The assessment used two methods to model the stock, a catch-free
31 model and an age-structured surplus production model. However,
32 neither analysis was accepted for management purposes. The
33 review panel made recommendations for a designed fishery-
34 independent survey which would provide more acceptable data to
35 examine changes in population abundance and distribution for
36 this species.

37
38 The SSC representative, Dr. Joe Powers, summarized the SSC's
39 comments, noting that the SSC concurred with the review panel
40 report. Staff reviewed the Reef Fish AP comments. A committee
41 member suggested that some take of goliath grouper be allowed in
42 order to obtain data needed to conduct an assessment. A slot
43 limit was suggested to avoid the mercury concerns. No motions
44 were made by the committee.

45
46 Draft Framework Action, Mutton Snapper ACL and Management
47 Measures and Gag Commercial Size Limit, the committee reviewed
48 the draft framework action that would revise mutton snapper and

1 gag management measures. The committee reviewed Action 3, which
2 considers changes to commercial trip limits. The committee
3 discussed that trip limits may not be an effective management
4 measure to reduce harvest when using bottom longline gear and
5 that imposing commercial trip limits would result in unnecessary
6 regulatory discards. **With no opposition, the committee**
7 **recommends, and I so move, to move Action 3 to Considered but**
8 **Rejected.**

9
10 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any
11 discussion on the motion? **Is there any opposition to the**
12 **motion? Seeing none, the motion carries.**

13
14 **MR. GREENE:** The committee also reviewed Action 4, which
15 considers changes to the minimum size limit for mutton snapper.
16 The committee discussed the necessity of Alternatives 2 and 4,
17 as the other alternatives capture a reasonable range. **With no**
18 **opposition, the committee recommends, and I so move, that in**
19 **Action 4 to move Alternatives 2 and 4 to Considered but**
20 **Rejected.**

21
22 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any
23 discussion on the motion? **Is there any opposition to the**
24 **motion? Seeing none, the motion carries.**

25
26 **MR. GREENE:** Draft Amendment 42, Reef Fish Management for
27 Headboat Survey Vessels, Review of Draft Amendment, staff
28 reviewed management actions and issues requiring further
29 consideration by the council.

30
31 The committee discussed bag limits and indicated that
32 recreational bag limits would continue to be in effect under the
33 fishing quota program for landings history vessels. Staff noted
34 that inclusion in the Southeast Headboat Survey beyond the
35 December 31, 2015 control date is not required to participate in
36 the fishing quota program under development.

37
38 Staff also noted that, for the species included in the
39 amendment, the possession of a landings history vessel permit or
40 endorsement to the reef fish for-hire permit would not allow the
41 harvest of these species outside of the fishing quota program.

42
43 The committee discussed an alternative time series for the ACL
44 allocations to the fishing quota program. The committee noted
45 that, for allocation of gag and red snapper, the reef fish
46 species included in the headboat EFP, the time series should
47 exclude 2014 and 2015. The committee made the following motion.
48 **Without opposition, the committee recommends, and I so move, in**

1 Action 5, to include in Alternatives 2, 3, and 4 an option to
2 exclude 2015.

3
4 **CHAIRMAN BOSARGE:** We have a committee motion. Do we have any
5 discussion on the motion? **Is there any opposition to the**
6 **motion? Seeing none, the motion carries.**

7
8 **MR. GREENE:** The committee noted that, instead of separate
9 options excluding 2014 or 2015, an option excluding both years
10 would be added.

11
12 Final Action, Referendum Eligibility Requirements, staff
13 discussed the proposed eligibility criteria for participation in
14 the referendum that must be conducted prior to the council's
15 decision to submit Amendment 42 for secretarial review.
16 Committee members reviewed the criteria proposed and made the
17 following motion. **Without opposition, the committee recommends,**
18 **and I so move, to adopt Alternative 2, Option b as the Preferred**
19 **Alternative.**

20
21 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any
22 discussion on the motion? Dr. Crabtree.

23
24 **DR. CRABTREE:** I think we need to talk a minute about where we
25 are on Amendments 42 and 41 and how that relates to the
26 timeline. It was clear to me, from the public testimony, that
27 there remain a lot of concerns among the for-hire folks about
28 how these two amendments fit together and what the timing of
29 them should be and about the initial allocations.

30
31 I suspect that the general view on the council is that we're
32 going to need to slow down a little bit and do a little more
33 work on it, and I think we ought to decide what we want to do
34 there, because, if that's what you all want to do, then we may
35 not want to go forward with the voting procedures until we're
36 clear.

37
38 We saw, for example, something that Mr. Boggs sent out, which
39 was -- I haven't time to really look at it, but I think it was
40 another alternative way of doing the initial allocation, but I
41 think it included headboats and charter boats, and, if we wanted
42 to do something like that, that would change how the voting
43 procedures would need to be set up, and so I think we ought to
44 have some discussion about timing and where we want to go with
45 all of this before we vote on this motion, probably.

46
47 **CHAIRMAN BOSARGE:** Mr. Sanchez.

1 **MR. SANCHEZ:** Thank you, Madam Chair. Yes, I would echo that,
2 in that we heard from a good cross-section of both sides of the
3 for-hire industry yesterday saying that they're trying to iron
4 out some differences that have been brought to light, and there
5 are some items that they can agree on as they're working towards
6 the middle ground, which they kind of voiced their intention to
7 do that, and I would even suggest that we have them convene as
8 per some of the discussion at the podium yesterday, the
9 respective APs, so they can meet that task of trying to flesh
10 out that middle ground in doing something.

11
12 In doing so, that might completely change the direction of this
13 referendum document. I don't know what the final product will
14 be once these two subgroups of the for-hire work out their
15 differences, and so I would agree that we should hold off on
16 this.

17
18 **CHAIRMAN BOSARGE:** Mr. Riechers.

19
20 **MR. RIECHERS:** Madam Chair, Roy and I had a little sidebar down
21 here, and obviously this is selecting the preferred alternative
22 and determining who would be in the referendum, at least the
23 motion that we had on the board. The other question then that
24 John just spoke to is whether you move this forward to the
25 Secretary, and it sounds like at least there may be consensus
26 that we not move it forward to the Secretary.

27
28 I think the question at hand is whether or not we think we
29 should select a preferred as they continue to work on 41 and 42
30 and we see what that looks like. I don't know that it's going
31 to change our thoughts about what constitutes a reasonable
32 activity in the fishery, but that's the question, I think, at
33 hand, is do we change -- As Dr. Crabtree was suggesting here, do
34 we not go forward with selecting a preferred and wait to hear
35 more about what those conclusions are?

36
37 **CHAIRMAN BOSARGE:** Dr. Crabtree.

38
39 **DR. CRABTREE:** Yes, I think that's right, and I tend to agree
40 with Mr. Sanchez that we need to reconvene these two panels and
41 have them try to work on -- The initial allocation and the way
42 that the headboat program and the charter program fit together
43 seems to be the big issue here, and so my suggestion to you --
44 Because, if we change the structure of these amendments, it's
45 likely to change the voting procedures, and so we probably ought
46 to vote -- If that's where we all are, we probably ought to vote
47 the committee motion down and then reconvene the panels and have
48 whatever other discussion folks want to have on 41 and 42 and

1 guide the staff, and then come back at the next meeting and see
2 where we are.

3

4 **CHAIRMAN BOSARGE:** All right. Mr. Diaz and then Mr. Greene.

5

6 **MR. DIAZ:** I just want to make a correction to the report. It
7 says without opposition, and I did vote in opposition to that.
8 I think it was fifteen-to-one, and I just had some concerns that
9 I would like to know the answer to about the seven people that
10 we would be excluding. What would happen to the value of their
11 vessels? I would just like to know that before I vote in favor
12 of that motion, but it's not material to our discussion now. I
13 was just correcting the record. Thank you, Madam Chair.

14

15 **MR. GREENE:** I think we're on the right path here to vote this
16 down, because Mr. Diaz has a valid concern. Where those seven
17 vessels go is important in the whole shake of things. We heard
18 public testimony yesterday about if the seven vessels are not in
19 the headboat program and they revert back to Amendment 41.
20 Based on passenger capacity, it would be one of those concerns.

21

22 I think I am going to be not in support of passing this motion
23 at this time, because I think we've got a lot of work to do
24 within the industry to iron out some things. It's just, as we
25 all know, it takes time, as fast as we want to move things and
26 all, but, at this point, I think we need to vote this down and
27 regroup a touch before we move forward.

28

29 **CHAIRMAN BOSARGE:** Ms. Levy and then Mr. Boyd.

30

31 **MS. LEVY:** Thank you. I just wanted to clarify, and it's
32 nothing to do with whether you vote this up or down, but any
33 vessel that is excluded from voting in the referendum is not
34 excluded from the program that would ultimately get approved and
35 developed. There is a difference between who substantially
36 fished the species and therefore is able to have a vote in the
37 referendum. It doesn't mean that they would be excluded from
38 the program, and so I just wanted to make that clear.

39

40 **CHAIRMAN BOSARGE:** Mr. Boyd.

41

42 **MR. BOYD:** Just a comment. Yesterday, in public testimony, we
43 heard several people very pointedly, and some people kind of
44 vaguely, say that there were inequities in what these documents
45 do, 41 and 42, and I even heard a couple of people say unfair.

46

47 I don't understand why all of a sudden these documents that have
48 been in development for months and months and months with the

1 driving force of the charter/for-hire and the headboat people
2 behind them all of a sudden we go from push, push, push to,
3 whoa, wait a minute, this is unfair. They have been a part of
4 these documents, and I am not sure that we should slow down.
5 That's just my comment. Thank you.

6

7 **CHAIRMAN BOSARGE:** Dr. Crabtree.

8

9 **DR. CRABTREE:** To that point, we somewhere in the last month or
10 so put out a decision tool that enabled the charter boats to go
11 in and see what their allocations might be. I think that was
12 the first time they really were able to see what they might
13 actually get. I think there was new information presented to
14 them that they haven't had before.

15

16 Nonetheless, I remain committed. I think the approach in 41 and
17 42 is worth pursuing, and I think it's probably a better way to
18 manage this fishery in the long run, but I think we need to get
19 more buy-in from these guys to move forward with it, and that
20 means we're going to have to invest some more time working on
21 the initial allocation, and we're going to have to address these
22 concerns so that at least the majority of the stakeholders
23 affected feel like the initial allocation is fair and equitable,
24 and I'm not sure we're there with them yet.

25

26 **CHAIRMAN BOSARGE:** Mr. Boyd.

27

28 **MR. BOYD:** Just one additional comment. Around this table for
29 the last year, we have done the math on napkins and have all
30 said that this doesn't look like it's going to be fair and
31 equitable, and the fishermen kept pushing and kept pushing. I
32 think that if they had done the math that they would have
33 already seen this, and we've all said, I think we've all said,
34 or some of us have said, that the only way this is really going
35 to work is with a considerable consolidation of the fleet, and I
36 think that's still what they're looking at. Thank you.

37

38 **CHAIRMAN BOSARGE:** Mr. Riechers.

39

40 **MR. RIECHERS:** Roy, you brought up a point that was brought up
41 in committee, but I want to put it on the record. When we have
42 the chance to share that decision tool with all the council
43 members -- I realize that we saw a little bit of it, but it was
44 said that it was still being worked on, and we certainly would
45 like that shipped to all of the council members as well.

46

47 **CHAIRMAN BOSARGE:** We will make a note of that, and I think Dr.
48 Stephen said they were hoping to have it ready by our next

1 council meeting, and so hopefully we'll have it in a briefing
2 book sometime before then. Mr. Sanchez.

3
4 **MR. SANCHEZ:** I think we lose sight in the haste to do
5 something, some monumentally important to the entire industry as
6 a whole. What I heard from them is they are wanting to sort
7 some things out and have some pause in this. This has been a
8 long, arduous process. I never viewed this as a sprint to the
9 finish line. This has always been a marathon, and I think it's
10 far more important to try to do the right thing for the entire
11 industry than just hurry up and do something for some arbitrary
12 motives.

13
14 **CHAIRMAN BOSARGE:** Mr. Diaz and then Mr. Gregory.

15
16 **MR. DIAZ:** I just want us to -- Three times this week, three
17 separate people have told me that forty-six days might not be
18 looking so bad. I know there is some charter boat fishermen
19 that are reconsidering what their options were, and I just want
20 to say on the record that, at the June meeting, if they want to
21 go back and look through the briefing book, we had staff give us
22 some presentations on what potentially could be done with
23 traditional management options. I think, in June, Dr. Froeschke
24 looked at bag limits and size limits, and that's on the record.
25 He might have even looked at hook sizes and some other things,
26 but that's on the record.

27
28 Then, at the August meeting, we looked at what could be done
29 with split seasons, and so, if folks are out there and they're
30 looking and they're trying to consider what might be best for
31 them and their business, there is some stuff in our briefing
32 books where they could go through and they could review and see
33 what those traditional management measures could provide, if
34 that's something that they would like to consider as a different
35 option. Thank you, Madam Chair.

36
37 **CHAIRMAN BOSARGE:** Mr. Banks.

38
39 **MR. BANKS:** Just a question, and maybe it's for staff, but I can
40 respect that the guys, that the industry, want to slow this
41 down, but what I'm concerned about is if they get together --
42 They've gotten together, and they've sort of changed their minds
43 on some of this. If they get together some more and they change
44 their mind back and want to stay split up, then we're not -- If
45 we don't at least get the referendum ready to go, we're not in a
46 position to go anywhere, and we've got to come back and debate
47 it some more.

1 It seems like, to me, we should have this ready to go, to be
2 able to pull the trigger, but make sure that we make it clear
3 that we're not moving forward yet with it. Is that even a
4 possibility, to make sure that we have the voting referendum
5 details ready to go, but be clear that we're not ready to move
6 to a referendum? Is that possible?

7

8 **CHAIRMAN BOSARGE:** Dr. Crabtree.

9

10 **DR. CRABTREE:** I mean, it's possible, but we could go through
11 the whole voting procedures rulemaking between now and the next
12 council meeting and then realize that we've got to do it all
13 over again, because we have changed the structure of the
14 amendment, but I guess you're right that if they get back
15 together and decide, never mind, we want to go forward with
16 these, but I am looking at it, given where we are now, that
17 we're not going to get either one of these programs implemented
18 by 2018, and I think it's unlikely we would come back in January
19 and have all of these issues all resolved. Surely there will be
20 some changes that will require more work on the documents and
21 things, but I understand your point.

22

23 **CHAIRMAN BOSARGE:** All right. We've had some good discussion on
24 the motion. Is everyone ready to vote? **All of those opposed to
25 the motion on the board, please raise your hand.**

26

27 **EXECUTIVE DIRECTOR GREGORY:** We have fourteen.

28

29 **CHAIRMAN BOSARGE:** All those in favor, same sign.

30

31 **EXECUTIVE DIRECTOR GREGORY:** Two. **It's fourteen who are opposed
32 and two are for it.** Is that right? This is kind of backwards,
33 Madam Chair.

34

35 **CHAIRMAN BOSARGE:** Well, you do have a woman at the helm.

36

37 **EXECUTIVE DIRECTOR GREGORY:** One abstention.

38

39 **CHAIRMAN BOSARGE:** Thank you. All right. Dr. Crabtree.

40

41 **DR. CRABTREE:** In terms of where that leaves us, Doug, we would
42 pull these two APs back together at some point between now and
43 the next council meeting and try to continue working on
44 different ways to look at the initial allocations and things?

45

46 **EXECUTIVE DIRECTOR GREGORY:** That was going to be my next
47 question, and if Carrie or Assane want to help me with this,
48 that's fine, but do you just want to convene the two APs again

1 and just see what happens?

2
3 Obviously there's been some suggestions that are upsetting the
4 apple cart here, and does the council have specific options that
5 you want us to analyze in the meantime and come back or just
6 convene -- We've got a Reef Fish AP that has headboat and
7 charter boat people and the two ad hoc APs, and one is a charter
8 boat and one is a headboat, and they have both groups in each of
9 them, too. Do you just want us to convene the two ad hoc, try
10 to convene them between now and January? We do have trouble, at
11 times, getting a quorum of these groups, and we just convened
12 one of them recently, and so what do you want us to do?

13
14 We can analyze a particular option that somebody wants to
15 entertain, or we can just convene the two groups and see what
16 they recommend from there. I don't know how practical it would
17 be to try to convene them together. We could do one on one day
18 and one the next day or something like that.

19
20 **CHAIRMAN BOSARGE:** Assane, did you have your hand raised?

21
22 **DR. ASSANE DIAGNE:** Yes, Madam Chair, and thank you. Along the
23 lines of the point that Mr. Gregory is making, essentially,
24 before we even consider convening these APs separately or
25 jointly, perhaps the council needs to discuss some of the issues
26 that we agreed upon initially.

27
28 Initially, the council decided to create two separate APs
29 because it recognized perhaps the difference between the two
30 subcomponents, but now we are beginning, some people, to think
31 that perhaps we have to put it together. Then maybe the council
32 needs to have some discussion to see whether what we are looking
33 for as a final product would be a single amendment that is going
34 to combine the both of them or whether we are still on the two
35 amendment tracks.

36
37 Another issue perhaps to consider is a question of scope. For
38 the charter guys, up to right now, it is a single species
39 document. The headboat folks are looking at the multispecies
40 approach, five reef fish species, and perhaps the council would
41 like to consider that and maybe even make both amendments as
42 multispecies amendments, so they will have something to talk
43 about, because, if you put them together today, they can talk
44 about red snapper, perhaps, and, after that, some will have to
45 leave the room while the discussion continues and that sort of
46 thing. Thank you.

47
48 **CHAIRMAN BOSARGE:** Dr. Crabtree.

1
2 **DR. CRABTREE:** My feeling, and what I heard in the comment, was
3 the desire to make both amendments multispecies, and so we've
4 got five species that are now in Amendment 42, and what I have
5 heard is the charter boat guys want both programs to be
6 multispecies and deal with those five species, and that's my
7 preference as to how we go.

8
9 I think one of the options that needs to be discussed is
10 potentially pulling them all together into one program. I think
11 if you look at what Mr. Boggs suggested as an initial allocation
12 scheme, that's what it would do, and that would pull this into
13 one amendment.

14
15 I don't know for sure if that's what we want to do, but I think
16 that is an option on the table, and I am going to ask my staff,
17 when I get back in the office, to work with Doug's folks to try
18 and come up with some alternative initial allocation schemes
19 that may address some of the concern that have been raised, and
20 hopefully we could come up with some alternative ways to look at
21 them that could then be put in front of the APs when they come
22 together.

23
24 Now, whether we ought to convene the APs jointly or have one on
25 one day and one the next day or something like that, I'm not
26 sure what the best way is to go with that. I know if we pull
27 them all together in one room that that's a lot of people, but I
28 definitely think what's on the table ought to be a multispecies
29 approach and how do we get at the initial allocation, and
30 certainly one thing that ought to be on the table is the
31 possibility of pulling this all into one program.

32
33 **CHAIRMAN BOSARGE:** Mr. Riechers.

34
35 **MR. RIECHERS:** I heard some of those same comments at the podium
36 yesterday, but I think it goes back to a more central
37 discussion, which is basically now that people are coming to
38 grips, because we don't have catch share history in the
39 charter/for-hire industry the same as we do in the headboats,
40 and people are looking at what they are going to receive, there
41 is more concern about that, and they're looking for some fair
42 and equitable way to think through that, both for them as well
43 as for their counterparts in the headboat industry who it also
44 impact them, if they were to move forward before them.

45
46 I don't think, at this point, that the decision has to be made
47 whether we merge the documents. You've got two separate
48 documents, and you've got a lot of options in each. I think

1 that's premature to decide that today. I think what we need to
2 do is send them back working and see if there is a solution,
3 because there may not be a solution to this.

4
5 Dale has offered some other solutions, and certainly what this
6 was contemplated for was red snapper, and so I am certainly not
7 going to complicate it, since we've already -- We are being
8 told, up until this meeting, to move, move, move fast, move
9 fast, and then now, all of a sudden, we have slowed down. I am
10 not going to complicate it further with other species at this
11 point, or at least I don't want to. I want to see if we can
12 conceptually come up with a framework where people think there
13 is a better way to have an equitable path forward.

14
15 **CHAIRMAN BOSARGE:** Mr. Greene.

16
17 **MR. GREENE:** Believe it or not, fishermen are pretty hard-headed
18 animals, and I am probably the most hard-headed one of all,
19 because I really have to kind of see something for myself to
20 kind of see where I'm at on it.

21
22 This is something that I have really wrestled for a long time,
23 and I did push as hard as I could for a while to move things
24 along, because we were working underneath a sunset, and that was
25 something new to me that I had never seen done in fishery
26 management, and I felt like we had to go, go, go, go.

27
28 When we backed the sunset up some, it kind of gives a little bit
29 of room to stop and breathe for a second, and what I saw at the
30 roundtable, the day before, it seemed like these guys were ready
31 to kill one another and that they didn't ever want to talk about
32 it again. As we were in committees, I would go to the bathroom,
33 and these guys were out in the hallways and they were talking
34 about it, and it was headboats and charter boats and everybody
35 together.

36
37 I saw people talking in the hallway that wouldn't talk to each
38 other on a radio to save their lives, and so there is some
39 things coming along, and I think people have finally kind of
40 grasped the concept, and so, when you have an individual who has
41 a catch history, and there is seventy boats and 30 percent of
42 the catch history that they're looking at, that is a pretty
43 considerable, considering that there is another 1,130 boats that
44 are going to get 70 percent of that.

45
46 When I saw the headboats willing to give up that catch history
47 to make it more fair to do something, that spoke volumes to me.
48 I mean, that was a big deal. That proved to me that these guys

1 are willing to sit down and come up with something, and I think
2 it's a tribute to these guys, because they really do want to
3 genuinely do something, and it may not be something that they
4 all like.

5
6 There may be some black eyes and bloody noses before it's over
7 with, and I would imagine that there probably would need to be,
8 but it's one of those things that we've got a little bit more
9 time now, because we have a little extension on the sunset to
10 move forward.

11
12 I don't know that all of the people who have participated in
13 what's gone on at this meeting have had a chance to really catch
14 up with some of the guys that have not been here, because
15 obviously not all 1,000 of them are not here, and so these guys
16 are going to have to go back to their respective ports and kind
17 of explain what went on at this meeting and why this and why
18 that, and they're going to have to talk amongst themselves and
19 come together.

20
21 It's been a challenge, and the multispecies thing. You know, we
22 talked about it at the last meeting, and I had never really
23 thought about anything more than red snapper for Amendment 41,
24 because it was kind of red snapper driven. However, where I
25 have kind of changed my mind on that is when I see the
26 triggerfish landings and I look at the short season that we had
27 on amberjack.

28
29 You have state compliance and state non-compliance, and it
30 doesn't matter which side of the fence you fall or where you're
31 at on it, but we're trying to decide, is this the right thing to
32 do? I kind of think that perhaps maybe we should back up and
33 look at multispecies and at least explore that option, but it
34 may complicate the document. I am not going to argue that point
35 at all, but, just like the private recreational group that has
36 asked for some time to sit back and explore some new ideas, I
37 don't see that what the charter boat guys are doing is much
38 different than that.

39
40 I think they have got to the point where they needed some more
41 data to make some decisions, and I think -- I don't have any
42 idea what that recreational AP focus group is doing or where
43 they're at. I have not had any updates, and I have not attended
44 any of the meetings. I haven't had any personal updates or
45 anything other than what's been brought before us at the
46 council.

47
48 At some point, it doesn't matter what the AP is. You're going

1 to get to a point where you need data before you can make a
2 collective decision to move forward, and I think that maybe
3 there was some information that was new that these guys have
4 come up with, and they're like, well, wait a minute, man, maybe
5 that's not the best way to go, and I would imagine that that
6 would be a big topic, because these guys are going to have to go
7 back and talk to their fellow charter guys and kind of see where
8 they're at.

9
10 There is going to be some tempers there and everything else, and
11 I think that, at some point, we're going to need to get these
12 APs together, because they're going to have to talk about it,
13 and I think it's going to be -- To put both of those APs in the
14 same room with all of those Type A personalities, it's going to
15 be a WWE-type of scenario before it's over with, I imagine, but
16 I think that's what it's going to take.

17
18 As I started out this discussion or talking to you guys, we're
19 pretty hard-headed, and we almost have to just burn our hand to
20 realize that that stove is hot, and so that's where I'm at on
21 it. I tried hard in committee not to weigh in on some of these
22 items, and I am just trying to lay it out in front of you now,
23 as to where I am at and what I think.

24
25 The industry is kind of -- What I think they're looking for, and
26 I am certainly not speaking for 100 percent of them, but I am
27 just trying to lay some things out there to continue this
28 discussion around the council.

29
30 **CHAIRMAN BOSARGE:** Dr. Lucas.

31
32 **DR. LUCAS:** Johnny, I guess this is some follow-up on what you
33 said, and you may have some insight, in that these guys are
34 talking to you. The decision tool that they put out was clearly
35 red snapper centric, because they had the red snapper
36 information, because we've gone through sector separation and
37 we've divvied all that up, and so you were able to see the 30
38 percent to the headboats and the 70 percent to the charter/for-
39 hire folks, because those numbers were there.

40
41 The numbers aren't necessarily there on any of the other
42 species, because we haven't gone through the same process.
43 Would they consider just going with one species and getting it
44 right between the headboats and the charter/for-hire and working
45 that route and leaving the multispecies alone, until they can
46 figure it out for one species and then maybe incorporate it for
47 the others?

48

1 I don't know that one is faster than the other. I would think
2 one would be faster than the other, but I am not sure, but I
3 know one person mentioned it, and it was Randy who mentioned it,
4 because he was giving his presentation, but I mean they have the
5 numbers for those, and currently there are no numbers for any of
6 the other species, other than for the headboats, because we
7 haven't gone through that whole process of separating that out.
8 Do you have any thoughts on that?

9
10 **MR. GREENE:** I don't know. I've thought about it both ways. I
11 have thought about, well, maybe it should be multispecies and we
12 leave red snapper out of it until they get their allocation
13 together, and that's why I am thinking that maybe we need a
14 little bit of time to digest this, because I don't know if they
15 have thought about just doing one species for 42, because, based
16 on the success of the Headboat Collaborative with being able to
17 swap snappers and groupers -- Some of the guys in the western
18 Gulf were able to swap groupers for snappers, and it worked back
19 and forth.

20
21 I think that some of that utility is why they're wanting to look
22 at being able to swap fish for areas that may not have had fish,
23 because what you have to realize is that we have looked at -- As
24 you and I know, we have looked at geographic distributions.
25 When you look at it that way, you think, well, we need to be
26 able to swap fish. When you look at it on a passenger capacity
27 type of situation, that's a whole different ballgame.

28
29 The whole dynamic has changed, and I think that all of us are
30 going to need a little bit of time to kind of digest it. They
31 may say, you know, it might be best that we just do one species,
32 because once they realize that we have to do all of this to get
33 at multispecies, they may not want to -- It may take too long,
34 or it may not be worth the fight at that point, but I think that
35 needs to be a topic of discussion for them.

36
37 I don't really have a good sense, to be honest with you, on
38 where they're at on that. I am a little more trying to look at
39 the big-picture item, because of the triggerfish situation that
40 we're in and amberjack and these other species, and that's where
41 I'm coming from on it, but, honestly, Kelly, I don't know if I
42 have a good answer for you or not. I hate to dance around the
43 answer, but I'm just going to look you in the eye and tell you
44 that I don't know, because I don't.

45
46 **CHAIRMAN BOSARGE:** Mr. Blankenship.

47
48 **MR. BLANKENSHIP:** A lot of the comments that were made at public

1 testimony yesterday and then the way we keep saying, well, what
2 if we just make it a multispecies for 41, I just don't think
3 it's that simple.

4
5 There was a lot of weeping and gnashing of teeth when we did it
6 with the single species of red snapper. It went over several
7 years to get to that point, and is it going to be any different
8 with gray triggerfish, amberjack, gag, and red grouper? I just
9 don't -- I think that's going to really -- If you try and make
10 it a multispecies for the charter guys, it's going to be just as
11 long and just as difficult as it was with red snapper for the
12 other four or five species.

13
14 **CHAIRMAN BOSARGE:** Dr. Stunz.

15
16 **DR. STUNZ:** I happen to agree strongly with Chris, but also,
17 just about convening the APs, I just think that they probably
18 need a little bit of time, as we've been discussing, to even get
19 them to meet before our next meeting, the end of the year, but
20 to go back and do their thing. There is a lot of things to mull
21 over.

22
23 I would almost recommend that we let them do that until the end
24 of the year and then have them meet for our next meeting. I
25 know that's even further delaying things, but there's just a lot
26 of things that they are going to have to discuss, and we want as
27 productive of an AP meeting as possible.

28
29 **CHAIRMAN BOSARGE:** Dr. Crabtree.

30
31 **DR. CRABTREE:** I am not saying for sure if we want to do
32 multispecies or not, but I just think it ought to be on the
33 table. I think, if you can come to an understanding of
34 fundamentally what's the best way to do the initial allocation,
35 then it's a pretty simple matter to apply it to one species or
36 apply it to five species.

37
38 I think the fundamental thing is how to do the initial
39 allocation, and that's what we're looking at, is this disparity
40 between the headboat program and the charter boat programs and
41 the fish. I think, if we can work through that, I don't think
42 it would be that big of a task to do multispecies versus one
43 species. It's that one hump that you've got to get over that I
44 think is the big challenge, but I think that's what we really
45 need to focus on now, but I think we ought to leave the door
46 open to considering multispecies for the whole program.

47
48 **CHAIRMAN BOSARGE:** Mr. Sanchez.

1
2 **MR. SANCHEZ:** Thank you, Madam Chair. I have always been one of
3 the proponents that was trying to rush this, but, again, it's
4 not my plan. It's their plan, and they have reached this point
5 where they want to slow down and reevaluate all of these things.

6
7 Last night, I heard headboat operators that may not agree on
8 some allocation issues, but, at the podium, they said, you know,
9 it is kind of unfair that there's multispecies in ours and not
10 in the other. We can hardly have this discussion without
11 bouncing around from 41 to 42 and then a little bit of
12 underlying tone of logbook issues and stuff.

13
14 So, I mean, there's a lot of moving parts in this, but they're
15 not mutually exclusive. They're all interrelated, and I think
16 that's where this may be going, and to have an option to have it
17 as multispecies as a potential item, then it's in the document
18 and you vote it up or you vote it down, but at least there's
19 more of a semblance of fairness in this, and I have heard people
20 from across the aisle asking for that, and so I don't know. It
21 seems like you can't talk about one without the other and so on
22 and so forth, and so it's kind of all together, whether we have
23 it in separate amendments or not, the whole industry is.

24
25 **CHAIRMAN BOSARGE:** Okay. Ms. Guyas.

26
27 **MS. GUYAS:** I will just say one thing on this. I am good with
28 getting APs together and all of that and having them think about
29 this and figuring out where they want to go. I am good with
30 that. With the multispecies, the concern that I have, the way
31 that we're talking about this and the way that it has been
32 discussed, is we're hearing from headboats and we're hearing
33 from charter boats.

34
35 There is a large segment of the recreational fishery, and I
36 don't know what the breakdown is for all these different
37 species, what it is between private rec and charter/for-hire,
38 but I think my concern, depending on how we proceed forward with
39 this, is that we leave those voices out of the conversation, and
40 I do not want to do that. I think it's going to be very
41 important that they stay in the conversation if we want to keep
42 the public trust, and so I will just leave it with that.

43
44 **CHAIRMAN BOSARGE:** Dr. Lucas.

45
46 **DR. LUCAS:** I do kind of echo what Martha is saying, but that is
47 not originally why I asked to talk, but I do echo those
48 comments. I would also -- I am going to steal a page out of

1 Patrick's playbook over here and say that, if you do have to
2 convene these two, you may wish to do a facilitator-type of
3 meeting as well on that, to get things together. That's just a
4 thought.

5
6 **CHAIRMAN BOSARGE:** Okay. I think we've had a lot of good
7 discussion on this. I agree most certainly with the
8 facilitator. From what Johnny said, maybe an armed facilitator,
9 but I think that it sounds like -- I mean, we're not going to
10 come to any kind of conclusion around this table today of
11 whether this is going to be multispecies or single species or
12 two documents or one document or all one allocation and split it
13 that way or bust it down into two.

14
15 Honestly, I think that the best way for us to figure out how
16 we're going to move forward is to have the two groups that are
17 trying to work this out on the ground come together, and let's
18 let them duke it out and figure out where the pain level needs
19 to be on each side to have some comfort that everybody is taking
20 a little bit of pain in order to have something go forward that
21 they feel is a sustainable fishery for their future.

22
23 My personal preference would be to, when those two groups meet,
24 to have them meet together, which will give Mr. Gregory heart
25 failure, but I think they all need to be in the same room. If
26 you want to do it in the central Gulf, that would probably be
27 best, so that not everybody has to travel to Florida. I think
28 that probably worked well when you did it that way with that
29 other meeting, and so that's my preference, if the council will
30 agree. Mr. Gregory, are you okay with that?

31
32 **EXECUTIVE DIRECTOR GREGORY:** Just a couple of things. One of
33 the problems we've been having is now, with the internet, we do
34 a doodle poll and we see who can come. Then we've started doing
35 doodle polls in private, because we have found that people start
36 shifting their dates in doing that.

37
38 In the old days, we used to set a date for a meeting and we
39 would have the meeting, and whoever showed up showed up. We
40 have kind of been going on a trajectory that if we don't have a
41 quorum than the advice is not warranted or something like that,
42 and so we don't have a meeting.

43
44 I would like to just tell the council that my attitude is, if
45 eleven people is a quorum and ten can show up, that is good
46 enough to have a meeting and provide advice to the council, and
47 you take it in consideration. Clearly, if only three or four
48 people can show up, that's not really a meeting, but what's the

1 council's thought on is a quorum necessary to have a meeting,
2 because that has been our biggest problem.

3
4 That's one of the concern that I have about large meetings,
5 large participants, is, the bigger the committee, the harder it
6 is to get everybody available the same date, and so the harder
7 it is to get a quorum, and so that's one thing.

8
9 The other thing is we'll look into trying to do this. I was
10 just looking to see when the Reef Fish AP was going to be
11 reappointed, and it's 2018, which is not good, because I was
12 going to say, well, why don't we just -- We could even go so far
13 as abolish the two ad hoc and reappoint the appropriate people
14 on our AP and let the AP work it out, the Reef Fish AP, which is
15 the purpose of advisory panels, but we can look at trying to
16 convene them back-to-back or together and see how that works,
17 but getting a quorum is probably going to be our biggest
18 challenge, particularly going between now and January. We've
19 got all of these holidays coming up. We may not be able to do
20 that until after the January meeting even.

21
22 **CHAIRMAN BOSARGE:** Mr. Greene.

23
24 **MR. GREENE:** To that point, Doug, being that we're going into
25 fall, I would say a quorum is a quorum. If those charter boat
26 guys don't care enough to show up, then we'll just move on
27 without them, and I don't think you're going to have that
28 problem. I think you're going to need a fairly large room,
29 because I personally think, if we're going to do this, this is
30 the time of year to do it. I cannot imagine that there would
31 not be a quorum there.

32
33 **CHAIRMAN BOSARGE:** Dr. Crabtree.

34
35 **DR. CRABTREE:** I agree with the way you laid it out, Leann. I
36 am with you on that. I think a quorum is desirable, but not
37 essential. I think Johnny is right that they will come to this
38 one, but they're giving us advice, and so, if we can get a good
39 cross-section of them, so be it.

40
41 **CHAIRMAN BOSARGE:** For the record, my opinion on the quorum, I
42 think it's important if you have a very small group. I mean, if
43 you only have five or ten people, then, at that point, having a
44 quorum is pretty important. You don't want three people
45 deciding on an issue, but, if it's a large group, if you're
46 looking at thirty or forty people, to me, the most important
47 part of having them give us advice is that we're getting a
48 fairly broad perspective, and I think, once you have a larger

1 and larger group, then, at that point, you're going to get that
2 broader perspective. The quorum, to me, is extremely important
3 if you have a very small AP. At that point, you definitely need
4 to have a quorum, to make sure you're getting that broad
5 perspective.

6
7 **EXECUTIVE DIRECTOR GREGORY:** If I may, I think, for this body to
8 make a decision, you have to have a quorum, and I am asking
9 Mara. For the advisory panels and the SSC, it's not a legal
10 requirement, and we can use common sense in this, as to whether
11 we convene a meeting or not. If we've got fourteen people on
12 the Headboat Ad Hoc and we've got nineteen people on the
13 Charter/For-Hire Ad Hoc, and so it's thirty-three people all
14 together.

15
16 **CHAIRMAN BOSARGE:** Mr. Swindell.

17
18 **MR. SWINDELL:** I have been sitting here listening to all of
19 this, and I go back and remember everything that's gone on with
20 things like triggerfish. Triggerfish is almost not an issue in
21 Louisiana and Texas, and you've got such a difference in the
22 groups in the charter boat industry for certain things, as to
23 the kind of operation that they conduct.

24
25 I still want to believe that we should take another good look at
26 an east/west separation. This whole thing, and I think you
27 could come much quicker to a decision to help the group in each
28 area than we're trying to do across the board. I think we have
29 a big problem, because of the differences between the groups,
30 almost east/west. Thank you, Madam Chair.

31
32 **CHAIRMAN BOSARGE:** Thank you, sir. I think we've had a lot of
33 discussion on this. Mr. Green, do you want to continue on with
34 your report?

35
36 **MR. GREENE:** Yes, ma'am. Preliminary 2016 Red Snapper For-Hire
37 Landings Relative to ACT, Mr. Dale Diaz reviewed the preliminary
38 federal for-hire and private vessel red snapper landings for
39 2016 through Wave 4. Although the landings exclude Texas data
40 and are incomplete, the for-hire component appears to be
41 harvesting less fish to date than it did in 2015 and is on track
42 to finish the year under both its ACL and ACT.

43
44 This suggests that the for-hire ACT buffer might be reduced.
45 However, the private component has already exceeded its ACL, and
46 the season remains open in several states. As a result, if the
47 ACT buffer is reduced for the for-hire component, it may need to
48 be increased for the private component. If the combined catches

1 from both components exceeds the recreational ACL, payback
2 provisions will be triggered.

3
4 Committee members noted that there will be more information
5 about the 2016 catch levels at the next council meeting and
6 suggested that this be put back on the Reef Fish Committee
7 agenda for January.

8
9 Draft Amendment 46, Gray Triggerfish Rebuilding Plan, Dr. Powers
10 reviewed the SSC recommendations and motion on the recreational
11 and commercial decision tools. Staff provided an overview of
12 the action and alternatives in Amendment 46 and briefed the
13 committee on the status of the document. The IPT has currently
14 drafted Sections 1 through 3, and the staff plans to bring a
15 public hearing draft to the council in January.

16
17 Staff also reviewed the Reef Fish AP recommendations on gray
18 triggerfish action-by-action. For Action 1, establish a
19 rebuilding time period for gray triggerfish, a motion was made
20 to make Alternative 5, establish a ten-year rebuilding time
21 period, the preferred alternative. Dr. Crabtree did not feel
22 the agency could support a rebuilding time period of ten years,
23 since it is the maximum time frame the council is allowed and
24 the stock was not adequately rebuilding.

25
26 **After discussion, the committee passed the following substitute**
27 **motion. Without opposition, the committee recommends, and I so**
28 **move, in Action 1, to make Alternative 4 the Preferred**
29 **Alternative.**

30
31 **CHAIRMAN BOSARGE:** All right. We have a committee motion. Is
32 there any discussion on the motion? Mr. Walker.

33
34 **MR. WALKER:** Not so much on the motion, but I would like to know
35 an update on when is the next triggerfish assessment. We have
36 heard so much testimony yesterday, and I would like to know when
37 that's going to be available, because there's a lot of people --
38 Everyone heard the testimony yesterday on triggerfish.

39
40 **CHAIRMAN BOSARGE:** Mr. Rindone, can you give us that update?

41
42 **MR. RYAN RINDONE:** Yes, ma'am. You guys had tried to have the
43 triggerfish assessment moved to 2017. In talking with the SEDAR
44 Steering Committee, logistically, that was just not going to be
45 feasible, but we have put it in during 2018, on the tail-end, to
46 be able to use 2017 data, or at least increase the odds of being
47 able to use 2017 data, and we've also been assured that the
48 larval indices that were not updated the last time around are

1 going to be updated this time, along with updated age and growth
2 and everything else that we wanted, and so 2018.

3
4 **CHAIRMAN BOSARGE:** Thank you. Any other discussion on this
5 motion? **Is there any opposition to the motion? Seeing none,**
6 **the motion carries.**

7
8 **MR. GREENE:** Staff explained that that Action 1 alternatives
9 dictate the options that can be used in Action 2. The committee
10 questioned when the 2017 season information would be released
11 for gray triggerfish, given that the preliminary landings
12 indicate that 239 percent of the ACT and 210 percent of ACL are
13 estimated to have been landed by the recreational sector in
14 2016.

15
16 The committee noted that the no action alternative was a valid
17 alternative, because it was within the range of ABC
18 recommendations for catch levels made by the SSC and meets the
19 nine-year rebuilding plan. **Without opposition, the committee**
20 **recommends, and I so move, in Action 2, to make Alternative 1**
21 **the preferred alternative.**

22
23 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any
24 discussion on the motion? **Is there any opposition to the**
25 **motion? Seeing none, the motion carries.**

26
27 **MR. GREENE:** Staff reviewed the three recreational management
28 actions of fixed closed season, bag limit, and minimum size
29 limits. Staff also review the LETC and Reef Fish AP
30 recommendations regarding each of these sub-actions. Staff
31 reminded the committee that the recreational decision tool
32 allows the council to consider an effort shifting percentages
33 from zero to 100 percent for each mode of charter vessels,
34 private anglers, and headboats. The committee did not make any
35 motions on the recreational management measures.

36
37 Staff reviewed Action 4, modifications to the commercial trip
38 limit, and explained there were alternatives to increase and
39 decrease the commercial trip limits. Since the implementation
40 of twelve gray triggerfish trip limit and fixed closed season of
41 June 1 through July 31, the commercial sector was 31 percent and
42 23 percent below the quota, the ACT, in 2014 and 2015,
43 respectively.

44
45 Staff reviewed the LETC recommendations on the proposed trip
46 limit alternatives. They stated that it is easier for law
47 enforcement to count a number of fish than to assess a weight of
48 less than 100 pounds. **Without opposition, the committee**

1 recommends, and I so move, in Action 4, that the commercial trip
2 limits be expressed in numbers of fish.

3
4 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any
5 discussion on the motion? Yes, sir, Lieutenant Commander.

6
7 **LCDR DANAHER:** Thank you, Madam Chair. I just wanted to let you
8 know that it is easier for us to actually measure the fish or
9 count the fish than to weigh them. When you're underway, it's
10 just very complicated, at least from the Coast Guard's
11 perspective. We don't have the ability to weigh the fish out
12 there on the ocean, and so sticking to counting and measuring is
13 a lot easier, especially from our perspective. Thank you.

14
15 **CHAIRMAN BOSARGE:** Thank you, sir. Any other discussion? **Is**
16 **there any opposition to the motion? Seeing none, the motion**
17 **carries.**

18
19 **MR. GREENE:** Staff reminded the committee that the Reef Fish AP
20 had also requested the consideration of a sixteen-fish trip
21 limit which is not currently in the document. **Without**
22 **opposition, the committee recommends, and I so move, in Action**
23 **4, to add an alternative to increase the commercial trip limit**
24 **to sixteen fish.**

25
26 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any
27 discussion on the motion? **Is there any opposition to the**
28 **motion? Seeing none, the motion carries.**

29
30 **MR. GREENE:** Staff reminded the committee that a public hearing
31 draft will be brought to the council in January and requested
32 the council select public hearing locations. Staff reminded the
33 committee of the locations and participation for Amendment 37 in
34 2012.

35
36 The committee selected the following public hearing locations.
37 In Alabama, it will be Spanish Fort Five Rivers Facility. In
38 Florida, it will be Destin and the St. Pete area. Louisiana and
39 Mississippi will both be via webinar only. In Texas, it will be
40 Galveston and Corpus Christi.

41
42 **CHAIRMAN BOSARGE:** It's not a motion, but is okay everybody okay
43 with those public hearing locations? I think we had some pretty
44 good discussion on it. Johnny says we can take a very short
45 restroom break, because I know nobody leaves the table during
46 the Reef Fish Committee, and I'm looking around, and I think
47 we're about to float off, and so let's take about a five-minute
48 bathroom break and come right back.

1
2 (Whereupon, a brief recess was taken.)

3
4 **CHAIRMAN BOSARGE:** All right. We will go ahead and pick back
5 up. I believe we left off and we had just blessed the public
6 hearing locations for triggerfish.

7
8 **MR. GREENE:** Okay. Before we leave triggerfish, I am going to
9 make a couple of motions here, and it's all relative to Action
10 3, which is going to be recreational management measures to
11 modify the fixed closed season, the size limit, and the bag
12 limit. I am going to take them one at a time, just because I
13 don't like to blanket things through. It seems like we do
14 better if we just do things one at a time.

15
16 Staff, I'm sorry, but I did not give these to you ahead of time,
17 and so I will go as best I can, and you all can help me as we
18 make it work out. **My motion would be, in Action 3.1, to move**
19 **Alternative 4 as the preferred.**

20
21 While they're getting that up on the board, I know a lot of you
22 may not have the document in front of you, and I'm going to read
23 it to you. Alternative 4 is to modify the closed season from
24 January 1 through the end of February. Then it would open back
25 up and then it would close again June 1 and remain closed until
26 July 31.

27
28 **CHAIRMAN BOSARGE:** All right, and so we have a motion in Action
29 3.1 to make Alternative 4 the preferred alternative. Do we have
30 a second to the motion? It's seconded by Mr. Walker. Is there
31 any discussion on the motion? I am going to give staff just a
32 minute. I think they're going to put that complete verbiage on
33 the screen before we vote on it.

34
35 **MR. GREENE:** It's at the bottom of page 5 and onto page 6.

36
37 **CHAIRMAN BOSARGE:** Okay. We have the complete motion on the
38 board. In Action 3.1, to make Alternative 4 the preferred
39 alternative. Alternative 4 is January 1 through February and
40 June 1 through July 31. **All those in favor of the motion,**
41 **please raise your hand; all those opposed, same sign. The**
42 **motion carries.** All right, Mr. Greene, continue on.

43
44 **MR. GREENE:** I have two more motions, just so you're aware of
45 what I'm doing, and this will be in Action 3.2, and this is on
46 page 6, in Action 3.2, to modify the recreational bag limit. **My**
47 **motion would be, in Action 3.2, to move Alternative 2 as the**
48 **preferred alternative.** Just for the council members at the

1 table, that would reduce the daily bag limit to one gray
2 triggerfish per angler within the twenty-fish reef fish
3 aggregate bag limit.

4
5 **CHAIRMAN BOSARGE:** We will give staff just a second to get it on
6 the board. We have a motion on the board in Action 3.2 to make
7 Alternative 2 the preferred alternative. Alternative 2 is to
8 reduce the recreational daily bag limit to one gray triggerfish
9 per angler per day within the twenty reef fish aggregate bag
10 limit. Do we have a second to the motion? It's seconded by Dr.
11 Crabtree. Is there discussion on the motion? Mr. Banks.

12
13 **MR. BANKS:** Johnny, can you just give me a little bit of your
14 rationale here, please? I would love to hear it. Thank you.

15
16 **MR. GREENE:** Absolutely. One of the things in fisheries,
17 whether it's charter boat or private recreational, that I
18 believe is that you should have access to fish for as many days
19 as you possibly can.

20
21 If we can simply reduce from two to one and equal more access
22 and more opportunities for anglers of any type, then I believe
23 that we should. At this point, we're simply picking a
24 preferred, and I think that this will probably get some comments
25 on it and people will let us know how we decide to go
26 ultimately, either way.

27
28 **CHAIRMAN BOSARGE:** Dr. Dana.

29
30 **DR. DANA:** In 2017, the recreational fishery doesn't have a
31 triggerfish season, because of payback, correct? Why would we
32 be looking to reduce the number of fish from two to one when we
33 wouldn't even be able to fish recreationally until 2018? Isn't
34 that premature?

35
36 **CHAIRMAN BOSARGE:** To that point, Mr. Greene?

37
38 **MR. GREENE:** Well, Dr. Dana, obviously we caught those fish in
39 massive quantities in a hurry this past year, which gave us this
40 huge overage. I think that, by reducing it to one, we could
41 potentially slow it down quick enough that maybe it would be
42 picked up where we could have closed the fishery sooner and not
43 had such a big overrun.

44
45 **CHAIRMAN BOSARGE:** Ms. Guyas.

46
47 **MS. GUYAS:** This is one where we've heard -- I feel like people
48 on both sides, some that want to keep it at two and some one,

1 and I'm okay with putting it at one, at least for public
2 hearings. I am kind of poking the bear to see who comes out to
3 speak about this. There's a lot of angst about triggerfish as
4 it is, and so let's see what kind of comments we get about it
5 and go from there.

6
7 **CHAIRMAN BOSARGE:** All right. We have a motion on the board.
8 **All those in favor of the motion, please raise your hand.**

9
10 **EXECUTIVE DIRECTOR GREGORY:** Fifteen.

11
12 **CHAIRMAN BOSARGE:** All those opposed, same sign.

13
14 **EXECUTIVE DIRECTOR GREGORY:** One opposed.

15
16 **CHAIRMAN BOSARGE:** The motion carries. Mr. Riechers.

17
18 **MR. RIECHERS:** Just following Pam's line of discussion here, I
19 mean I certainly kind of agree, in some respects, but I think we
20 just need to make it real clear as we go to public hearings,
21 because people are going to be seeing this change and thinking
22 that's impacting their fishing year, and, in reality, their
23 fishing year next year is not going to -- That doesn't impact
24 next year at all. It would be a full year after that, if then,
25 and certainly there would be time to make a change, Pam, if we
26 needed to into that next year.

27
28 **CHAIRMAN BOSARGE:** Dr. Lucas and then Dr. Crabtree.

29
30 **DR. LUCAS:** I think Dr. Crabtree maybe can address this, because
31 I just wanted to clarify this. On the payback, regardless of
32 whatever percentage you went over, the payback is only in effect
33 for one year and then you would reopen? Is that correct?

34
35 **DR. CRABTREE:** Yes, and remember too that I don't think we vote
36 this amendment up until probably April, and so this amendment
37 won't even be implemented until potentially about this time next
38 year anyhow.

39
40 **CHAIRMAN BOSARGE:** Dale.

41
42 **MR. DIAZ:** I just want to make one more point on the record. We
43 just heard from Ryan a few minutes ago that the next stock
44 assessment for triggerfish is not going to occur until 2018.
45 Likely, we won't get any results from that until 2019. We're
46 probably going to be in the same annual catch limit range that
47 we are now for several more years, and so the chance of having
48 some type of increase from a future stock assessment that shows

1 more of what we're hearing people say at the podium is actually
2 happening on the water is quite some time in the future. Thank
3 you, Madam Chair.

4

5 **CHAIRMAN BOSARGE:** All right. Mr. Greene.

6

7 **MR. GREENE:** I have another motion to come before you. **In**
8 **Alternative 3.3, I would like to move Alternative 2 as the**
9 **preferred.** Alternative 2 would increase the size limit for gray
10 triggerfish to fifteen inches fork length.

11

12 **CHAIRMAN BOSARGE:** We have a motion on the board in Action 3.3
13 to make Alternative 2 the preferred alternative. Alternative 2
14 is to increase the recreational minimum size limit for gray
15 triggerfish to fifteen inches fork length. Do we have a second
16 for this motion? It's seconded by Mr. Blankenship. Is there
17 discussion on the motion? Mr. Greene.

18

19 **MR. GREENE:** I will wait on Dr. Lucas. I was going to give a
20 little more rationale.

21

22 **DR. LUCAS:** Go ahead.

23

24 **MR. GREENE:** Okay. My rationale on this is, again, is a bigger
25 triggerfish I think might slow the harvest down some, but I
26 don't know that. I am trying to set a preferred alternative to
27 get feedback from the public. I don't know that, when it comes
28 time to do full implementation on this, that I would go with
29 fifteen inches, because sometimes -- I just don't know, but, as
30 big as those triggerfish are going to be in 2020 when we get to
31 catch one, we might be looking at twenty inches, but I think
32 that's kind of where I'm at on it, just in all honesty.

33

34 **CHAIRMAN BOSARGE:** Mr. Matens.

35

36 **MR. MATENS:** Mr. Greene just said it all, but I was curious if
37 anybody, maybe Dr. Crabtree, could help, or one of the
38 biologists, but how does this affect discard mortality? Are
39 these things vulnerable to discard mortality or not?

40

41 **CHAIRMAN BOSARGE:** Mr. Walker.

42

43 **MR. WALKER:** I would just say, from my personal observation,
44 that triggerfish probably has the lowest discard mortality rate,
45 from what I have witnessed. Maybe when you're in some really
46 deep water and you catch some big trigger, but I think the one
47 fish will help address some of that, and I'm not opposed to
48 raising that size limit, because the discard mortality rate is

1 so low.
2
3 **CHAIRMAN BOSARGE:** All right. We have a motion on the board.
4 **All those in favor of the motion, please signify by raising your**
5 **hand.**
6
7 **EXECUTIVE DIRECTOR GREGORY:** We have sixteen.
8
9 **CHAIRMAN BOSARGE:** All those opposed, same sign.
10
11 **EXECUTIVE DIRECTOR GREGORY:** One abstention.
12
13 **CHAIRMAN BOSARGE:** **The motion carries.** Anything else on
14 triggerfish before Johnny carries on with the committee report?
15 All right. Carry on, sir.
16
17 **MR. GREENE:** Okay. Thank you. Draft Amendment 41, Red Snapper
18 Management for Federally-Permitted Charter Vessels, staff
19 reviewed the revised actions in Draft Amendment 41 alongside the
20 recommendations of the Ad Hoc Red Snapper Charter AP.
21
22 For Action 3, Alternative 4, the committee clarified that
23 passenger capacity should be based on each vessel and not tiers
24 of passenger capacity.
25
26 Dr. Jessica Stephen presented a preliminary decision tool for
27 the various charter vessel allocations that could result from
28 the alternatives and options in Action 3. She will also
29 incorporate the AP recommendations into the tool for
30 informational purposes.
31
32 For the metric of historical landings by region, staff requested
33 clarification on the council's motion from the last meeting to
34 combine Mississippi and Alabama as a single region. The
35 committee requested an analysis of Mississippi and Alabama as
36 separate regions and for the two states as a single region.
37 Staff will add a sub-action to provide this analysis.
38
39 Madam Chair, I just have one question. In regard to the
40 preliminary decision tool, I know that Dr. Stephen had indicated
41 that it would be ready before the next council meeting, and do
42 we feel like it would be ready before an AP meeting, if we had
43 an AP meeting before the next council meeting?
44
45 **CHAIRMAN BOSARGE:** Dr. Stephen, can we put you on the spot for
46 that? How soon do you think that decision tool will be QC'd and
47 ready?
48

1 **DR. JESSICA STEPHEN:** The QA/QC of it shouldn't take much longer
2 for what it is, as it was shown to you. We're just double-
3 checking that. Adding the additional few elements, I think we
4 can do it definitely before the January meeting, and probably in
5 time for the AP meeting. Do we have a timeframe for when we
6 think an AP meeting would be? I would say by the mid to end of
7 November that it should be ready, as a ballpark.

8
9 **CHAIRMAN BOSARGE:** Thank you. I appreciate that. Dr. Lucas.

10
11 **DR. LUCAS:** I have a question for clarity, because we've had
12 some discussion on it, and I know I've had some of my guys in
13 Mississippi ask this. When we discuss it by region and we talk
14 about the regions, we are talking about the address that the
15 permit goes to or are we talking about the home port of where
16 that boat is located?

17
18 **CHAIRMAN BOSARGE:** Mr. Greene.

19
20 **MR. GREENE:** Well, I'm glad you asked that question, and,
21 Lieutenant Commander, I should have asked you this beforehand,
22 just to get you ready, and I don't want to put you on the spot,
23 and so, if you don't want to answer this, don't. The Coast
24 Guard, when you're dealing with vessels, you guys work off of
25 the home port of the vessel whenever -- For enforcement purposes
26 and all, I know, through the Coast Guard COI, I have to declare
27 a home port on it.

28
29 If that is different than a mailing address, which one would you
30 all work with, the home port of the vessel or how we would go?
31 We have some permits and they are off away from the coast, or
32 potentially in other areas, and there seems to be a little bit
33 of a misinterpretation with that. If you don't have answer for
34 that, perhaps you could look into it and maybe get back with us
35 down the road, and that might be the best thing, because I
36 certainly don't want to put you on the cuff with that, but I
37 know there's some Coast Guard regulations and it's specific to
38 home port of the vessel.

39
40 **LCDR DANAHER:** That's a good question, and I'm going to have to
41 get back to you.

42
43 **CHAIRMAN BOSARGE:** Mr. Blankenship.

44
45 **MR. BLANKENSHIP:** When we do the charter boat and the MRIP
46 landings estimates, that's done by the location of the vessel,
47 and so I think you would want it to be apples to apples here.

48

1 **CHAIRMAN BOSARGE:** Dr. Lucas.
2
3 **DR. LUCAS:** I am noticing that we may need to -- I don't know if
4 that is the way it is currently in the document, and so we just
5 may want to look into that, because I know, in looking at the
6 way that Mississippi is structured -- Like I see the number of
7 permits that we have listed or whatever, but I know that not all
8 these people are registered in Tails and Scales, because they
9 may not be physically -- Their boat may not be in the State of
10 Mississippi, although their address is.
11
12 **CHAIRMAN BOSARGE:** So noted, and I don't think Dr. Lasseter is
13 here today, and so we will have staff look into that and give us
14 an update when we come back in January, if not before. Dr.
15 Simmons, did you have some --
16
17 **DR. CARRIE SIMMONS:** Thank you, Madam Chair. I would just say
18 that you're referring to Amendment 41, correct, and Table 1.1.1?
19 That's by home port state, currently. Ava is on the webinar if
20 you want her to speak.
21
22 **CHAIRMAN BOSARGE:** I think that answers our question. Thank
23 you. Is there anything else for that subject before Chairman
24 Greene moves on? Are we okay with that and all of our questions
25 are answered? Okay.
26
27 **MR. GREENE:** Moving on to Draft Amendment 36A, Commercial IFQ
28 Program Modifications, staff reviewed the actions in Draft
29 Amendment 36A alongside recommendations from the Reef Fish AP
30 and the Law Enforcement Technical Committee.
31
32 Discussing the expansion of the hail-in requirement to reef fish
33 vessels landing non-IFQ species, the committee noted that, to
34 improve enforcement, it would be necessary for law enforcement
35 to be able to access where landings are made. Dr. Jessica
36 Stephen noted that National Marine Fisheries Service is working
37 with the VMS vendors to modify how fishermen enter their landing
38 location. This will allow for the addition of many more
39 approved landing locations in the system.
40
41 The committee then made the following motion. **Without**
42 **opposition, the committee recommends, and I so move, in Action**
43 **1, to modify the alternatives to reflect that landings occur at**
44 **a preapproved site.**
45
46 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any
47 discussion on the motion? Mr. Riechers.
48

1 **MR. RIECHERS:** I was going to say this in committee, but I
2 didn't. Do we have any -- Have we estimated in any way, when we
3 look at the landings of those other species -- I mean, I've got
4 to believe there is a few number of dealers who aren't landing
5 red snapper, but would land those other species. I just don't
6 think this is a big issue, but I'm trying to see if we have any
7 numeric suggestion of whether it will be or will not be.

8
9 **CHAIRMAN BOSARGE:** I had kind of wondered the same thing, what
10 kind of increase would that look like, and so maybe staff can do
11 a little bit of research on that between now and the next
12 meeting, and I don't know that that's something that they could
13 probably give us a hard number on, per se, but we could get some
14 general estimates and get a feeling for what kind of increase
15 that might be.

16
17 **MR. RIECHERS:** Yes, because it may change through time, but I
18 would think we certainly know where the red snapper landings
19 sites are now and we can look to see where those other species
20 are landed, to get some notion of whether those are the same
21 people now or whether we expect an increase of ten dealers or
22 fifteen or a hundred or whatever it may be.

23
24 **CHAIRMAN BOSARGE:** All right. Any further discussion on the
25 motion on the board? **Any opposition to the motion? Seeing**
26 **none, the motion carries.**

27
28 **MR. GREENE:** In Action 2, staff noted that the amount of shares
29 held in inactivated accounts has continued to decline. Across
30 all IFQ share categories, there are currently less than 32,000
31 pounds of quota held in the inactivated accounts. Noting the
32 relatively small amount of quota and complicated method for
33 distributing inactivated shares as proposed in Alternative 4,
34 the committee passed the following motion. **Without opposition,**
35 **the committee recommends, and I so move, in Action 2.2, to move**
36 **Alternative 4 to Considered but Rejected.**

37
38 **CHAIRMAN BOSARGE:** We have a committee motion. Any discussion
39 on the motion? **Is there any opposition to the motion? Seeing**
40 **none, the motion carries.**

41
42 **MR. GREENE:** The committee discussed Action 3, to retain annual
43 allocation before an anticipated quota reduction. Dr. Crabtree
44 noted that it is possible to reduce a quota after the beginning
45 of the year in the recreational sector, but this is not possible
46 for commercial IFQ species, as allocation is distributed at the
47 beginning of the year.

1 Some committee members were concerned about the impacts of quota
2 released late in the year. Dr. Crabtree noted that it would not
3 be likely to release withheld quota. The council would have
4 already approved an action to reduce the quota, and it would be
5 unlikely for the action not to be implemented. For
6 informational purposes, staff will add the frequency
7 distribution of IFQ landings by month to the document.

8
9 The committee discussed Action 4, which would require dealers to
10 notify National Marine Fisheries Service of the time offloading
11 would begin. Dr. Crabtree noted that this could be difficult to
12 do and that law enforcement is not in support. Mr. Walker
13 suggested gathering additional public comment.

14
15 Discussing public hearings, the committee agreed that staff
16 would use a direct mailing to commercial reef fish permit
17 holders and shareholders to solicit public comment. Staff will
18 also hold one public hearing by webinar.

19
20 **CHAIRMAN BOSARGE:** Mr. Blankenship.

21
22 **MR. BLANKENSHIP:** I apologize to the staff for not sending
23 these, but I do want to make some motions for preferred
24 alternatives on this amendment, after the discussion we had on
25 Tuesday and then in talking to some of the fishermen between
26 then and now.

27
28 **In Action 1, I would move to make Alternative 2 the preferred**
29 **alternative.** That's the one where anybody landing commercially-
30 caught reef fish would have to hail-in and hail-out or hail-in.

31
32 **CHAIRMAN BOSARGE:** Okay. We will give staff just a second to
33 get that on the board. Do you want to repeat it one more time
34 for staff, if you don't mind?

35
36 **MR. BLANKENSHIP:** In Amendment 36A, to make Action 1,
37 Alternative 2 the preferred alternative.

38
39 **CHAIRMAN BOSARGE:** All right. Your motion reads, in Action 1,
40 to make Alternative 2 the preferred alternative. Do we have a
41 second for the motion? It's seconded by Ms. Guyas. Now, do we
42 have any discussion on the motion? Would you like to provide
43 some rationale, Chris?

44
45 **MR. BLANKENSHIP:** After talking with the fishermen and then the
46 enforcement guys, this is what fits better under what we're
47 trying to do in this amendment, is to ensure that all the
48 vessels with IFQ are reporting those fish adequately and by

1 having anybody that has commercial reef fish they are coming to
2 the dealer to provide the three-hour notification, it just felt
3 like this would help ensure the enforcement, but it would not
4 overly burden the enforcement officers by receiving the three-
5 hour notifications for every commercial vessel in the Gulf as
6 they come to unload.

7

8 **CHAIRMAN BOSARGE:** Mr. Walker.

9

10 **MR. WALKER:** I think the AP had picked Alternative 3, and I
11 would just like to get some input from Roy on what he feels
12 about Alternative 2 and 3.

13

14 **CHAIRMAN BOSARGE:** Dr. Crabtree.

15

16 **DR. CRABTREE:** I think that's probably my preference, and I tend
17 to agree with Chris to go ahead with Alternative 2. I am a
18 little concerned about overloading everyone, and we've heard
19 some concerns about number of notifications, and so I would like
20 to go with Alternative 2 for now, and then let's get that
21 smoothed out and working, and then we can come back down the
22 road, if we wanted to expand it further.

23

24 **MR. WALKER:** I would like to hear some public comment on that as
25 well when it gets out. It's definitely better than what we have
26 now, Alternative 2.

27

28 **CHAIRMAN BOSARGE:** Mr. Diaz.

29

30 **MR. DIAZ:** I speak in support of Alternative 2 as the preferred
31 motion. Alternative 3 is any federally-managed species, and so
32 we would be including all of the shrimp vessels in there. The
33 number of notifications would go up substantially, and, at this
34 point, I think it would just be too much, and so I support the
35 motion.

36

37 **MR. WALKER:** I was just going to add that I think that it would
38 just include the shrimp vessels that had a reef fish permit, I
39 think.

40

41 **CHAIRMAN BOSARGE:** Which, strangely enough, was eleven in the
42 Gulf. I found that kind of interesting. They're two very
43 different types of boats. Maybe somebody is just parking a
44 permit.

45

46 **EXECUTIVE DIRECTOR GREGORY:** I don't know if Mr. Walker just
47 said this, but Alternative 3 is limited to commercial reef-fish-
48 permitted vessels. It wouldn't include king mackerel and shrimp

1 vessels.

2

3 **MR. BLANKENSHIP:** Alternative 3 or 2?

4

5 **EXECUTIVE DIRECTOR GREGORY:** Alternative 3, and it's not
6 explicit in the alternative itself, but, if you go down to the
7 top of page 16, where it starts to describe Alternative 3, it
8 says that Alternative 3 would extend the hail-in requirement
9 beyond Alternative 2 by including all trips by commercial reef-
10 fish-permitted vessels landing any federally-managed
11 commercially-caught species from the Gulf, and so if a reef-
12 fish-permitted vessel caught shrimp, they would have to hail it
13 in, but it's limited to just the reef-fish-permitted vessels.

14

15 **CHAIRMAN BOSARGE:** All right. Any further discussion? I will
16 read this into the record. The motion is, in Action 1, to make
17 Alternative 2 the preferred alternative. Alternative 2 is the
18 owner or operator of a commercial reef-fish-permitted vessel
19 landing commercially-caught reef fish from the Gulf is
20 responsible for ensuring that National Marine Fisheries Service
21 is contacted at least three hours, but no more than twenty-four
22 hours, in advance of landing.

23

24 If IFQ species are to be landed, all IFQ advance notice of
25 landings regulations must be followed. If no IFQ species are to
26 be landed, information required with the advance notice of
27 landings will include date, time, location of landing, and
28 vessel identification number, Coast Guard certificate of
29 documentation, or state registration number. **All those in favor
30 this motion, signify by raising your hand, please.**

31

32 **EXECUTIVE DIRECTOR GREGORY:** Fifteen.

33

34 **CHAIRMAN BOSARGE:** All those opposed, same sign.

35

36 **EXECUTIVE DIRECTOR GREGORY:** One no. It's fifteen to one. **The
37 motion passes.**

38

39 **CHAIRMAN BOSARGE:** Did you have another motion, Mr. Blankenship?

40

41 **MR. BLANKENSHIP:** I would also make a motion that in Action 2
42 that Alternative 2, Option 2a and Alternative 3, Option 3a be
43 the preferred alternatives. That's the alternatives that any
44 unused share -- On the effective date of the implementation of
45 this amendment, any unused shares would go back to NMFS.

46

47 **CHAIRMAN BOSARGE:** Okay. Do we have a second for the motion
48 that we're working on getting on the board here? It's seconded

1 by Ms. Guyas.

2

3 **MS. GUYAS:** I think you're talking about Action 2.1

4

5 **MR. BLANKENSHIP:** Yes, Action 2.1.

6

7 **CHAIRMAN BOSARGE:** The motion reads that, in Action 2.1, to make
8 Alternative 2, Option 2a, and Alternative 3, Option 3a, be the
9 preferred alternatives. Alternative 2 is for shares in red
10 snapper IFQ program accounts that have never been activated in
11 the current system, return the shares to NMFS on the effective
12 date of the final rule implementing this amendment. Alternative
13 3 is for shares in grouper/tilefish IFQ program accounts that
14 have never been activated in the current system, return the
15 shares to NMFS on the effective date of the final rule
16 implementing this amendment. Is there discussion on the motion?

17

18 **MR. WALKER:** I remember from Roy's discussion that he would like
19 to -- I think he said the other day that he would like to have
20 either both a or both b, and, with the discussion that I hear
21 from the AP, it was sort of the grouper guys were three years
22 behind in implementing their program, and they felt they needed
23 a little longer, and so I don't know if we wanted to go with b
24 on both of these or a on both of these, but I would like to hear
25 Dr. Crabtree's input on this as well.

26

27 **CHAIRMAN BOSARGE:** Dr. Crabtree.

28

29 **DR. CRABTREE:** I don't really have strong feelings one way or
30 another. I am inclined to go with Chris's motion and just do it
31 on the effective date and get these fish -- If we wait another
32 year, then that's another year those fish don't get to anyone
33 and nobody catches them, and so I think I'm inclined to go along
34 with Chris's motion.

35

36 **CHAIRMAN BOSARGE:** Chris.

37

38 **MR. BLANKENSHIP:** That was my rationale on this. The snapper
39 program has been in place a long time. The grouper/tilefish
40 program has been in place for several years, and it will be at
41 least another year before this ever takes place, and so there's
42 a lot of fish that have not been able to make the market because
43 of them not being available. If people want to participate in
44 the fishery, they have plenty of time between now and then to do
45 that, to get started.

46

47 **CHAIRMAN BOSARGE:** Okay. Any further discussion? All right.
48 **All those in favor of the motion of the board, please signify by**

1 raising your hand.
2
3 **EXECUTIVE DIRECTOR GREGORY:** Fifteen.
4
5 **CHAIRMAN BOSARGE:** All opposed, same sign. The motion carries.
6
7 **EXECUTIVE DIRECTOR GREGORY:** It was fifteen to zero.
8
9 **CHAIRMAN BOSARGE:** Mr. Blankenship, do you have another motion
10 for us?
11
12 **MR. BLANKENSHIP:** Again, I apologize to the staff. It's my
13 first time sitting at the adult table. **I should have sent these**
14 **to you already, and I apologize, but, in Action 2.2, method of**
15 **redistributing shares, I would move to make Alternative 3 the**
16 **preferred alternative.** That was the AP's recommendation, and
17 that's the one that redistributes the shares from each account
18 according to the proportion of shares held by the shareholder.
19
20 **CHAIRMAN BOSARGE:** Okay. We have a motion in Action 2.2 to make
21 Alternative 3 the preferred alternative. Alternative 3 is
22 redistribute the shares from each share category according to
23 the proportion of shares held by shareholders of that share
24 category at the time the shares are redistributed by NMFS. Do
25 we have a second for the motion? It's seconded by Mr. Riechers.
26 Is there discussion on the motion? Dr. Crabtree.
27
28 **DR. CRABTREE:** One possibility here is, if anyone is at the
29 share cap, then they won't be able to get any of these. **Aside**
30 **from that though, I think I am going to make a substitute motion**
31 **to go with Alternative 2 as the preferred, which would**
32 **redistribute the shares equally among the shareholders.**
33
34 Chris's motion kind of gives the bulk of this to the people who
35 already have the most, and I think I would rather see it just
36 divvied up equally, although I will live with it either way, but
37 I am more inclined to go with equally, and so I will try that
38 motion and see if it floats.
39
40 **CHAIRMAN BOSARGE:** We have a substitute motion on the board in
41 Action 2.2 to make Alternative 2 the preferred alternative.
42 Alternative 2 reads: Redistribute the shares from each share
43 category equally among all shareholders of that share category.
44 Do we have a second for the substitute? It's seconded by Mr.
45 Swindell. Is there discussion? Dr. Crabtree and then Mr. Boyd.
46
47 **DR. CRABTREE:** It just seems to me, in this case, that I would
48 rather see some of the smaller shareholders get a little bit

1 more, and this is not many fish. I don't think it's a big deal,
2 but this would go a little bit towards that.

3

4 **CHAIRMAN BOSARGE:** Mr. Boyd.

5

6 **MR. BOYD:** I support this substitute motion, and my comment is
7 that we've talked about what a small amount this is. In the
8 report, it says 32,000 pounds. Let's talk for a second about
9 the value of that that the American people are going to
10 redistribute. That's somewhere in the neighborhood of \$800,000
11 worth of value in today's market. It's a lot of money, and, if
12 we're redistributing America's wealth, we need to do it across
13 the board and not to those who are already wealthy. That's my
14 point. Thank you.

15

16 **CHAIRMAN BOSARGE:** Mr. Blankenship.

17

18 **MR. BLANKENSHIP:** I was torn between 2 and 3, and I had both of
19 them circled on my paper, and so I'm okay with 2, if that's
20 where the committee wants to go.

21

22 **CHAIRMAN BOSARGE:** Mr. Walker.

23

24 **MR. WALKER:** That's right. It's not a lot of fish. I just want
25 to back up to when this first began, and it was the ad hoc panel
26 that helped develop the profiles for this, and we had an appeals
27 process for the people who came and said that I didn't get what
28 I caught. They could bring their records, and they could bring
29 their landings, or they could bring some receipts and prove
30 that.

31

32 We went through that, but the discussion at the time was it
33 would be -- It was divided, the appeals process. The fish that
34 were left over, were not claimed, were divided proportionately,
35 and that's what the AP has asked for. It's not a lot of fish,
36 but that was the discussion, that we take them proportionately
37 as this came back, as the fishery came back, that we would be
38 proportionately would gain from making sacrifices.

39

40 We took a 50 percent cut at the beginning of this program. Of
41 course, the recreational took a 50 percent cut too, beside their
42 overages, but we all make sacrifices to rebuild this program.
43 The industry voted as stewards to do this, and I'm not going to
44 fall on the sword for this small amount of fish that we're
45 talking about here, because it's already shrunk. It's not
46 32,000 anymore, but I'm just saying that's what the original ad
47 hoc panel had voted in support of that, with the thought that if
48 any fish were unused -- That's when we asked for the use-it-or-

1 lose-it, because we wanted those fish to be distributed amongst
2 the fishermen who were substantially dependent on it, but I mean
3 it's -- Like I said, I'm not going to fall on this small amount
4 of fish.

5

6 **CHAIRMAN BOSARGE:** Mr. Riechers.

7

8 **MR. RIECHERS:** Just to put a little finer point on the numbers
9 here in the record, at least as I am reading the discussion
10 here, at the end of 2014, that would have been seventy-six
11 pounds of allocation per shareholder on red snapper. Oddly
12 enough, we don't have the grouper/tilefish poundage in there,
13 and I don't really know why we wouldn't have that explained in
14 there, but it's probably less than that.

15

16 **CHAIRMAN BOSARGE:** All right. We've had some good discussion.
17 Let's take a vote on the substitute. **All in favor of the**
18 **substitute motion, please signify by raising your hand.**

19

20 **EXECUTIVE DIRECTOR GREGORY:** Sixteen.

21

22 **CHAIRMAN BOSARGE:** All opposed, same sign.

23

24 **EXECUTIVE DIRECTOR GREGORY:** No nays. It passes sixteen to
25 zero.

26

27 **CHAIRMAN BOSARGE:** One more, Mr. Blankenship. Go ahead.

28

29 **MR. BLANKENSHIP:** I would move, in Action 4, that all of Action
30 4 be moved to the Considered but Rejected section.

31

32 **MR. RIECHERS:** I will second.

33

34 **CHAIRMAN BOSARGE:** Okay. We have a motion to move Action 4 to
35 Considered but Rejected. Action 4 is dealer notification
36 requirement for beginning to offload IFQ species, and you can
37 see the three alternatives there below it. I can read it if
38 Mara would like. I had a second, first by Ms. Guyas over here
39 and then followed by Mr. Riechers, and so it's definitely
40 seconded. Do we have any discussion on this motion?

41

42 **MR. BLANKENSHIP:** My rationale on this is that, in talking with
43 the enforcement officers, that this is a limited problem and
44 that it wasn't necessary to create this where they were getting
45 two email notifications for every offload, one when they landed
46 and once when they offloaded, and it just wasn't necessary to do
47 for the dealers, in order to enforce this.

48

1 **CHAIRMAN BOSARGE:** Mr. Diaz and then Mr. Riechers.
2
3 **MR. DIAZ:** Yes, ma'am. This document is going to go out for
4 public hearing. It's already in the document now. If we made
5 Alternative 1 the preferred alternative at this time, at least
6 it would go out and people can comment on it.
7
8 I believe we've had some discussion in the past that this is
9 something that industry has asked for. At the end of the day, I
10 might be more inclined to agree with Chris. I don't know that
11 Alternative 2 or 3 is the way to go, but, from where we're at
12 right now, and it's going out for public comment, I think I
13 would be in favor of just leaving it in the document, and so I'm
14 going to speak against the motion. Thank you, Madam Chair.
15
16 **CHAIRMAN BOSARGE:** Mr. Riechers.
17
18 **MR. RIECHERS:** Dale brought this in sidebar, Chris, after you
19 made the motion, and I will just ask if we think there is value
20 in leaving it in, since the analysis has already been done, and
21 just choosing the no action, so that people can see we
22 considered it.
23
24 I had some of those same conversations with folks after the
25 committee meeting, and while I don't think this is the solution,
26 if we leave it in, people may get creative about a better
27 solution and be thinking about it, as opposed to putting it in
28 Considered but Rejected, and maybe we could still have a
29 placeholder for the notion of is there a way to tighten this up
30 where these things are happening. I can go either way on this,
31 Chris, but I am kind of wondering and just pose the question of
32 is it valuable to leave in, so that people can see that we
33 considered it?
34
35 **CHAIRMAN BOSARGE:** Mr. Walker.
36
37 **MR. WALKER:** I would like to leave it in or go with no action.
38 I heard the discussion that the law enforcement said it was
39 burdensome, and I also spoke with a dealer that said it would be
40 burdensome on him as well, and so leave it in and maybe hear
41 some more public comment on it. Maybe not take it out right
42 now, but there is some dealers who are really adamant about
43 wanting this in the document, and there is others who don't
44 think it's necessary. I could go -- I would prefer no action at
45 this time, or something to at least leave it in the document.
46
47 **CHAIRMAN BOSARGE:** Ms. Guyas.
48

1 **MS. GUYAS:** At least the alternatives that we have in front of
2 us for this one, it sounds like the Law Enforcement AP had some
3 issues and the Reef Fish AP had some issues, and I get that this
4 was an industry request, but it seems like what we have now at
5 least isn't going to work, and this is going to go out to public
6 hearing after this council meeting, and is that right, or does
7 this come back to us in January? I would much rather have
8 something workable to put in front of the public, rather than
9 take out something that we kind of know is not going to work.
10 That's not that I am saying that we need to delay this, but I'm
11 just trying to understand where we are.

12
13 **CHAIRMAN BOSARGE:** I think we're going to do a mail-out to all
14 the permit holders, followed by a webinar, and is that correct?
15 Dr. Simmons.

16
17 **DR. SIMMONS:** Thank you, Madam Chair. We will bring back a
18 public hearing draft to you in January for you to approve before
19 we do that mail-out. Thank you.

20
21 **CHAIRMAN BOSARGE:** Ms. Guyas.

22
23 **MS. GUYAS:** I guess, with that, if we're going to see this
24 again, maybe, between now and then, we can put our heads
25 together and industry can put their heads together and figure
26 out if there's a workable solution. If not, then I would say
27 let's take it out, but we've got a little bit of time, it sounds
28 like.

29
30 **CHAIRMAN BOSARGE:** Mr. Swindell.

31
32 **MR. SWINDELL:** I attended the Reef Fish Advisory Panel, and the
33 dealer, or a couple of dealers, that were there were not -- They
34 said this is going to be a real problem in trying to get
35 anything for enforcement to come do anything about it, which I
36 can appreciate. If this is the only reason we're using it, I
37 don't think it's really workable. We even heard, I thought,
38 from the enforcement, saying that where they want to inspect the
39 fish is aboard the vessel and not as it's being offloaded off
40 the vessel. Thank you.

41
42 **CHAIRMAN BOSARGE:** We've had some good discussion. This motion,
43 if we pass it, will remove this action from the document. If
44 not, it will stay in, and we will see it one more time at our
45 next meeting before it goes out to the public. **All those in**
46 **favor of the motion to remove Action 4 from the document to the**
47 **Considered but Rejected section, signify by raising your hand.**

48

1 **EXECUTIVE DIRECTOR GREGORY:** Seven.
2
3 **CHAIRMAN BOSARGE:** All those opposed, same sign.
4
5 **EXECUTIVE DIRECTOR GREGORY:** Seven. I get seven to seven.
6
7 **CHAIRMAN BOSARGE:** So that's me. All right.
8
9 **EXECUTIVE DIRECTOR GREGORY:** Are you for or opposed?
10
11 **CHAIRMAN BOSARGE:** I say leave it in the document right now.
12
13 **EXECUTIVE DIRECTOR GREGORY:** So the motion fails seven to eight.
14
15 **CHAIRMAN BOSARGE:** Dr. Crabtree.
16
17 **DR. CRABTREE:** I would like to make a motion that in Action 4
18 that the preferred alternative be Alternative 1, no action.
19
20 **CHAIRMAN BOSARGE:** We have a second by Johnny Greene for that.
21 In Action 4, to make Alternative 1 the preferred alternative,
22 and obviously Alternative 1 is no action. We have a motion on
23 the board, and we have a second. Do we have any discussion on
24 the motion? I think we've had good discussion on it prior to
25 this. All those in favor of the motion, signify by raising your
26 hand.
27
28 **EXECUTIVE DIRECTOR GREGORY:** Sixteen. The motion passes sixteen
29 to zero.
30
31 **CHAIRMAN BOSARGE:** All right. Did you have any other motions
32 for us, Mr. Blankenship?
33
34 **MR. BLANKENSHIP:** I am done.
35
36 **CHAIRMAN BOSARGE:** You are done, but Dr. Crabtree may.
37
38 **DR. CRABTREE:** While we're on a roll with this amendment, I
39 would like to make a motion that in Action 3 that Alternative 2a
40 be the preferred.
41
42 **MR. BLANKENSHIP:** Second.
43
44 **CHAIRMAN BOSARGE:** There is a second from Mr. Blankenship.
45
46 **DR. CRABTREE:** This is the action about retaining the quota in
47 case the council has a pending action, and this would provide
48 the Fisheries Service the authority to do that. Should the

1 action not go forward, then they would release it in June, which
2 I think gives the industry a fair amount of time to do it. I
3 think this is something we need. It's come up in the past.

4
5 **CHAIRMAN BOSARGE:** I am going to read it into the record. The
6 motion is, in Action 3, to make Alternative 2a the preferred
7 alternative. Alternative 2 is to provide the Regional
8 Administrator the authority to withhold the amount of red
9 snapper or grouper/tilefish annual allocation before
10 distribution at the beginning of a year in which a commercial
11 quota reduction is expected to occur. Withheld red snapper and
12 grouper/tilefish annual allocation will be distributed to
13 shareholders if the effective date of the final rule
14 implementing the quota reduction has not occurred by, Option a,
15 June 1. Is there discussion on the motion? Mr. Riechers.

16
17 **MR. RIECHERS:** I would like for Doug to walk us through, and
18 probably Mara, the rulemaking process, because I'm assuming this
19 would typically occur if we pass something in the October or
20 November meeting and then we were trying to work our way through
21 the final publication of that in the first part of the next
22 year, and so all I want to do is make sure we, on the record,
23 put what we believe the timing of all of that would take. It
24 typically takes us X days to get it forwarded to you guys, and
25 you guys have to do a certain amount to it. It has to publish,
26 and just walk us through that.

27
28 **EXECUTIVE DIRECTOR GREGORY:** This is pretty straightforward. It
29 wouldn't take long to have a document ready to be transmitted to
30 NMFS after the council approves it, and so it would be the NMFS
31 rulemaking process that would be the predominant amount of time.

32
33 **MR. RIECHERS:** But two weeks? I mean, rarely do we send it out
34 the next day, I know, and so --

35
36 **EXECUTIVE DIRECTOR GREGORY:** It would be less than a month, for
37 sure.

38
39 **CHAIRMAN BOSARGE:** Dr. Crabtree, do you want to --

40
41 **DR. CRABTREE:** For example, if we had a framework action that
42 was to reduce the quota and we vote it up at the October
43 meeting, it would be sent over to us usually in November
44 sometime. We get a proposed rule out the first of the year,
45 maybe February or March, and there's a thirty-day comment period
46 and the final rule. We would get it done by June.

47
48 **CHAIRMAN BOSARGE:** Mr. Greene, did you have a comment?

1
2 **MR. GREENE:** Dr. Crabtree, in absence of Option a or b, if you
3 just took them completely out, then they would not be able to
4 receive that quota until the following year? Is that correct?
5
6 **DR. CRABTREE:** I think, if you don't put anything in there,
7 then, if we disapprove the action, we would just redistribute
8 the quota at that point, and you would be leaving the timing of
9 it at the discretion of the agency, I guess.
10
11 **MR. GREENE:** The reason that I ask is that it seems like we're
12 trying to withhold some and we're going to give it to you later,
13 and the industry is concerned about, well, if we get it later,
14 it's going to upset my business model. If we don't get it to
15 them then, and we wait until the following year, that's the
16 other alternative, and that's not really written in here, but am
17 I correct?
18
19 **DR. CRABTREE:** I think what you're doing here is telling the
20 agency if you can't get your decision made by then that you have
21 to give it back to them anyway, and so you're sort of putting
22 the heat on the agency to get it done by June 1.
23
24 **CHAIRMAN BOSARGE:** Any further discussion? **All those in favor**
25 **of the motion on the board, please signify by raising your hand.**
26
27 **EXECUTIVE DIRECTOR GREGORY:** Fifteen.
28
29 **CHAIRMAN BOSARGE:** **All those opposed, same sign.**
30
31 **EXECUTIVE DIRECTOR GREGORY:** One no. **The motion carries fifteen**
32 **to one.**
33
34 **CHAIRMAN BOSARGE:** Are there any other motions before we leave
35 this section? Okay, Chairman Greene, I am going to turn it back
36 over to you.
37
38 **MR. GREENE:** Standing and Reef Fish SSC Report, Dr. Powers
39 reviewed the summary of items that have not been reviewed under
40 other agenda items. This included a discussion on limit and
41 target reference points and MSY proxies for reef fish, a review
42 of ABC control rule alternatives, and a discussion on carryover
43 of red snapper quota underharvest.
44
45 The SSC considered the formation of an ad hoc working group on
46 MSY proxies, but felt they should wait until the data-poor stock
47 assessment review is done. In the interim, several of the
48 social scientists and economists on the SSC agreed to put

1 together a discussion on risk and uncertainty associated with
2 choosing MSY proxies from a socioeconomic viewpoint.

3
4 In the future, expanded use of management strategy evaluation
5 techniques should help to better identify sources of scientific
6 variability. Dr. Ponwith noted that the Southeast Fisheries
7 Science Center is in the process of hiring a MSE specialist.

8
9 Regarding carryover of unharvested ACL to the following year,
10 SSC members felt that the totality of data and analysis needed
11 to consider an ABC adjustment to allow a carryover to occur
12 would require the equivalent of an update assessment.

13
14 However, the SSC was aware that the council is looking for a
15 simpler solution. Two alternative approaches were suggested.
16 One method would be to allow the unharvested amount minus
17 natural deaths to be carried over, such as one minus M times
18 underharvest. Another method would be to conduct simulations to
19 determine what level of carryover could be allowed without
20 affecting rebuilding.

21
22 Both of these methods would require further evaluation to
23 determine if they are feasible. Council members felt that the
24 issues associated with carryovers could be addressed in a plan
25 amendment, and they would like to proceed with a plan amendment.
26 Staff noted that the amendment is on the action schedule, and a
27 document will be presented to the council in January.

28
29 Reef Fish AP Summary, staff reviewed the following remaining
30 Reef Fish AP agenda items that were not covered: vermilion
31 snapper assessment and draft options; discussion on carryover of
32 unharvested red snapper ACL; and other business of recreational
33 and commercial allocation exchange.

34
35 **CHAIRMAN BOSARGE:** All right. I believe the concludes the Reef
36 Fish Management Committee Report. We will go back up to our
37 normal agenda now and pick back up with Data Collection, if Dr.
38 Stunz is ready.

39
40 **DR. STUNZ:** I am ready when you are, Madam Chair.

41
42 **CHAIRMAN BOSARGE:** Go ahead.

43
44 **DATA COLLECTION COMMITTEE REPORT**

45
46 **DR. STUNZ:** The Data Collection Committee met on October 17,
47 2016. First was the NFWF For-Hire Pilot Program. Mr. Gill gave
48 a presentation, which is Tab F, Number 4, summarizing the

1 National Fish and Wildlife Foundation For-Hire Pilot Program.

2
3 The objective of this program is to use electronic logbooks to
4 report catch and effort information of for-hire vessels in the
5 Gulf of Mexico. The program uses CLS America reporting software
6 developed for this project. To date, 234 vessels have
7 voluntarily participated in the program.

8
9 The program has been effective and several methods to improve
10 software, including ease of use and data quality, have resulted
11 from this pilot program. Mr. Gill stated that the intent is for
12 this program to serve as building block to implement electronic
13 reporting for the federally-permitted for-hire fleet.

14
15 Next was the Generic For-Hire Reporting Amendment. Staff
16 provided a summary of the Technical Committee meeting, which is
17 Tab F, Number 5(a), recommendations about data elements that
18 should be considered in the proposed for-hire electronic
19 reporting program.

20
21 Staff explained that the list of recommended elements were
22 identified as essential elements and the timing of anticipated
23 reporting, i.e., during hail-out or hail-in, was included for
24 each variable. The committee was in agreement with this list.
25 However, it requested that the number of passengers be added to
26 the list of essential elements.

27
28 Staff reviewed the Generic Charter Vessel and Headboat Reporting
29 Requirements document, which is Tab F, Number 5, including the
30 actions and preferred alternatives. Staff reviewed comments and
31 recommendations from the Ad-Hoc Red Snapper Charter For-Hire,
32 Tab B, Number 10(b), and Reef Fish AP, Tab B, Number 13.

33
34 The Ad-Hoc Charter For-Hire supported the current preferred
35 alternatives for Actions 1 and 3, but recommended Alternative 2
36 for Action 4. That would require vessel operators to submit
37 fishing records via NMFS-approved hardware/software with minimum
38 archived GPS capabilities that provides vessel position.

39
40 The Reef Fish AP supported the current preferred alternatives in
41 all four actions. They requested that a backup option be
42 available, in the event of VMS/hardware failure, and that
43 options for VMS funding be explored.

44
45 Staff reviewed public comments received during the September 28,
46 2016 webinar as well as written comments submitted through our
47 website. Staff also reviewed the comments from the Law
48 Enforcement Committee. The committee recognized the benefits of

1 hail-in requirements for the purpose of data collection, but did
2 not recommend the hail-in requirement for law enforcement
3 purposes. The committee supports the council's Preferred
4 Alternative 4 in Action 4 that requires VMS that is permanently
5 affixed to the vessel.
6

7 The committee recommended that staff expand the discussion in
8 the document to clarify the need for a backup system, in the
9 event of VMS/hardware failure, and clarify the role of the
10 council in reviewing the final plan before implementation.
11

12 **CHAIRMAN BOSARGE:** Ms. Guyas.
13

14 **MS. GUYAS:** Before we leave this amendment, I wanted to have a
15 little more discussion about the hardware requirements. It
16 seems like we've gotten some feedback from that on from our APs,
17 and so, to do that, I will put up a motion. **The motion would**
18 **be, in Action 4, to select Alternative 2 as the preferred**
19 **alternative.**
20

21 **CHAIRMAN BOSARGE:** We have a motion in Action 4 to select
22 Alternative 2 as the preferred alternative. Alternative 2 is to
23 require vessel operators to submit fishing records via NMFS-
24 approved hardware/software with minimum archived GPS
25 capabilities that provides vessel position. That was the
26 technical committee recommendation. Do we have a second for the
27 motion? It's seconded by Mr. Banks. Is there discussion on the
28 motion? Ms. Guyas.
29

30 **MS. GUYAS:** Let me start by saying that our commission discussed
31 this issue and this amendment at their meeting, and they were
32 supportive of this option, because it does provide the
33 flexibility to use a VMS or any of these other platforms,
34 smartphones or tablets or so on and so forth. This was the
35 recommendation that came from our technical committee. This is
36 what we need to get the job done. It was also the preference of
37 I think the for-hire AP, if I have that right, when they
38 discussed this, or maybe the charter/for-hire AP.
39

40 I have also gotten a lot of input from people in the industry
41 that are supportive of this option because they are concerned
42 about the costs of potentially having to buy the VMS unit and
43 keep that up, just the overall cost of the program with VMS.
44 Also, this seems like it would be a little bit more flexible and
45 convenient for maybe some of the part-time and seasonal
46 operators that are out there that we did hear from as well, and
47 so I would support this instead of the VMS-only option.
48

1 **CHAIRMAN BOSARGE:** Dr. Stunz.

2
3 **DR. STUNZ:** Martha, I don't disagree with you at all, from the
4 Preferred Alternative 4, which we currently have. The little
5 bit of concern that I would have, and I am probably going to
6 support this, but I just want to get on the record that, should
7 we change the way we're going with this to a rights-based type
8 of method of management, I think that would warrant that it
9 needs VMS.

10
11 Now, I know this alternative currently doesn't preclude VMS, and
12 so it's fine, and I suppose that we could do that and make those
13 specifications in other amendments, but I just want to make sure
14 that that's on the record, that this might be preferred for
15 where we're at currently, but it would be hard pressed, if
16 someone has an individual fishing quota, that we don't go down a
17 VMS-type route, and so I want to make sure that that's clear,
18 that it's dependent upon management.

19
20 **CHAIRMAN BOSARGE:** Ms. Guyas.

21
22 **MS. GUYAS:** I agree. If we go down that road, then let's cross
23 that bridge when we get there. I heard a lot of people in
24 public testimony yesterday that said we're ready to go with this
25 amendment and let's get it done, and it seems to me that the way
26 to do that is to choose this alternative.

27
28 **CHAIRMAN BOSARGE:** Dr. Crabtree.

29
30 **DR. CRABTREE:** In the VMS, the current preferred, it has the
31 provision that the system has to be permanently affixed to the
32 vessel, and so one of my concerns with this alternative is it's
33 not clear to me that anything is actually affixed to the vessel,
34 and so it's not clear to me that we could use this to actually
35 determine if the vessel went out or didn't go out, because they
36 could potentially leave the unit at the dock and go out and come
37 back and then the unit would show that they never left the dock.

38
39 I don't know if there's anything in the document, and can staff
40 tell me, that addresses that or some of these units have an
41 antenna that's permanently affixed to the vessel, and I don't
42 know if that's in here as a requirement or not. I am not
43 completely wed to VMS, but I think the system has to be able to
44 hail-in and hail-out and it has to be able to send the report in
45 before they hit the dock. If something else can do that, I'm
46 okay with that, but I am a little worried if the unit can be
47 taken off the boat and moved around and we don't have any way of
48 knowing that.

1
2 **CHAIRMAN BOSARGE:** John.
3
4 **DR. JOHN FROESCHKE:** We have talked about that, both at the IPT
5 and in the various technical committees and things, and there is
6 currently nothing in there. One solution that we have talked
7 about is adding some language such that the reporting device has
8 to be in your possession while on a trip at all times or
9 something, and we talked about this. You could transfer your
10 reporting device to another vessel that was in state waters or
11 all kind of scenarios, but it's not in there now.

12
13 **CHAIRMAN BOSARGE:** Dr. Ponwith.

14
15 **DR. PONWITH:** Thank you, Madam Chair. Dr. Crabtree brings up a
16 really good point, and there are two aspects, and we've spent a
17 lot of time talking about the notion of reporting before they
18 get back to the dock, and the whole purpose of that timing is to
19 improve the quality of the catch reporting, because the captain
20 wouldn't know before they got back to the dock whether they were
21 going to be sampled or not, and that sampling is the validation
22 step, to see how close the at-sea report is to the validated
23 dockside intercept, in the event that that happened.

24
25 That deals with catch. I think the point that Dr. Crabtree is
26 making is that having a device permanently affixed to the vessel
27 helps us also validate effort, and that is, of course, a crucial
28 component of understanding what the total landings are.

29
30 **CHAIRMAN BOSARGE:** Mr. Riechers.

31
32 **MR. RIECHERS:** The effort side of this is going to be dealt with
33 on the survey and the questions that you're asking them, and so
34 I don't see that as a huge a hurdle as we might think. I
35 certainly support the motion. We've heard a lot of testimony.
36 We've heard a lot of people wanting to move forward, and the way
37 to move forward at this point, because we don't have a system
38 that's going to outfit everyone with a VMS -- We do not. It's
39 not available. It's not there. If we want to move forward,
40 this is the system at this point in time that would allow us to
41 use -- Each state has different systems ongoing that will feed
42 right into this, and so I think this is a reasonable approach at
43 this time.

44
45 **CHAIRMAN BOSARGE:** Dr. Lucas.

46
47 **DR. LUCAS:** Maybe I am reading this wrong, but it says -- I
48 don't know if you can scroll back up, but doesn't it say minimum

1 archived GPS vessel position or something? Isn't that what's
2 written in the document, in that thing?

3
4 To me, it implies -- I mean, if you left that at the dock, that
5 would not be supplying the archived minimum vessel information,
6 and so that would defeat the entire -- I mean, you would already
7 be in violation of this, because, in order for that to be
8 applied, that whatever device has to be with you, so that when
9 you come back and you submit it that it does indeed transmit
10 that information, which is your vessel location. It was just
11 archived data instead of real-time data, and so it seems to me
12 that it's actually already in this document.

13
14 Now, if we need to write it into the report, so that there is
15 clarity, so that if people understand that you can't leave it at
16 the dock, because it violates this amendment, but, to me, it
17 seems like it's already there, and I am in support of this.

18
19 **CHAIRMAN BOSARGE:** Dr. Crabtree.

20
21 **DR. CRABTREE:** The problem I see is the enforcement of that,
22 because, if they did leave it at the dock and went out, unless
23 we board the vessel at sea and find out they don't have it, we
24 would have no way of knowing that they ever left the dock, and
25 the odds that the Coast Guard or NOAA Law Enforcement or anybody
26 is going to board one of these vessels is pretty low, because we
27 don't have that many enforcement agents out there, and so it's
28 just a matter of, with the permanently-affixed VMS unit, if that
29 boat leaves the dock, we're going to know that the guy went out
30 and he is supposed to have reported a hail-in and hail-out and
31 what he's doing, but, with this, we lose that safeguard.

32
33 **CHAIRMAN BOSARGE:** Ms. Guyas.

34
35 **MS. GUYAS:** I just realized that I forgot to include the options
36 underneath the alternative. Can you flip back to the motion?
37 **My motion would be to make Alternative 2, Options a and b the**
38 **preferred alternative. That includes headboats and**
39 **charterboats. I should have clarified that.** This is one of
40 those ones where you have to pick and choose which one.

41
42 **CHAIRMAN BOSARGE:** Mr. Swindell, I think you had a comment next?

43
44 **MR. SWINDELL:** Not to this particular point. Kelly, do you want
45 to add anything to this point?

46
47 **DR. LUCAS:** The addition? No.

48

1 **MR. SWINDELL:** What happens if the person leaving the dock to go
2 fishing was not intending to go beyond the three or nine-mile
3 limits and he's just out there fishing for whatever the customer
4 wants to catch and catch red snapper or whatever within state
5 waters. Does he need a vessel monitoring system or anything at
6 that time?

7

8 **CHAIRMAN BOSARGE:** To that point, Dr. Crabtree?

9

10 **DR. CRABTREE:** Yes, and so federally-permitted vessels will have
11 to have this system aboard, and they're going to have to report
12 the trip and everything they catch and discard, regardless of
13 whether they are in state waters or federal waters.

14

15 **MR. SWINDELL:** So it will apply specifically to the federally-
16 permitted? You've got a federal permit that you're going to go
17 out sometime or another and you need to have this system at all
18 times?

19

20 **DR. CRABTREE:** Yes, and, if you're a state guideboat and don't
21 have a federal permit, then you don't have to comply with this.

22

23 **CHAIRMAN BOSARGE:** Dr. Lucas.

24

25 **DR. LUCAS:** Roy, there is a hail-in and a hail-out associated
26 with this, in this document as it is, and so if somebody hails
27 out and they left the GPS, then I mean clearly you're going to
28 know, right? Then they have the hail-in, but I don't know that
29 just because it's affixed that it means anything, because those
30 who are going to try to get around the system are going to get
31 around the system, but, from what I'm hearing, these people
32 don't want to get around the system.

33

34 They are out there begging for us to give them something that
35 works, and so I think that they're all pretty much willing
36 participants, because those who are trying to get around it are
37 going to get around it whether you have something affixed to
38 their boat or not. That's just kind of my thought on it.

39

40 **CHAIRMAN BOSARGE:** To that point, Dr. Crabtree?

41

42 **DR. CRABTREE:** I hope you're right about that, and I agree, if
43 they hail-out, I don't think they're going to leave it at the
44 dock then. My concern is more about if they don't hail-out and
45 they leave it at the dock and then we would never know they
46 went. I hope you're right and that everybody is going to
47 comply. If that's the case, then that's one situation.

48

1 **CHAIRMAN BOSARGE:** Dr. Stunz.

2
3 **DR. STUNZ:** This is a point -- Roy is making some key points
4 here, and we may need to get some clarification from the
5 technical committee. Roy, what you're saying is if we go with
6 Alternative 2, even if it's affixed to the vessel, unlike a VMS,
7 it's off and it's not telling you where this is all the time, is
8 at least my understanding. That technology is not there.

9
10 In other words, what we're talking about here is two
11 fundamentally different things, obviously, with 2 and 4, and so
12 I just wanted to make it clear that it's not -- If we go with 2,
13 even though, as it says in there, it has archiving GPS
14 capabilities, it is not necessarily running all the time and
15 telling you where that vessel is, and so we wouldn't have some
16 of that information that I think Roy is potentially getting at.

17
18 **CHAIRMAN BOSARGE:** Mr. Greene, and then we will take a vote.

19
20 **MR. GREENE:** Well, I speak in opposition to Alternative 2.
21 There's just a million things going and everything else, and I
22 kind of view this as a blanket document, and we're picking -- We
23 have got these available systems before us.

24
25 The one thing that strikes me with Alternative 4 is that it's
26 permanently affixed to the boat. You have to have a federally-
27 permitted boat, and it has to be affixed to that boat. Now,
28 there might be some folks that have two boats with permits and
29 he may want to jump back and forth, and I'm not saying that
30 that's not a possibility, but it's not a real possibility. I
31 can't imagine having more than one boat, but that's just me
32 personally.

33
34 Where I'm hung up on this is I think law enforcement was in
35 preference of the VMS alternative, and so am I. Number one,
36 it's based on the permanently affixed to the vessel, and, if we
37 do something down the road that we see that we don't need
38 Alternative 4, then we can come back and change it at a later
39 point.

40
41 Now, the technology may change such that, twelve months from
42 now, Alternative 2 may be able to have a way to be permanently
43 affixed to the vessel, and I wouldn't have an issue with that,
44 but, at this point, with it being affixed to the vessel, and the
45 VMS is the only system I know of that does that, that's why I am
46 going to be in support of it.

47
48 **CHAIRMAN BOSARGE:** We've had some good discussion on the motion.

1 All of those in favor of making Alternative 2, Options and b,
2 the preferred alternative, please signify by raising your hand.
3
4 EXECUTIVE DIRECTOR GREGORY: Nine yeas.
5
6 CHAIRMAN BOSARGE: All opposed, same sign.
7
8 EXECUTIVE DIRECTOR GREGORY: Seven no. It passes nine to seven.
9
10 CHAIRMAN BOSARGE: All right. I'm going to turn it back over to
11 Dr. Stunz, if there is no more business on that part of the
12 report. Mr. Greene.
13
14 MR. GREENE: It was my understanding, through committee
15 discussion, that there was really not anything else we could do
16 to this alternative, and so it would be my intent that we are
17 going to go to final action at the next meeting. Is that
18 correct?
19
20 DR. STUNZ: That was what we had discussed during the committee
21 meetings, and the staff was preparing for that.
22
23 CHAIRMAN BOSARGE: We will take the necessary steps to notice it
24 for final action. All right. Would you like to carry on with
25 your committee report, Dr. Stunz?
26
27 DR. STUNZ: Yes, please. Next was the Cost Analysis and
28 Reporting Requirements of Commercial Electronic Reporting
29 Program. Dr. Ponwith gave a presentation summarizing a
30 commercial e-logbook pilot program. Dr. Ponwith stated that
31 this is a voluntarily program that aims to transition the fleet
32 from paper-based to electronic logbooks. She stated that
33 preliminary feedback has been positive and that the council may
34 want to consider developing an amendment to implement mandatory
35 electronic reporting for commercial vessels. Madam Chair, this
36 concludes my report.
37
38 CHAIRMAN BOSARGE: Is there any other discussion before we leave
39 Data Collection? Mr. Greene.
40
41 MR. GREENE: Just reading in the last sentence of the report, it
42 seems that we need to consider developing an amendment to
43 implement mandatory electronic reporting for commercial vessels.
44 I think I will go ahead and make that motion. You can copy it
45 right out of the last sentence there of the report.
46
47 CHAIRMAN BOSARGE: Okay. We have a motion on the board to
48 develop an amendment to implement mandatory electronic reporting

1 for commercial vessels. Do we have a second to the motion?

2

3 **DR. STUNZ:** I will second it.

4

5 **CHAIRMAN BOSARGE:** It's seconded by Dr. Stunz. Is there
6 discussion on the motion? Mr. Riechers.

7

8 **MR. RIECHERS:** I think I brought this up in committee, and I
9 will look to Dave or Bonnie or someone else to help explain,
10 because we already have trip ticket reporting that basically is
11 providing this information trip-by-trip, and each state does
12 that in coordination through Gulf States now.

13

14 It just so happened that I received a note from my Gulf States
15 representative, right after our discussion about this, that we
16 took a 12 to 13 percent cut in this program over the course of
17 the last week. As we think about this and we're asking to do
18 yet another program, I, first of all, wonder about the
19 redundancy of that and are we really gaining any new
20 information, number one, and, number two, if we have the money
21 to do this, then maybe it should help us support our current
22 programs back to the level that they were at before. That's
23 just a thought, and I will look to Dave or someone else to weigh
24 in here.

25

26 **CHAIRMAN BOSARGE:** Dr. Ponwith.

27

28 **DR. PONWITH:** Right now, we have an electronic dealer reporting
29 system. That system is what we use for monitoring progress
30 towards commercial ACLs, and so we take those data that are
31 reported on a mandatory basis no less than weekly and use those
32 weekly reports to create projections of when we anticipate a
33 commercial season is going to hit their ACL.

34

35 That advancement has been almost revolutionary in terms of our
36 ability to manage these commercial fisheries and their ACLs more
37 crisply, to avoid more frequently going over ACLs and, equally
38 as disruptive, undershooting those ACLs. The commercial vessels
39 have been submitting their data on a vessel basis using paper
40 logbooks for a long, long time. Those data are invaluable.

41

42 The thing that the vessel logbooks give us is better information
43 on discards, and so we're using the actual business
44 transactions, the commercial dealer reports, for monitoring the
45 ACL. The vessel information gives us better information on
46 bycatch data and other aspects of actual trip-by-trip
47 information.

48

1 The electronic reporting would be able to refine those data. It
2 gives us the flexibility to keep more detailed information by
3 depth. Instead of having one trip that has one depth field for
4 what we know are more complicated trips than that, it gives us
5 the ability to keep data at a higher resolution for their
6 activities by depth, and I guess for the whole trip.

7
8 The pilot project worked on vessels that were trawling and that
9 were dropping traps and that were longlining, and it gave us the
10 ability to keep data at a resolution that was set-by-set and
11 drop-by-drop and trawl-by-trawl, which is really valuable. How
12 often are we asking questions of the data, and do we improve our
13 bycatch levels and do we improve our decisions on reducing
14 bycatch by managing spatially, and our ability to answer those
15 questions now are really, really limited by the granularity of
16 the data that we have in the logbooks.

17
18 These data coming in electronically, again, we have been asked
19 by industry of can you make it so that we can submit our data
20 electronically on a voluntary basis rather than on the logbook,
21 because we're over-submitting this on paper, and we're trying to
22 prepare ourselves to be able to answer that question with a,
23 yes, we think in about six months we'll be at that point.

24
25 There are some distinct advantages in having those data for
26 everybody. If the council opts to do this as a mandatory
27 program, it gives us data at a higher resolution, and temporally
28 more quickly, to be able to generate those bycatch estimates
29 faster, with a shorter turnaround, and make those data available
30 more readily for things like stock assessments or future council
31 decisions.

32
33 **MR. DONALDSON:** Bonnie, I appreciate that, and upgrading
34 antiquated systems is certainly important. As we talk about,
35 and you've been involved in the discussions at our state and
36 federal meeting, with limited resources, I think we need to look
37 to see where we get the biggest bang for the buck, and I think
38 that was the point that Robin was making with trip tickets and -
39 - I just hope that we can weigh the benefits, the pros and cons,
40 of doing this versus augmenting trip tickets, and that's
41 something that your office has talked to us about during state
42 and federal, and so I would like to engage in those types of
43 conversations with your programs as well, because, with limited
44 resources, we need to make sure that we're getting the most out
45 of those limited funds.

46
47 **CHAIRMAN BOSARGE:** Mr. Riechers.
48

1 **MR. RIECHERS:** Certainly, Bonnie, as you discussed and described
2 how you could use that data, I don't think anyone around this
3 table doesn't believe that there may be some additional benefit
4 associated with the types of data that you may receive and with
5 that granularity, but I think Dave hit the nail on the head,
6 which is, at some point, if we can't fund the current programs
7 we've got, how do we continue to add and split up that pie
8 amongst those other programs?

9
10 It's real easy for many of us to say we have cellphone
11 technology and we can pull an app down and we can do that, but
12 we all know that there's truly a cost behind the scenes to
13 managing that data and to developing that data framework, et
14 cetera, and so, while I will support the motion to go to a
15 scoping document and to have that conversation and continue that
16 conversation, I think, until we can really start prioritizing,
17 we're just making a bunch of motions and creating a bunch of
18 scoping documents.

19
20 Unless we can see where we're going to fund them, I am just --
21 At some point, I am going to probably reach, at the point when
22 we start doing alternatives, that I'm probably not going to
23 support the document, because, at some point, if we can't fund
24 it, I don't know really why we're having the discussions and
25 wasting many of our hours around the table doing that.

26
27 **CHAIRMAN BOSARGE:** Jack.

28
29 **DR. MCGOVERN:** I just want to mention that the South Atlantic
30 Council is moving in this direction as well, to do an amendment
31 to make mandatory electronic reporting.

32
33 **CHAIRMAN BOSARGE:** Bonnie, I have a question, but let me let
34 David go. He's had his hand up for a while.

35
36 **MR. WALKER:** I was just going to say the commercial industry has
37 the best data collection system in the Gulf, as far as I know,
38 and they welcome this. They want to give better data and to be
39 accountable and to be good stewards of the resource.

40
41 We've done this. We have worked hard. We had problems in our
42 fishery, and we worked on it, and we want to keep tweaking it
43 and keep giving superior data. That's what we're all after, and
44 everyone is after data. I don't see any objection. Probably
45 some people could advocate from the audience. The council
46 can't, but maybe to Congress.

47
48 Everyone testifies that we need better data and we need faster

1 data and we need more accurate data, and so I think that's
2 something we agree on. I just would like to see more funding
3 for the resources that maybe you could use in Texas and other
4 states to get data quicker, and I'm just in support of this
5 motion.

6
7 **CHAIRMAN BOSARGE:** Bonnie, specific to the shrimp fleet, we
8 already have ELBs on the boats, and they upload that data
9 automatically, but I have had some requests from some shrimpers,
10 actually in Louisiana, wondering if we would ever get to the
11 point where the federal form that we have to submit at the end
12 of the year each year, if we could ever do that electronically,
13 and so would an amendment like this be able to implement
14 something like that, to give us that ability?

15
16 **DR. PONWITH:** The ELBs are exclusively for monitoring effort by
17 depth, and we instrument a subset of the federally-permitted
18 shrimp vessels to acquire that information to help us determine
19 that very report that we had in the shrimp report, and that is,
20 was the total effort for the year in those specific depth ranges
21 below the threshold, and that effort is a proxy for red snapper
22 bycatch.

23
24 That is what is being submitted on the shrimp vessel ELBs. It's
25 essentially how much of the time were you out on the water
26 actively fishing versus in the port or running from one place to
27 another. That's what that is for. If your question is, is
28 something like this -- Would it have utility for submitting the
29 actual commercial logbook, that is what it is designed for.
30 It's for submitting that required commercial logbook data.

31
32 **CHAIRMAN BOSARGE:** Dr. Lucas.

33
34 **DR. LUCAS:** I don't know if this will get to what some of Robin
35 spoke of, and I know he had to leave the table, but, in the data
36 amendment, we had a lot of cost-associated things put into it,
37 where we followed the kind of cost if you go with this route or
38 if you go with that route or whatever, and I was at the state
39 and federal meeting, and so I understand a lot of the discussion
40 we had on we're reducing federal funds and states are trying to
41 fill this in, while at the same time reducing their budget, to
42 make sure we get the information, but there may be some -- Like
43 Dave said, commercial wants this, and so there may be some way
44 for the commercial that want this to chip in to some of it, to
45 help offset some of the costs. Maybe not all of it, but to help
46 offset some of the costs as it goes along to meet this, which is
47 what we're doing with programs now and trying to explore that.

48

1 Maybe in some of these documents, when we get along that and we
2 start having that discussion, Bonnie, we can look at some of
3 those avenues as a way of kind of cost sharing across all the
4 programs, to see if it works. That's just a thought.
5
6 **CHAIRMAN BOSARGE:** All right. We have a motion on the board to
7 develop an amendment to implement mandatory electronic reporting
8 for commercial vessels. **All those in favor, signify by raising**
9 **your hand.**
10
11 **EXECUTIVE DIRECTOR GREGORY:** We have sixteen years.
12
13 **CHAIRMAN BOSARGE:** All those opposed, same sign.
14
15 **EXECUTIVE DIRECTOR GREGORY:** There are zero no, and so the
16 motion carries sixteen to zero.
17
18 **CHAIRMAN BOSARGE:** Okay. Yes, sir, Dr. McGovern.
19
20 **DR. MCGOVERN:** One thing I think we might want to add to the
21 motion is to say mandatory electronic logbook reporting, just to
22 clarify it.
23
24 **CHAIRMAN BOSARGE:** So noted. We've already voted on the motion,
25 but we will note that to staff. Thank you. Mr. Greene.
26
27 **MR. GREENE:** In reading back through this, I want to ask Bonnie
28 a question. In this motion, is this specific to reef fish
29 vessels or all commercial vessels?
30
31 **DR. MCGOVERN:** It's the commercial logbook, and so that includes
32 dolphin wahoo and coastal migratory pelagics and reef fish and
33 snapper grouper.
34
35 **CHAIRMAN BOSARGE:** Good to know. Thank you. We appreciate the
36 clarification. Is there any other business to come before us on
37 Data Collection before we officially conclude that discussion?
38 All right. Next on our scheduled agenda is Mackerel. Dr. Dana,
39 would you like a five-minute break before you go into that, or
40 do you want to move right along?
41
42 **DR. DANA:** It's at the pleasure of the Chairwoman.
43
44 **CHAIRMAN BOSARGE:** Can I get another five-minute break, just
45 real quick?
46
47 **DR. DANA:** Yes, ma'am.
48

1 **CHAIRMAN BOSARGE:** Thank you.

2
3 (Whereupon, a brief recess was taken.)

4
5 **MACKEREL COMMITTEE REPORT**

6
7 **DR. DANA:** The Mackerel Committee met on October 17, and we
8 started off with the CMP Amendment 30. Staff reviewed the
9 purpose and need of CMP 30, which is to change the recreational
10 fishing season for Atlantic cobia north of the Florida/Georgia
11 state line. CMP 30 does not affect the Gulf migratory group of
12 cobia.

13
14 The recreational ACL for Atlantic cobia was exceeded in 2015,
15 and the South Atlantic Council is considering several measures
16 to ensure that the fishing season remains open during the most
17 popular time of year, which for them is May through September.
18 The South Atlantic Council has selected Alternative 2 as their
19 preferred alternative and has recommended that the document be
20 submitted to the Secretary of Commerce for implementation. **The**
21 **committee recommends, and I so move, in Action 1, to make**
22 **Alternative 2 the preferred alternative.**

23
24 **CHAIRMAN BOSARGE:** Okay. We have a motion on the board. It's a
25 committee motion. Is there any discussion on the motion? **Is**
26 **there any opposition to the motion? Seeing none, the motion**
27 **carries.**

28
29 **DR. DANA:** The committee recommends, and I so move, to approve
30 CMP Amendment 30 and that it be forwarded to the Secretary of
31 Commerce for review and implementation and deem the codified
32 text as necessary and appropriate, giving staff editorial
33 license to make the necessary changes in the document. The
34 Council Chair is given the authority to deem any changes to the
35 codified text as necessary and appropriate.

36
37 **CHAIRMAN BOSARGE:** We have a committee motion on the board, and
38 this will be a roll call vote for this motion. Mr. Gregory.

39
40 **EXECUTIVE DIRECTOR GREGORY:** Mr. Diaz.

41
42 **MR. DIAZ:** Yes.

43
44 **EXECUTIVE DIRECTOR GREGORY:** Ms. Guyas.

45
46 **MS. GUYAS:** Yes.

47
48 **EXECUTIVE DIRECTOR GREGORY:** Mr. Banks.

1
2 **MR. BANKS:** Yes.
3
4 **EXECUTIVE DIRECTOR GREGORY:** Mr. Walker. Mr. Sanchez. Mr.
5 Swindell.
6
7 **MR. SWINDELL:** Yes.
8
9 **EXECUTIVE DIRECTOR GREGORY:** Captain Greene.
10
11 **MR. GREENE:** Yes.
12
13 **EXECUTIVE DIRECTOR GREGORY:** Dr. Lucas.
14
15 **DR. LUCAS:** Yes.
16
17 **EXECUTIVE DIRECTOR GREGORY:** Dr. McGovern.
18
19 **DR. MCGOVERN:** Yes.
20
21 **EXECUTIVE DIRECTOR GREGORY:** Dr. Frazer.
22
23 **DR. FRAZER:** Yes.
24
25 **EXECUTIVE DIRECTOR GREGORY:** Mr. Sanchez.
26
27 **MR. SANCHEZ:** Yes.
28
29 **EXECUTIVE DIRECTOR GREGORY:** Mr. Walker.
30
31 **MR. WALKER:** Yes.
32
33 **EXECUTIVE DIRECTOR GREGORY:** Mr. Boyd.
34
35 **MR. BOYD:** Yes.
36
37 **EXECUTIVE DIRECTOR GREGORY:** Mr. Robinson.
38
39 **MR. ROBINSON:** Yes.
40
41 **EXECUTIVE DIRECTOR GREGORY:** Dr. Dana.
42
43 **DR. DANA:** Yes.
44
45 **EXECUTIVE DIRECTOR GREGORY:** Mr. Matens.
46
47 **MR. MATENS:** Yes.
48

1 **EXECUTIVE DIRECTOR GREGORY:** Dr. Stunz.
2
3 **DR. STUNZ:** Yes.
4
5 **EXECUTIVE DIRECTOR GREGORY:** Mr. Blankenship.
6
7 **MR. BLANKENSHIP:** Yes.
8
9 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bosarge.
10
11 **CHAIRMAN BOSARGE:** Yes.
12
13 **EXECUTIVE DIRECTOR GREGORY:** Seventeen yes and zero no. It's
14 unanimous.
15
16 **DR. DANA:** The committee continued on with CMP Framework
17 Amendment 5. Staff reviewed the purpose and need of CMP
18 Framework Amendment 5, which is to modify restrictions
19 applicable to federal commercial permits for king and Spanish
20 mackerel. This amendment will allow commercial fishermen to
21 recreationally fish for king and Spanish mackerel on their
22 commercially-permitted vessels when the commercial season is
23 closed, and it would apply in both the Gulf and the South
24 Atlantic. The councils have selected the same preferred
25 alternatives, and the South Atlantic Council has recommended
26 that the document be submitted to the Secretary of Commerce for
27 implementation.
28
29 **The committee recommends, and I so move, to approve CMP**
30 **Framework Amendment 5 and that it be forwarded to the Secretary**
31 **of Commerce for review and implementation and deem the codified**
32 **text as necessary and appropriate, giving staff editorial**
33 **license to make the necessary changes in the document. The**
34 **Council Chair is given the authority to deem any changes to the**
35 **codified text as necessary and appropriate.**
36
37 **CHAIRMAN BOSARGE:** We have a committee motion on the board, and
38 this again will be a roll call vote.
39
40 **EXECUTIVE DIRECTOR GREGORY:** Mr. Swindell.
41
42 **MR. SWINDELL:** Yes.
43
44 **EXECUTIVE DIRECTOR GREGORY:** Mr. Walker.
45
46 **MR. WALKER:** Yes.
47
48 **EXECUTIVE DIRECTOR GREGORY:** Mr. Diaz.

1
2 **MR. DIAZ:** Yes.
3
4 **EXECUTIVE DIRECTOR GREGORY:** Dr. McGovern.
5
6 **DR. MCGOVERN:** Yes.
7
8 **EXECUTIVE DIRECTOR GREGORY:** Captain Greene.
9
10 **MR. GREENE:** Yes.
11
12 **EXECUTIVE DIRECTOR GREGORY:** Mr. Boyd.
13
14 **MR. BOYD:** Yes.
15
16 **EXECUTIVE DIRECTOR GREGORY:** Dr. Dana.
17
18 **DR. DANA:** Yes.
19
20 **EXECUTIVE DIRECTOR GREGORY:** Dr. Frazer.
21
22 **DR. FRAZER:** Yes.
23
24 **EXECUTIVE DIRECTOR GREGORY:** Mr. Matens.
25
26 **MR. MATENS:** Yes.
27
28 **EXECUTIVE DIRECTOR GREGORY:** Mr. Sanchez.
29
30 **MR. SANCHEZ:** Yes.
31
32 **EXECUTIVE DIRECTOR GREGORY:** Mr. Robinson.
33
34 **MR. ROBINSON:** Yes.
35
36 **EXECUTIVE DIRECTOR GREGORY:** Dr. Stunz.
37
38 **DR. STUNZ:** Yes.
39
40 **EXECUTIVE DIRECTOR GREGORY:** Ms. Guyas.
41
42 **MS. GUYAS:** Yes.
43
44 **EXECUTIVE DIRECTOR GREGORY:** Dr. Lucas.
45
46 **DR. LUCAS:** Yes.
47
48 **EXECUTIVE DIRECTOR GREGORY:** Mr. Blankenship.

1
2 **MR. BLANKENSHIP:** Yes.
3
4 **EXECUTIVE DIRECTOR GREGORY:** Mr. Banks.
5
6 **MR. BANKS:** Yes.
7
8 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bosarge.
9
10 **MS. BOSARGE:** Yes.
11
12 **EXECUTIVE DIRECTOR GREGORY:** Again, it's unanimous, seventeen to
13 zero.
14
15 **DR. DANA:** Staff then reviewed the purpose and need for CMP 29,
16 which addresses Gulf king mackerel allocation sharing and a
17 recreational accountability measure. Staff reviewed Action 1,
18 which examines options for allocation sharing strategies between
19 the recreational and commercial sectors for Gulf king mackerel.
20
21 Committee members asked why two-year old data would be used in
22 Alternative 2 if the following year, which constitutes
23 preliminary data, would also determine whether a conditional
24 transfer would occur. Staff replied that the use of two-year
25 old data would result in the consideration of both validated and
26 preliminary landings data prior to any allocation sharing,
27 thereby providing more confidence in any resulting decision.
28
29 From a timeliness perspective, Alternative 2 is predicted to
30 move more quickly than Alternative 3. Staff noted that
31 transfers are only for one year, and are therefore not
32 cumulative across fishing years. A committee member was
33 concerned about the risk of removing fish that have historically
34 acted as a buffer. Another committee member replied that there
35 were already buffers in place to protect the stock. **The**
36 **committee recommends, and I so move, in Action 1, to make**
37 **Alternative 2, Options 2b and 2g the preferred alternative.**
38
39 **CHAIRMAN BOSARGE:** We have a committee motion. Is there
40 discussion on the motion? Mr. Boyd.
41
42 **MR. BOYD:** We heard quite a few people yesterday in public
43 testimony talk, and we heard Dr. Powers tell us that the SSC was
44 not comfortable with the data that they had, and, in fact, they
45 had sent back a request for additional data and confirmation
46 from the Science Center about the stock and about what's
47 happening in the stock.
48

1 It appears to me, from conversation around this table and
2 listening to public testimony, that there is a lot of
3 uncertainty about what's happening in the stock. We know that
4 the commercial fishermen are over their allocation, and I think
5 that we ought to first look at how to get them within their
6 allocation, but I won't address that right now. I just think
7 that it's premature to go ahead and select a preferred
8 alternative until we know more about what the stock is doing and
9 how it's reacting to the increase in our bag limit for the
10 recreational fishermen, and so I would speak against this
11 motion.

12
13 **CHAIRMAN BOSARGE:** I noted too during public testimony that
14 there was one individual that said that the average size of the
15 fish that they're landing commercially had gone down, and that,
16 I think, from an eight-pound average to I think he said a six-
17 pound average. That gave me a little bit of hesitation. It
18 made me -- I was at that SSC meeting, and there were a lot of
19 questions when they presented that data, and the questions
20 couldn't be -- Unfortunately, the man that had done the
21 presentation wasn't there to give it. He was on leave, I think.
22 Anyway, they were going to go back and try and answer those
23 questions.

24
25 The questions centered around the fact that why are your OFLs --
26 Why are you showing decreasing OFLs when the recreational sector
27 is not landing what you put in the assessments that it would
28 actually land? They are not even coming up to that point, and
29 yet you're saying that our OFLs and ABCs should go down, and so
30 I am all ears when that discussion comes back up, because I
31 think you're right.

32
33 We certainly don't want to do something that -- If this is
34 something that we haven't tried before and we're trying to go
35 down this road of sharing, the last thing that we want to do is
36 to implement it and then have everything crash and burn. That's
37 not going to bode well for ever trying to do it again in the
38 other direction.

39
40 I definitely want to take a step back and look at this and
41 listen to what the SSC has to say, and when are we taking this
42 out to the public? When is this scheduled to go to the -- Is it
43 between this meeting and January, or is it after the January
44 meeting?

45
46 **EXECUTIVE DIRECTOR GREGORY:** It would clearly be next year, but
47 I think it might be after the April meeting. Carrie.

48

1 **DR. SIMMONS:** Thank you, Madam Chair. We had planned to take
2 this out to public hearings, if you approved this draft, after
3 this meeting, before the January council meeting, and I think
4 the idea was to try to get some preferreds on the table so that
5 we could take those out to public hearings and we could get that
6 information back to the council in January for final action and
7 it would go to the South Atlantic Council for their December
8 meeting. It was a tight timeline, and that's what we were
9 planning to do, but if the document is not ready to go out to
10 public hearings, that's fine.

11
12 **CHAIRMAN BOSARGE:** Mr. Gregory.

13
14 **EXECUTIVE DIRECTOR GREGORY:** I stand corrected on that, but my
15 understanding of the problem the SSC had with the analysis is
16 the new projections were not done in a comparable way to the
17 original projections, and there was some -- It was just not
18 clear exactly how it was done, and so we sent it back and said,
19 you know, let's do it in a comparable way.

20
21 **CHAIRMAN BOSARGE:** If this is scheduled to go out to the public,
22 then I will probably vote in favor of having this preferred
23 alternative, because I want them to see what we're thinking
24 about, and I want to get -- If there is some negative feedback
25 out there, I want to hear it.

26
27 I want them to know that this is what we're considering and get
28 that feedback, for sure, and so, if that's our schedule and
29 that's what we have slated, I am okay with making this the
30 preferred, with the understanding that we may need to slow down
31 and look at this a little bit harder and make sure that we've
32 considered everything that could possibly go wrong, because we
33 certainly don't want to do something that will go wrong. I had
34 Ms. Guyas, and then we'll come back over here.

35
36 **MS. GUYAS:** We couldn't hear very well over here. Did I hear
37 April for final action for this and public hearings before
38 January? Is that right? Okay. Thank you.

39
40 **CHAIRMAN BOSARGE:** Mr. Boyd.

41
42 **MR. BOYD:** To the points that you were making, David Krebs, who
43 is intimately involved in the kingfish fishery throughout the
44 Gulf and up the east coast, made a comment yesterday, and then I
45 confirmed it with him after we finished, that he is seeing
46 smaller and smaller kingfish all the way around Florida, and he
47 says, I can't tell you why, but he said there is something going
48 on in this stock, and so we have an issue with the SSC, we have

1 an issue with the people who fish this fishery and who sell
2 those fish, and so I think we've got something going on here in
3 the stock that we're not sure of. Thank you.

4
5 **CHAIRMAN BOSARGE:** Mr. Sanchez.

6
7 **MR. SANCHEZ:** Also, during yesterday's meeting, I made a point
8 to ask Mr. Krebs, because the Florida Keys, the commercial
9 fishermen in the Keys, have been heavy historical participants
10 in this fishery, for as long as there has been this fishery, and
11 their representative came forth and he was advocating this, as
12 you've all heard Bill Kelly speak, and Mr. Krebs does not buy
13 the fish in the Keys, and I don't know if that has something to
14 do with it or not, but certainly, if there is any division of
15 fish, it goes to all the respective regions that we divided, and
16 every commercial fisher, throughout the whole range of this
17 fish, is going to benefit from this.

18
19 I don't see this having any biological impact whatsoever to the
20 stock. I understand we have a difference of opinion on this,
21 but this is benign, and it will just benefit the use of this
22 resource without any impacts biologically at all.

23
24 **CHAIRMAN BOSARGE:** Mr. Rindone.

25
26 **MR. RINDONE:** Thank you, Madam Chair. Just to clarify when you
27 guys could take final action on this, if you guys picked
28 preferred alternatives here for both actions, then the South
29 Atlantic Council could be in a position in December to take
30 final action after reviewing the public hearing summary, which
31 would be available to them at their December meeting, and then
32 you guys could subsequently take final action on it in January.
33 Then we could submit it to NMFS thereafter, and so it wouldn't
34 have to wait until April, unless you decided to change preferred
35 alternatives.

36
37 **CHAIRMAN BOSARGE:** Dr. Stunz.

38
39 **DR. STUNZ:** I too share your concerns with this variability in
40 the fisheries, and I don't have a problem voting for this, in
41 terms of preferred for public hearings, so they know what our
42 intent is, but, from the larger perspective of this amendment, I
43 would disagree with Mr. Sanchez. I do think there could be some
44 biological impacts.

45
46 Is it broadly going to affect the fishery as a whole? Maybe
47 not, but you heard the testimony that Doug referred to about the
48 smaller size, but it sort of gets at this fundamental issue we

1 have between recreational and commercial fishing. People around
2 this table said, oh, it's sort of crazy or whatever, silly, to
3 leave fish in the water, and I would argue that it's not.

4
5 I mean, there is high value in recreational fisheries to have
6 high catch per unit effort and big fish to go out and catch and
7 have this enjoyable experience, and I would be very concerned
8 that there might be some of these unintended consequences, and
9 whether it's biological biomass or not, I don't know, but you
10 can imagine a situation where, if the fishery was depressed some
11 and the recreational guys couldn't get their quota to push it
12 up, and so you would never trigger those benchmarks or whatever
13 you want to call it, or those triggers, that we have in place,
14 because the fishery is going down from being where it is today.

15
16 You could have this unintended consequence of it kind of working
17 against the recreational anglers, and so, for a variety of
18 reasons, including those, and we still don't know the full
19 implications of these bag limits and that kind of thing, I am
20 not real in favor of this amendment as it is.

21
22 **CHAIRMAN BOSARGE:** Mr. Diaz.

23
24 **MR. DIAZ:** Thank you, Madam Chair. I tend to agree with a lot
25 that's been said. I've been a proponent of trying to do this
26 for this fishery, because, historically, the fishery, the
27 recreational side of the fishery, has left around four-million
28 pounds out there every year, and I think we've worked real hard
29 to try to be conservative with the way we've approached this.

30
31 I would like to send it out to the public with the preferreds
32 that we have now, so they could know what direction at least
33 we're thinking, if this is indeed what the council wants to do.
34 The option that we currently have as the preferred here is to
35 conditionally transfer 10 percent, and so, originally, I think
36 the first motion we talked about was 15 percent, and we backed
37 off of that a little bit, and I think we're -- I have been
38 thinking about this, trying to do this, and doing it in a
39 conservative manner and not try to move too many fish, but to
40 try to eliminate any potential problems that could occur.

41
42 If something happens between now and the January meeting or the
43 April meeting, if we want to slow this document down, I would be
44 fine with that, but, as of today, I speak in favor of the motion
45 on the board. Thank you, Madam Chair.

46
47 **CHAIRMAN BOSARGE:** Ms. Guyas and then Mr. Matens.

48

1 **MS. GUYAS:** It seems like there is at least some interest in
2 taking this out to the public but also some hesitancy in really
3 pushing this forward and taking a final action before we get a
4 little bit more information. Is it possible to, assuming that
5 we vote this up, to take this out to public hearing, but don't
6 put this on the South Atlantic agenda maybe for December? We
7 can chew on what the public tells us and maybe get a little bit
8 more information about what's going on and look at it again in
9 January and then send it to the South Atlantic and then
10 potentially vote it up in April. When does the SSC meet again?

11
12 **CHAIRMAN BOSARGE:** The SSC was going to come back with some more
13 information at their next meeting, and so when is that?

14
15 **EXECUTIVE DIRECTOR GREGORY:** We typically have the SSC meeting
16 three weeks before our council meeting, and I would ask Steven
17 if we have it on the agenda, if we're going to have the revised
18 analyses for the SSC to consider in January.

19
20 **MR. STEVEN ATRAN:** The next SSC meeting is currently scheduled
21 the week of January 10. Has an analysis request been made to
22 the Science Center? I don't normally get involved with the
23 mackerel items.

24
25 **EXECUTIVE DIRECTOR GREGORY:** Not that I know of, and so we need
26 to do that right away if it hasn't been done.

27
28 **MR. ATRAN:** So we would have to coordinate with Bonnie to see
29 when we could get any analysis done.

30
31 **CHAIRMAN BOSARGE:** The gentleman that gave that presentation at
32 the meeting, that said he would get back with us, he was from
33 the Science Center, and then Shannon Cass-Calay, she's from the
34 Science Center, and so those were the two individuals that were
35 there that said that they were going to go back and dig a little
36 deeper and try and come back with an update at the next meeting,
37 and so I'm assuming that's the Science Center.

38
39 **EXECUTIVE DIRECTOR GREGORY:** We will definitely follow up on
40 that, because that was my assumption too, and so we haven't
41 formally requested it, but maybe we should.

42
43 **CHAIRMAN BOSARGE:** I had Mr. Matens and then we will go to Mr.
44 Sanchez.

45
46 **MR. MATENS:** Thank you, Madam Chair. I have enjoyed listening
47 to the discussion here. From a philosophical standpoint, I am
48 in favor of moving fish either way. If some sector is not using

1 them, then I'm okay with the concept of moving them to the
2 sector that is not using their allocation.

3
4 I was disturbed by Mr. Krebs's comments, and I know that's
5 anecdotal and I know it's just one person, but one of the things
6 that he told me was that the fish that he's buying, the smaller
7 fish, are not well received by his customers, and they are not
8 receiving the same price, and the economic considerations of
9 that is starting to bother me.

10
11 If these fish were a little bigger and he gets more money,
12 that's good for everybody, and so I really haven't decided how
13 to vote on this thing, quite frankly. I like the concept, and I
14 know that Mr. Krebs is just one voice crying in the wilderness,
15 but I just don't know what to do here. I think this is a really
16 confusing issue.

17
18 This is not the biggest fishery that we have. There is some
19 other parts of this fishery that are of concern to me. One of
20 them has been voiced here before, and it has nothing to do with
21 this issue that's on the table, and that's the fact that some of
22 the Louisiana shrimpers aren't prosecuting this fishery because
23 the fish get caught before they stop shrimping, and, of course,
24 I'm from Louisiana, and I'm in favor of that. Forgive me for
25 rambling here, but I am just conflicted here.

26
27 **CHAIRMAN BOSARGE:** Mr. Sanchez.

28
29 **MR. SANCHEZ:** Thank you, Madam Chair. I don't like talking
30 about Mr. Krebs. He is not here. Clearly he buys fish from
31 both coasts. I don't know if some of this is motivated from not
32 wanting to disrupt markets at certain times, but, to me, if
33 there is a concern about small fish, small fish might mean
34 strong recruitment. Maybe we should have the Science Center
35 look at that.

36
37 **CHAIRMAN BOSARGE:** Dr. Ponwith.

38
39 **DR. PONWITH:** Excellent recommendation, and, in fact, we are on
40 tap for a stock assessment to be conducted in 2018, and that
41 stock assessment is going to be unique, in that we are doing it
42 in collaboration with the Mexican government. For the first
43 time ever, we're going to be including data and age composition
44 information, landings information, from the Mexican government,
45 and so we'll be able to take a look at patterns that we're
46 seeing.

47
48 Seeing small fish can mean that there is a drop in the number of

1 large fish. Seeing small fish can be a leading indicator that
2 there is a large year class coming in. The thing that answers
3 the question of which is happening of those two possible
4 scenarios would be that stock assessment.

5

6 **CHAIRMAN BOSARGE:** Mr. Gregory.

7

8 **EXECUTIVE DIRECTOR GREGORY:** Also, the other day, we were
9 talking about the effects of climate on species, and we will
10 probably see this first in the pelagics. For us, king mackerel
11 will be it.

12

13 We know, from the way the migratory patterns have changed since
14 the 1970s, when it was cold, to now, when it was warmer, that
15 these fish are very influenced by temperature changes, and so
16 that could be going on today and we just don't realize it yet,
17 because it's in transition.

18

19 **CHAIRMAN BOSARGE:** We are slated to go out to the public with
20 this, and I do think that it is important that we have a
21 preferred alternative, whether you want this one or you want
22 another one, and that's your option, but I do think we should
23 have a preferred.

24

25 We have a motion on the board to make our Preferred Alternative
26 2, Option 2b and Option 2g in Action 1, and I'm going to read
27 this into the record. Alternative 2 would conditionally
28 transfer a certain percentage of the allocation to the
29 commercial sector in the next fishing year, if the minimum
30 recreational landings threshold is not met. If the commercial
31 sector does not land at least 90 percent of its annual catch
32 limit, this transfer will not occur. Landings data from two
33 years prior will be used to determine allocation transfers.

34

35 Conditional Quota Transfer, Option 2b, conditionally transfer 10
36 percent from the stock allocation to the commercial allocation.
37 Recreational ACL Minimum Threshold, if the recreational sector
38 landings are, Option 2g, less than 75 percent of the
39 recreational ACL. **All those in favor of this motion, please
40 signify by raising your hand.**

41

42 **EXECUTIVE DIRECTOR GREGORY:** We have fourteen yeas.

43

44 **CHAIRMAN BOSARGE:** All those opposed, same sign.

45

46 **EXECUTIVE DIRECTOR GREGORY:** Two. The motion passes fourteen to
47 two with one abstention.

48

1 **CHAIRMAN BOSARGE:** Mr. Swindell.
2
3 **MR. SWINDELL:** I didn't get my question in before we voted, but
4 what I am interested in would be is this a one year, each year,
5 provision?
6
7 **CHAIRMAN BOSARGE:** Mr. Rindone can speak to it, but, yes, this
8 would be reviewed annually. Mr. Rindone, do you want to
9 clarify? Okay. Dr. Dana, we have one more question from Mr.
10 Boyd.
11
12 **MR. BOYD:** I have a motion I would like to make, if staff could
13 put it up, please, and I think this might be the right place to
14 do it. I was kind of waiting to find out where. I will go
15 ahead and talk about what it is as they're putting it up.
16
17 We have heard that there are several species that are
18 underfished by the different sectors, and we've started talking
19 about how to share those or reallocate them. I call it
20 reallocation, but we're calling it sharing. I think we need to
21 step back for a minute and not rush into this on a fish-by-fish
22 basis.
23
24 **I think we need to start to develop some global parameters on**
25 **how we want to approach underfishing in a particular sector**
26 **versus sharing, and so I have a motion that I would like to put**
27 **forth, and the motion is to develop an allocation exchange or**
28 **sharing discussion paper for presentation at the spring 2017**
29 **council meeting that includes, but is not limited to, the**
30 **following: the types or method of allocation exchange or sharing**
31 **benefits and detriments, difficulties in implementation, and**
32 **then other issues and considerations.**
33
34 I am asking for us to look at that and let's get a white paper
35 on it that talks about what are some of the issues and
36 alternatives and positives and negatives.
37
38 **CHAIRMAN BOSARGE:** Okay. We have a motion on the board. Do we
39 have a second to the motion? It's seconded by Mr. Matens, and I
40 think you gave some pretty good rationale on what you were
41 hoping to see in that paper and why we should be taking a look
42 at this.
43
44 **MR. BOYD:** Yes, and I would just like to say that I am not
45 against the sharing. I think it needs to be done in a prudent,
46 organized, structured manner and not willy-nilly when we feel
47 like it or if some sector says, well, I don't want to share, we
48 need to have some way that we want to look at doing that, and so

1 this is a way to start it, I think, is just to get some
2 information.

3
4 **CHAIRMAN BOSARGE:** Do you envision we will work on this, but
5 also keep moving forward with our mackerel amendment as we're
6 working out some parameters?

7
8 **MR. BOYD:** Yes, I would. Now, a caveat to that is I am where
9 Greg is. I think that there is some serious issues that we need
10 to deal with in the mackerel stock itself. I think there is a
11 lot of issues that we don't understand that are going on here,
12 the size of the fish and the abundance of the fish and not
13 catching fish, a lot of issues, and so I don't -- Globally, I
14 don't know if I can support the whole amendment, but I
15 understand the concept.

16
17 **CHAIRMAN BOSARGE:** Dr. Dana.

18
19 **DR. DANA:** Just a point of order. Is this motion germane to CMP
20 Amendment 29, or would it fall outside of this?

21
22 **CHAIRMAN BOSARGE:** Mara, would it be best to put this under our
23 Other Business or --

24
25 **MS. LEVY:** Maybe. It's up to you. I think we're still talking
26 about Amendment 29. I think we had another motion with respect
27 to the actions in Amendment 29, and so you could talk about it
28 here if you want to, but, if you want to hold off and finish
29 talking about Amendment 29, then you could do that. It also
30 wasn't clear to me whether we were talking about not just CMP,
31 right, but we're talking about -- In that context, you're in the
32 CMP Committee, and so it might be better to do it when you're
33 done with the committee.

34
35 **CHAIRMAN BOSARGE:** Dr. Dana.

36
37 **DR. DANA:** I don't have a problem with the motion, but I just
38 want to make sure that it's in the right place.

39
40 **MR. BOYD:** Madam Chair, I am okay with that. I was looking for
41 the right place to do it, and, if you feel it would be better at
42 the end of the report, I am fine with that.

43
44 **CHAIRMAN BOSARGE:** Would that be okay, if you withdraw it now,
45 but staff keep it handy and, once we finish our discussion on
46 mackerel, then we will move into that. Don't let me pass it up.

47
48 **MR. BOYD:** I will withdraw the motion until a further time.

1
2 **CHAIRMAN BOSARGE:** Thank you, sir. Dr. Dana, I will turn it
3 back over to you.
4

5 **DR. DANA:** Thank you. Continuing with CMP Amendment 29, in
6 Action 2, staff reviewed the proposed modifications to the
7 recreational accountability measures for king mackerel. Because
8 of the council's desire to keep the recreational sector open
9 year-round, the council is considering changing the current in-
10 season AM to a post-season AM.
11

12 The change to a post-season AM allows for the safeguards built
13 into Action 1 in CMP 29 to return any shared allocation to the
14 recreational sector before the AM is applied, thereby
15 safeguarding the current year-round recreational season from any
16 risks related to an allocation-sharing strategy.
17

18 A committee member thought that the recreational sector would be
19 penalized for exceeding their sector ACL in a fishing year under
20 the proposed alternatives. Another committee member clarified
21 that no such penalty would occur. By delaying the AM until the
22 following season, the recreational ACL would return to its pre-
23 allocation sharing level. Staff were directed to provide
24 examples of how the AMs would work, and I believe Ryan has an
25 attachment that he is going to put up and walk us through on
26 those examples.
27

28 **MR. RINDONE:** This is a rudimentary --
29

30 **EXECUTIVE DIRECTOR GREGORY:** Ryan, did you find a warm spot?
31

32 **MR. RINDONE:** Exactly. This is uncalled for cold. I am ready
33 to go home. This is a very rudimentary PowerPoint, but
34 hopefully it will help kind of explain how things are going to
35 work.
36

37 The current allocations that I used in this example are based on
38 Amendment 26, which has been submitted for secretarial review,
39 but it hasn't been implemented yet, and NMFS has told us that
40 they think that will be late January when that goes through.
41 Using the current allocations that we have for the recreational
42 and commercial sectors, the recreational sector's ACL would be
43 6.263 million pounds, and the commercial would be 2.947. That's
44 based on our current 68/32 split.
45

46 These are the recreational landings trends by MRIP wave, and the
47 2015/2016 wave, Ms. Gerhart gave us the actual numbers for that,
48 yesterday, I think, and so that Wave 3 number, at the tail-end

1 for the dark-blue line, should be ticked up, obviously, to where
2 she said it should be, but you can see that our main times for
3 landing kingfish are definitely Waves 3 and 4.

4
5 With the exception of Wave 2 in 2014/2015, Wave 2 tends to be a
6 lower time, and that gives a little bit of a question as to the
7 landings data for that particular wave, but hopefully the next
8 stock assessment will tease that out.

9
10 How the accountability measures are going to work with
11 allocation sharing, some assumptions that I've used for the
12 examples are that we're using the 9.21-million-pound stock quota
13 for 2016/2017 from Amendment 26, and we're assuming that you
14 guys are going to conditionally transfer 10 percent to the
15 commercial sector with a recreational minimum landings threshold
16 of 75 percent, and so, with that 10 percent transfer, that makes
17 the recreational ACL 5.342 million pounds and the commercial ACL
18 3.8 and change.

19
20 That 75 percent recreational threshold would set the threshold
21 at about four-million pounds on the nose for the recreational
22 sector, and so, if they were to land over four-million pounds in
23 a fishing year, then no transfer would occur.

24
25 In the first example, we say the recreational sector landed six-
26 million pounds. That's more than their 5.342 and the threshold.
27 Under our current accountability measure, the recreational
28 season would be closed early, because the ACL would have been
29 exceeded. Under the proposed accountability measures, either
30 Alternative 2 or 3, the next year's season would be based on the
31 full recreational ACL, the 68 percent of 6.263, and, because the
32 previous year's landings were less than the ACL, six-million
33 compared to 6.263, there wouldn't be a need to shorten the
34 following season, and so there would be no penalty assessed to
35 the recreational sector at either time under the proposed
36 accountability measures. Does everyone understand this example?

37
38 This is your doomsday scenario, if you will. The recreational
39 landings equal 6.5 million pounds, which exceeds both the
40 threshold, the recreational sector's adjusted ACL, and their ACL
41 if no allocation sharing were to occur. Under both
42 circumstances, the following fishing season -- Under the current
43 AMs, the fishing season would have been closed early, because
44 the landings would have been exceeded.

45
46 Under the proposed accountability measures, fishing in the
47 following year would be abbreviated based on the landing six-
48 and-a-half million pounds against the ACL of 6.263. Maybe that

1 means that the recreational sector would close say the first
2 week of December or something like that, but they would have
3 exceeded their original ACL if no allocation sharing had
4 occurred, which means that there probably needs to be some
5 investigation into effort. This is typically what we would do
6 anyway without allocation sharing.

7
8 The third example here shows the recreational sector just going
9 through the threshold, but not the ACL. We assume the
10 recreational sector lands four-and-a-half million pounds, which
11 exceeds that 75 percent threshold, but not the sector ACL.
12 Well, in this circumstance, the transfer is cancelled for the
13 following year for the commercial sector, and so the allocations
14 still go back to the 68/32. No conditional transfer occurs.
15 Under the current AM, nothing would happen. Under the proposed
16 AMs, nothing would happen for the recreational sector. Does
17 everybody see how this works?

18
19 The take-away, generally speaking, is that, under the proposed
20 AMs, during an allocation-sharing year, if the recreational
21 sector exceeds its ACL during that fishing year, nothing
22 happens. Then, in the following year, they get all the fish
23 they shared back.

24
25 Now, if their landings in the previous year were so high that
26 they would have exceeded the following year's total 68 percent
27 allocation that they get, then NMFS would need to investigate to
28 what degree the fishing season should be shortened, to make sure
29 that the ACL isn't exceeded again. Does everybody get that?
30 That's it, folks.

31
32 **CHAIRMAN BOSARGE:** Thank you, sir. We have some questions.

33
34 **MR. BLANKENSHIP:** I have a question. Assuming we go through a
35 10 percent allocation transfer and the commercial exceeds their
36 quota with that 10 percent share, what happens then? What
37 happens to the commercial side?

38
39 **MR. RINDONE:** Right now, the commercial season, when it's
40 closed, is governed by when NMFS gets the landings through the
41 electronic reporting and issues a closure notice, and where
42 we're at right now is the stock ACL has to be exceeded for there
43 to be a -- Excuse me. There is no like following season payback
44 or anything for the commercial sector. It's just that, if their
45 ACL is met or projected to be met, they're closed. That's the
46 current accountability measure, just like it is for the
47 recreational sector.

48

1 The alternatives that we're proposing for changing the
2 recreational sector's accountability measures actually make it
3 more lenient than what the commercial sector has, and so they
4 close during the year when their landings are met or projected
5 to be met. What's being proposed for the recreational sector
6 is, if they exceeded their ACL in a year where there is
7 allocation sharing or period, nothing happens until the
8 following year.

9
10 **CHAIRMAN BOSARGE:** Ms. Guyas.

11
12 **MS. GUYAS:** Just a comment. I think this is where Doug's
13 request really comes in and could be helpful to us in trying to
14 -- I understand what you are outlining here, but maybe what some
15 of the impacts of these accountability measures could be and
16 what circumstances do we want to look at something different, at
17 like payback or whatever, and so that's just a comment and a nod
18 to what Mr. Boyd is looking at doing.

19
20 **CHAIRMAN BOSARGE:** Thank you. Any other questions for Ryan or
21 comments? Thank you. That helped me really visualize how this
22 was going to function, and I really wanted to see that worst-
23 case scenario and see how that played out, and so, Mara, do you
24 have a comment?

25
26 **MS. LEVY:** Just to the extent that I think Amendment 29, as it
27 stands, has an analysis of the alternatives and actions that are
28 in there, and so you do have an effects analysis, to the extent
29 that it's analyzing what the current actions and alternatives
30 are in there. If you're looking at other alternatives, when you
31 talk about this white paper, that's fine, but I just wanted to
32 make sure that people knew that there is an effects analysis in
33 there.

34
35 **CHAIRMAN BOSARGE:** Yes, and that's fine. Just when you put
36 those hard numbers and give me a little example, it really helps
37 me, and so I appreciate that, Ryan, doing it on the fly,
38 especially. Dr. Dana, I am going to turn it over to you,
39 because I don't think we actually have a motion on the board
40 yet.

41
42 **DR. DANA:** Okay, and so I'm going to go into a motion then. **The**
43 **committee recommends, and I so move, in Action 2, to make**
44 **Alternative 3 the preferred alternative. Alternative 3 is to**
45 **replace the current in-season AM with a post-season AM. If both**
46 **the recreational ACL and the stock ACL are exceeded in a fishing**
47 **year, the length of the following recreational fishing season**
48 **will be reduced by the amount necessary to ensure the landings**

1 do not exceed the recreational ACL.
2
3 **CHAIRMAN BOSARGE:** Okay. We have a committee motion on the
4 board. Is there discussion on the motion? **All those in favor**
5 **of the motion, please signify by raising your hand.**
6
7 **EXECUTIVE DIRECTOR GREGORY:** Fifteen yea.
8
9 **CHAIRMAN BOSARGE:** All those opposed, same sign.
10
11 **EXECUTIVE DIRECTOR GREGORY:** Zero nay, and so the motion passes
12 **fourteen to zero.**
13
14 **DR. DANA:** Staff recommended that the committee reconsider going
15 to Brownsville, Texas during public hearings for CMP 29. The
16 committee directed staff to remove Brownsville, Texas from the
17 list of public hearing locations for this amendment.
18
19 We then moved into King Mackerel Projections Update. Dr. Joe
20 Powers summarized the presentation reviewed by the SSC for
21 updating the yield projections for Gulf king mackerel. The SSC
22 had many specific questions regarding the update, especially
23 with respect to which data were used, what was updated, and
24 whether the condition of the surplus biomass had changed.
25
26 The SSC was ultimately not willing to consider modifying the
27 Gulf king mackerel ABC until it received clarification on the
28 noted issues with the projections. They also noted that
29 changing the ABC midway through a projection is always going to
30 be problematic, especially when using preliminary data. The SSC
31 expects to discuss the projections again at their next meeting.
32 Madam Chair, this concludes my report.
33
34 **CHAIRMAN BOSARGE:** All right. Thank you. Is there anything
35 specific to mackerel that we want to discuss? If not, then, Mr.
36 Boyd, would you like to put your motion back on the board?
37
38 **MR. BOYD:** Sure, if staff would repost my motion. I will be
39 happy to reread it, but I think everybody understands it, pretty
40 much, at this point. To save time, I will not reread it, but
41 that is the motion on the board. If there is something
42 additional that the committee would like, I would be happy to
43 modify my motion in some way, but I'm just trying to get us in a
44 proactive mode instead of a reactive mode.
45
46 **CHAIRMAN BOSARGE:** Did we already have a second? We better
47 second it again. Do we have a second to this motion?
48

1 **MR. BOYD:** Yes, but I withdrew it, and so we would have to have
2 another one.
3
4 **CHAIRMAN BOSARGE:** Okay. Mr. Matens seconds. Is there any
5 discussion on the motion? All right. **All those in favor,**
6 **please signify by raising your hand.**
7
8 **EXECUTIVE DIRECTOR GREGORY:** Sixteen yea.
9
10 **CHAIRMAN BOSARGE:** Okay. **All those opposed, same sign.**
11
12 **EXECUTIVE DIRECTOR GREGORY:** Zero nay. **The motion passes**
13 **sixteen to zero.**
14
15 **CHAIRMAN BOSARGE:** Okay. Mr. Swindell.
16
17 **MR. SWINDELL:** Now that we've passed this, I just -- How is that
18 going to work with the staff? Are you going to have time to put
19 this together?
20
21 **EXECUTIVE DIRECTOR GREGORY:** We haven't had a chance to discuss
22 it, but we will certainly do our best to bring it to our
23 March/April meeting, to bring something to you. I think we can.
24 I don't know in-depth it will be, but we'll at least get it
25 started.
26
27 **CHAIRMAN BOSARGE:** I think the South Atlantic has an amendment
28 that maybe we could use some of that information, just as a
29 basis, because they were exploring something like this, similar
30 to what you're talking about, where it was a more general
31 concept. Now, that amendment had a lot of different general
32 concepts in it, but this was one of them, and so that may be
33 something where maybe we don't have to recreate the wheel and we
34 can look at it. If certain things apply to the Gulf, we could
35 try and get some --
36
37 **EXECUTIVE DIRECTOR GREGORY:** Well, I'm glad we hired a second
38 economist recently.
39
40 **CHAIRMAN BOSARGE:** All right. We are past our scheduled lunch
41 break at the moment. We are scheduled to go to lunch from 12:00
42 to 1:30, and we do still have several things on our agenda, and
43 so I think we better go ahead and take our scheduled lunch
44 break. Then we will come back and finish up our agenda. We
45 still have our Closed Session Report, Law Enforcement, the Joint
46 Coral/Habitat, the Administrative/Budget Committee Report, and
47 then anything under Other Business that there is, and so is the
48 council okay with going to lunch, or would you rather just

1 proceed through this? It could take a little bit. Mr. Boyd.

2
3 **MR. BOYD:** Yes, ma'am. I have a request. Several people have
4 asked me if we would earlier rather than later talk about the
5 recreational AP membership that we did in closed session,
6 because a lot of people in the audience are going to try to
7 leave early this afternoon, and so, if you could put that next
8 on the agenda, I think it would be appreciated.

9
10 **CHAIRMAN BOSARGE:** Yes, we can definitely do that. I mean is it
11 something that we need to take up before lunch? Is that what
12 you're saying, or just take it up right after lunch?

13
14 **MR. BOYD:** It's totally up to you, Madam Chairman.

15
16 **CHAIRMAN BOSARGE:** Mr. Gregory.

17
18 **EXECUTIVE DIRECTOR GREGORY:** As a policy that we've had, we
19 don't post any of this information until it's actually announced
20 in the council meeting, and so it's not on the website. It
21 hasn't been distributed to anybody outside the council.

22
23 **CHAIRMAN BOSARGE:** Then we will move that up to the first thing
24 right after lunch, if that will work for you. All right. Let's
25 go ahead and be back at our regular scheduled time, which is
26 1:30.

27
28 (Whereupon, the meeting recessed for lunch on October 20, 2016.)

29
30 - - -

31
32 October 20, 2016

33
34 THURSDAY AFTERNOON SESSION

35
36 - - -

37
38 The Full Council of the Gulf of Mexico Fishery Management
39 Council reconvened at the IP Casino & Resort, Biloxi,
40 Mississippi, Thursday afternoon, October 20, 2016, and was
41 called to order by Chairman Leann Bosarge.

42
43 **CLOSED SESSION REPORT: AD HOC PRIVATE RECREATIONAL ANGLER AP**
44 **MEMBERSHIP AND DISCUSS THE CHARGE OF THE AP**

45
46 **CHAIRMAN BOSARGE:** We decided that we would bump up our closed
47 session report on the Ad Hoc Private Recreational Angler AP
48 membership and the discussion of the charge of the AP, that we

1 would do that next, and that report falls to me. It's pretty
2 short and sweet.

3
4 The council met in closed session and decided to populate the Ad
5 Hoc Private Recreational AP with five representatives from each
6 Gulf state. The membership is as follows: Bryan Anderson,
7 Hughes Andry, William B. Blankenship, Ray Box, James "Jim" Allen
8 Brown, Charlie Caplinger, Kenneth D. Creel, Chris Duca, Jonathan
9 "JD" Dugas, Nathaniel Duvall, Marcus R. Kenney, John Kimbrough,
10 Ed Landgraf, Mark Randal Luitjen, John T. Marquez, Jr., Michael
11 Bolton McDermott, Jr., Charles McVea, Jr., Bradford J. Miller,
12 Ronald Jay Moser, Benjamin Ross Payton, Kellie Rebello Ralston,
13 Charles Wendell Taylor, Mark Turner, Rodolfo C. Valenciano, Troy
14 Bello Williamson, II. Those are our five members from each Gulf
15 state.

16
17 The next item on our agenda under this committee report is a
18 discussion of the charge for this AP. I would like some
19 feedback from the council if anybody has a charge. Patrick, I
20 am assuming that might be your charge on the board. Maybe you
21 provided that. Go ahead.

22
23 **MR. BANKS:** I had a sent a motion to the staff, if we could put
24 it up, and hopefully I can get a second, so that we can at least
25 discuss it. I would like to provide some fairly clear guidance
26 to the AP.

27
28 **CHAIRMAN BOSARGE:** Patrick, is that your charge, or your motion
29 with the charge in it? I will just read it. The motion is to
30 provide recommendations to the council on private recreational
31 red snapper management measures which would provide more quality
32 access to the resource in federal waters, reduce discards, and
33 improve fisheries data collection. Management measures to be
34 considered are, but not limited to, regional management, harvest
35 tags, days at sea, and seasonal framework adjustments. Is that
36 your motion?

37
38 **MR. BANKS:** That's it, Madam Chairman. I hope to get a second,
39 so we can discuss it.

40
41 **CHAIRMAN BOSARGE:** Okay. Do we have a second to the motion?
42 John Sanchez seconds. Would you like to discuss, sir?

43
44 **MR. BANKS:** Only that I think you all know that I'm very
45 interested in making sure that the AP works diligently on this
46 issue and that they try to give us some good input, so that we
47 can move the private recreational red snapper amendment forward
48 and bring some better quality access to that sector. Thanks.

1
2 **CHAIRMAN BOSARGE:** Other discussion? Mr. Diaz.

3
4 **MR. DIAZ:** Patrick, I support your motion. I am little
5 uncomfortable with the last sentence, and the only reason I say
6 that is kind of the way I view this is, for this AP, everything
7 is on the table. Your last sentence mentions a couple of things
8 there, like harvest tags and day at sea and seasonal framework
9 adjustments, and I just -- I almost feel like maybe we're trying
10 to steer them a little bit, and my initial thought is just
11 everything is on the table. I am not saying that I'm voting
12 against your motion, but that's the only thing that gives me
13 pause. Thank you, sir.

14
15 **CHAIRMAN BOSARGE:** Ms. Guyas.

16
17 **MS. GUYAS:** I would tend to agree with that. I think we need
18 this group to really think outside of the box and just let it go
19 and see what they can come up with, and we will have that
20 report, I guess, at some point that they can look at too that
21 will analyze a bunch of different options, and so, yes, I
22 support the idea, but I don't like that second sentence there.

23
24 **CHAIRMAN BOSARGE:** Mr. Blankenship.

25
26 **MR. BLANKENSHIP:** I was just going to say that I just didn't
27 want to limit it to red snapper, but to provide recommendations
28 to the council on private recreational management measures,
29 because I think the same issues we're having with red snapper
30 we're having with triggerfish and we're going to have with
31 amberjack and some other things, and so just to make it more
32 broad, which I think it's not the red snapper private
33 recreational AP. It's the Ad Hoc Private Recreational AP.

34
35 **CHAIRMAN BOSARGE:** Mr. Gregory.

36
37 **EXECUTIVE DIRECTOR GREGORY:** I've got the motion from the June
38 meeting, and it specifies red snapper in it. It says the motion
39 is that the council assemble an ad hoc advisory panel of private
40 boat recreational fishermen and charge them to develop fair and
41 effective ways to mitigate the red snapper derby and populate
42 this committee and convene them for their first meeting after
43 hearing results from the recreational angler focus group by
44 January of 2017. That was the motion in June, and so it
45 specified red snapper. I will leave it at that.

46
47 **CHAIRMAN BOSARGE:** Dr. Lucas.

48

1 **DR. LUCAS:** Patrick, I too have the same concerns as Martha and
2 Dale, and I'm wondering if you would be willing to accept a
3 friendly amendment that deleted the last sentence.

4
5 **MR. BANKS:** I would prefer to leave that in there. I agree with
6 you guys. I think all of it needs to be on the table, which is
7 precisely the reason I used the words "but not limited to".

8
9 I just wanted to make sure that some of these things, mainly
10 regional management, would be considered by the AP, and I just
11 didn't want to end up with something that came out where some of
12 these ideas that we've all talked about at length were not
13 considered by them. That was really my fear, was that they -- I
14 am fine if they come up with a recommendation that's outside the
15 box. I think that would be great, but I just don't want them to
16 not consider some of these things that we've all talked about
17 for so long, and so I would prefer to leave that in there at
18 this time.

19
20 **CHAIRMAN BOSARGE:** Mara.

21
22 **MS. LEVY:** Thank you. I just was wondering, what do you mean by
23 seasonal framework adjustments, just to be clear exactly what
24 you're getting at there?

25
26 **MR. BANKS:** To consider whether the first week of June is the
27 best time to prosecute it.

28
29 **CHAIRMAN BOSARGE:** Mr. Boyd.

30
31 **MR. BOYD:** Patrick, what you're saying there is seasons and bag
32 limits?

33
34 **MR. BANKS:** Certainly.

35
36 **MR. BOYD:** So the same things that are on the table now,
37 including size limits and catch limits and seasons?

38
39 **MR. BANKS:** Absolutely. I think what Dale and Martha had talked
40 about, and Kelly too, was we want to look at all of those. I
41 just hated for them not to consider those particular things that
42 we've all talked about.

43
44 **CHAIRMAN BOSARGE:** Dr. Lucas.

45
46 **DR. LUCAS:** Clearly I understand that, but I am still concerned,
47 and so I'm going to offer a substitute motion. The motion would
48 basically be the same motion, but just deleting the last

1 sentence, and, if I get a second, we can talk about that.

2
3 **CHAIRMAN BOSARGE:** Okay. We have a substitute motion on the
4 board to provide recommendations to the council on private
5 recreational red snapper management measures which would provide
6 more quality access to the resource in federal waters, reduce
7 discards, and improve fisheries data collection. Is there a
8 second to this motion? It's seconded by Ms. Guyas. Is there
9 discussion on this motion? Mr. Boyd.

10
11 **MR. BOYD:** In the charge that Mr. Gregory read, it talked about
12 the derby. Since that was in the motion before, should we also
13 include a derby? The only reason I say that is because it was
14 in the original council motion. Otherwise, I don't --

15
16 **CHAIRMAN BOSARGE:** It is in the original. To me, the derby is
17 the current private recreational red snapper management. I
18 mean, essentially, that's what they have right now, and so I
19 don't know that we need to spell it out as a derby, if that's
20 okay. I think that kind of puts a negative connotation to it.
21 Yes, sir, Mr. Riechers.

22
23 **MR. RIECHERS:** The other thought I would say is if -- I don't
24 know how Doug plans to start the meeting with these folks, but I
25 assume that you're going to share the charge and maybe the
26 motion that created them. If you did do that, they get the
27 flavor of that as well.

28
29 **CHAIRMAN BOSARGE:** Jack.

30
31 **DR. MCGOVERN:** I think the item that Mr. Boyd is referring to
32 with the derby is covered in Item Number 1 there with providing
33 more quality access.

34
35 **CHAIRMAN BOSARGE:** All right. Any other discussion? Mr. Banks.

36
37 **MR. BANKS:** That was covered by the seasonal framework
38 adjustment, just as a point of clarity. I do want to ask Kelly
39 though about her motion. Are you saying that you're okay with
40 them not discussing regional management?

41
42 **DR. LUCAS:** I think that will come up. I don't want to direct
43 them what to discuss. I would really like for them to tell us
44 what they want.

45
46 **MR. SWINDELL:** So what are we going to -- What kind of
47 instructions are we going to give them for things that we really
48 want them to discuss? I mean, all Patrick was trying to do was

1 say, hey, let's start somewhere. You are not giving them
2 anywhere to start here, I don't see. You need to give them some
3 good ideas, some items or something, to definitely go through.
4 During their discussions, they're going to come up with
5 everything, hopefully. Thank you.

6

7 **CHAIRMAN BOSARGE:** Mr. Matens.

8

9 **MR. MATENS:** I speak in opposition to the last couple of
10 comments. I think these people need to be able to free-range.
11 That's what we want. That's what we asked for. I don't think
12 we can direct them or we should direct them into or out of
13 anything. I might change some words here, but the intent is
14 clear. They may think of things that we have not thought of,
15 and they need to put them out there, but we should not say that
16 you guys need to consider reduce discards, for example. That's
17 a whole different ballgame, and so I speak in support of this
18 motion.

19

20 **CHAIRMAN BOSARGE:** Just for the record, when I was thinking
21 about bringing this group together and kind of having the
22 grassroots effort that we talked about before, it will be
23 different, because we won't have an amendment that we're putting
24 before them, which is fine.

25

26 I think that's perfectly fine, and the way I envisioned it
27 possibly working, and I would like the council's feedback on
28 this, is I thought probably where we should start, since I am
29 assuming that a lot of the individuals that we populated this AP
30 with maybe have not been extremely engaged in our process
31 before, is to just take a step back and familiarize them with
32 that process, which our process is governed by the Magnuson-
33 Stevens Act.

34

35 I thought that might be probably a starting point on the agenda,
36 is we're probably going to need to let them know what parameters
37 this body has to function within and what the law says we can do
38 or can't do, and that's the only box, really, that we have to
39 work within. Then we could give them a brief snapshot of the
40 history of the fishery, both commercial and recreational, just
41 generally speaking.

42

43 That's not getting into management measures that of, well, we
44 went through regional management and this or that, but just a
45 long-term history of this is how it was, and it was open access
46 everywhere, and then we kind of came to a point where we got to
47 a turning point in the fishery and we needed to do something,
48 and these were some of the actions that we took, and we're

1 starting to turn around and get into a better trajectory with
2 this fishery and its health, but just, generally speaking, where
3 we're at and where we came from and where we are and then let
4 them tell us where to go. That was, generally speaking, how I
5 thought we might kind of lay it out, but I am open to
6 suggestions. Ms. Guyas.

7
8 **MS. GUYAS:** I like that approach, and I think this charge that
9 we have here will be helpful for that, and so we have some basic
10 goals up here. Again, with those goals in mind that we have,
11 what do they want out of this fishery?

12
13 Then, from there, they can kind of work to look at maybe
14 thinking about some of these different management systems or how
15 the regulations could work, and so I know that, in Mississippi,
16 you all did some red snapper -- I don't know how you want to
17 describe them, but I guess they were visioning kind of public
18 meetings. We did some similar in Florida, based on what you all
19 did, and we opened our workshops.

20
21 We did breakout groups, and we had some very broad like what do
22 you want out of this fishery kind of questions, and to kind of
23 get people thinking about that first before moving into
24 management options, and I thought that worked fairly well.

25
26 **CHAIRMAN BOSARGE:** Mr. Blankenship.

27
28 **MR. BLANKENSHIP:** Kind of along those same lines, I appreciate,
29 Patrick, for your motion, what you were trying to do. I think
30 that all of those things are good, but we've all been on these
31 panels and committees before where, if you have something like
32 that that you're looking at, people tend to get focused on those
33 things and they exhaust all of their conversation about that
34 before they move on to something else.

35
36 I just think, on this particular thing, since you have so many
37 people on this panel that are involved that have not really been
38 in the process before, that it would be good just to go into it
39 and just let them take almost a shotgun approach to begin with
40 and then maybe refine it down, and so I guess I will speak in
41 favor of the substitute motion. I am not disparaging you,
42 because I think what you were trying to do is good, but I just
43 think this is a better way to get that free-flow of information.

44
45 **CHAIRMAN BOSARGE:** Mr. Atran, did you have a comment?

46
47 **MR. ATRAN:** I just wanted to remind you that this group will be
48 meeting after we get the report from the Gulf Angler Focus

1 Group, and it's my understanding that that report is going to
2 contain some recommendations on how to proceed, and so they're
3 already going to have some initial input as to how they might
4 want to proceed with possible options.

5
6 **CHAIRMAN BOSARGE:** We have been waiting on that report, but I
7 guess I never thought about it actually like as an agenda in
8 that meeting and guiding. It definitely is something that we're
9 going to want them to review. I think it will just be kind of
10 critical where we put it at on the agenda. We may want to have
11 some open discussion and try and get that grassroots feedback,
12 and I would imagine that a lot of those things are going to
13 overlap, but then bring that document in. Dr. Lucas.

14
15 **DR. LUCAS:** Since Patrick suggested using a facilitator, which I
16 think is a great idea, this facilitator is going to kind of have
17 this kind of laid out, and having that document, I think, will
18 be pretty beneficial on how to structure that meeting and how to
19 go about capturing the information that you want to capture, and
20 so, in addition to the great things you outlined, I guess they
21 will have that, and they can formulate how to structure the
22 meeting and where to do what you're trying to accomplish and
23 making sure that there's a structured manner in which to get
24 there.

25
26 **CHAIRMAN BOSARGE:** For the audience, maybe those listening in
27 via webinar or here in the room, we also discussed, during
28 closed session, the idea of having a facilitator actually be
29 part of this group. We have also discussed that for other
30 groups throughout the day today that we may have meeting, but we
31 did specifically discuss it for this as well, and there were
32 several groups thrown out that are independent groups or
33 government groups that have facilitators available that we could
34 call upon, and I think that's definitely a good idea to have.
35 The other group that's meeting outside the council, they have a
36 facilitator, and so I think we're seeing a trend that that can
37 be helpful. Any further discussion on the motion on the board?
38 Yes, sir, Mr. Swindell.

39
40 **MR. SWINDELL:** If we're going to get rid of some of the stuff
41 that Patrick already had in there, why are we keeping to reduce
42 discards? Is this such an important item that you're going to
43 leave it in there? That makes sense, when you're taking out
44 some of this other stuff that we really are more interested in
45 than even reducing discards. Thank you.

46
47 **CHAIRMAN BOSARGE:** Ms. Guyas.
48

1 **MS. GUYAS:** I think that needs to be in there. Discards are a
2 big issue for this fishery, and it's one of the major points of
3 frustration for I would say a lot of recreational anglers, and
4 so I think we've got -- It's also part of like our objectives
5 for the Reef Fish FMP, and so I think it fits in here.
6
7 **CHAIRMAN BOSARGE:** All right. Last call. Any further
8 discussion on the motion on the board? All right. **All those in**
9 **favor of the substitute motion, please signify by raising your**
10 **hand.**
11
12 **EXECUTIVE DIRECTOR GREGORY:** Fourteen yeas.
13
14 **CHAIRMAN BOSARGE:** All those opposed, same sign.
15
16 **EXECUTIVE DIRECTOR GREGORY:** One nay. **It's fourteen to one, and**
17 **the motion passes.**
18
19 **CHAIRMAN BOSARGE:** Ms. Guyas.
20
21 **MS. GUYAS:** This probably goes without saying, but this report
22 that we're talking about from that other group, I would assume
23 that's going to be presented to the council in January also?
24 Okay.
25
26 **CHAIRMAN BOSARGE:** Yes, I would assume that the council would
27 need to see it. It would be kind of strange to put a document
28 in front of our advisory groups before we see it. It's usually
29 the other way around. Mr. Riechers.
30
31 **MR. RIECHERS:** Well, we seem to have decision tools that are
32 doing that, and so I do agree that it's a little strange, but
33 just as a point of order there, we have had decision tools that
34 have gone out prior to us seeing them.
35
36 **CHAIRMAN BOSARGE:** Mr. Banks.
37
38 **MR. BANKS:** Do we need an official motion to request that Mr.
39 Haddad provide us a formal presentation at the January meeting,
40 Doug?
41
42 **EXECUTIVE DIRECTOR GREGORY:** No, and I don't know if he's here,
43 but I think he would appreciate that opportunity, if the report
44 is completed by then.
45
46 **MR. BANKS:** I definitely would like to see that, and keep in
47 mind that it's pretty clear that we took out some of our
48 guidance on what we wanted this group to do, but yet we're

1 deferring that guidance to this group. Thank you.

2

3 **CHAIRMAN BOSARGE:** Dr. Lucas.

4

5 **DR. LUCAS:** Just something on the timing. I don't know when the
6 ad hoc committee planned to meet, but is it possible that they
7 will meet before we have a council meeting?

8

9 **EXECUTIVE DIRECTOR GREGORY:** No, because the other report is not
10 going to be available until after January, and so the logistics
11 are that we couldn't have them meet until after the January
12 council meeting anyway. We will just see. We will do it as
13 quickly as we can, but it definitely won't be before the January
14 council meeting.

15

16 **CHAIRMAN BOSARGE:** I think we probably should write a nice,
17 formal letter to Mr. Haddad, to let him know that we do have
18 interest and we would like him to present. That way, he is not
19 unsure, because I know he's kind of talked to us about giving a
20 presentation, and so I am pretty sure everybody around this
21 table is pretty interested in what is going to be in that
22 report, right? Okay.

23

24 **EXECUTIVE DIRECTOR GREGORY:** He and I have communicated quite a
25 bit by email. Do you want a formal letter?

26

27 **CHAIRMAN BOSARGE:** No, an email is fine, as long as we formally
28 invite him. Dr. Lucas.

29

30 **DR. LUCAS:** I was just going to point out, since we will be
31 meeting in January and you will have the report and all of that,
32 if there was something that you felt needed to be changed in the
33 charge, based on the report that you saw or whatever, if it
34 didn't cover something, you would then have the opportunity to
35 do something at that time.

36

37 **CHAIRMAN BOSARGE:** Mr. Greene.

38

39 **MR. GREENE:** I would also like to know how many of the people
40 that we've appointed to this AP have been involved either as
41 part of the focus group and who they are.

42

43 **CHAIRMAN BOSARGE:** Maybe that's something that we could request
44 from Mr. Haddad when you send him the email, because I'm not
45 sure how else we would actually come to get that information,
46 because it's a private group.

47

48 **EXECUTIVE DIRECTOR GREGORY:** Yes, I will talk to him. He's had

1 a number of meetings. He has had two this week here in Biloxi
2 with a bunch of people that I don't think were part of that
3 original focus group, but they've been doing a lot and
4 communicating with a lot of different people to try to come up
5 with their plan or ideas.

6
7 **CHAIRMAN BOSARGE:** I will just say, before we see this report,
8 and I would rather that this be a comment that's viewed in an
9 unbiased manner, because that's how I intend it, but I do have
10 some hesitation about -- If we're not going to give them any of
11 our documents beforehand and we really want out-of-the-box --

12
13 In other words, if we don't want to guide them at all, if we
14 really want them to give us the first ideas that pop into your
15 head and start fleshing out details, I don't know about showing
16 them a report that has specific recommendations before -- I want
17 to show them their report, but I guess what I'm getting at is,
18 when we get in that room, I really want to get some feedback
19 from them before we hand them the report, and then maybe the
20 report can stem further feedback and new ideas that might be in
21 the report that they didn't give us, but I definitely want to
22 try and get some feedback before we influence them in any way,
23 even though it's not our document. Dr. Lucas.

24
25 **DR. LUCAS:** I was just going to say, if I'm not mistaken, I
26 think the intent of that group was to make that document public
27 when they sent everything, and so, just like all of our
28 documents through the council, that would be public for any of
29 these people to review, and I have a feeling that, unless
30 somebody made a special request, that that document would also
31 be public.

32
33 **CHAIRMAN BOSARGE:** Sure, and that's fine, and ours are too, but
34 we're not going to wave ours in front of them before we ask for
35 their ideas and try and steer them in any direction. Dr. Stunz.

36
37 **DR. STUNZ:** Also, Leann, I agree with you. In a perfect world,
38 that would be great, but I think at least the group from Texas,
39 these are people that are well-informed of the fishery in a way,
40 and I can't imagine that they wouldn't already know that this
41 group is happening. In other words, I don't know that we could
42 necessarily keep it from them or whatever, even if we wanted to,
43 and so I think it's just sort of a foregone conclusion that
44 they're going to be aware of that, even if we do or don't tell
45 them.

46
47 **CHAIRMAN BOSARGE:** Mr. Gregory.

1 **EXECUTIVE DIRECTOR GREGORY:** Maybe January is the best time to
2 have this discussion, or continue this discussion, after we see
3 what the focus group has come up with. I haven't had time, but
4 I was going to go back to the June meeting, where this was
5 discussed, and staff was explicitly told not to produce
6 anything, either until we got that formal report or until we had
7 the AP meeting, and so we can resurrect that discussion, because
8 we're not going to have any meeting immediately after the
9 January meeting.

10
11 It's going to take time to schedule a facilitator and do that,
12 but the intent certainly is to have the meeting before the April
13 council meeting, if we can. I think there is further time to
14 talk about how you want to approach this. We also have, online,
15 an orientation video for AP members, and we have a process for
16 getting people up to speed about how the council operates and
17 what their role is as AP members, and so we already have that in
18 place.

19
20 **CHAIRMAN BOSARGE:** All right. I think that's a good suggestion.
21 I think we have done some heavy lifting here today, and we came
22 up with, I think, an excellent charge. That was good work by
23 everybody, because I know a lot of times we just sit around and
24 look at each other when we try and come up with a charge, and so
25 thank you to everybody participating and getting something good
26 to start the ball rolling in that meeting. That concludes my
27 report for the closed session, and so now we will get back to
28 our regular agenda, and next is going to be Dr. Lucas with the
29 Administrative and Budget Committee Report.

30
31 **ADMINISTRATIVE/BUDGET COMMITTEE REPORT**

32
33 **DR. LUCAS:** Thank you. The committee adopted the agenda and
34 minutes of the August 2016 Administrative/Budget Committee
35 meeting as written. Staff presented the items for approval
36 under Tab G, Number 4(a) and provided background data on annual
37 leave policies of the Gulf States, councils, and National Marine
38 Fisheries Service in Tab G, Number 4(b).

39
40 There was quite a bit of discussion about how to handle future
41 accrued leave and grandfathering current leave levels. It was
42 noted that the committee's guiding principle was to do no harm.
43 It was noted that moving from a leave policy of allowing
44 unlimited accumulation of annual leave to a cap of 480 hours,
45 while allowing staff to be grandfathered in at their current
46 leave levels, would be the fairest way to minimize future
47 potential financial obligations.

1 It was noted that the past policy of unlimited leave was
2 historically allowed at a time when the council benefits were
3 much less. However, a recent Markley analysis of staff
4 retirement benefits indicated that council staff are now on par
5 with the federal retirement system. The following motions were
6 passed by the committee without opposition.

7
8 **The committee recommends, and I so move, beginning December 31,**
9 **2017, accrued annual leave in excess of 480 hours at the end of**
10 **each calendar year will be converted to sick leave.**

11
12 **CHAIRMAN BOSARGE:** We have a committee motion on the board. Is
13 there any discussion on the motion? We did have a lot of
14 discussion during committee on this. **Is there any opposition to**
15 **the motion? Seeing none, the motion carries.**

16
17 **DR. LUCAS:** Thanks. The leave cap of 480 hours begins on
18 January 1, 2017 forward. Accrued annual leave as of December
19 31, 2016 will be grandfathered. Staff was asked to research
20 possible avenues for converting accumulated annual leave to an
21 annuity or depositing it into the council's retirement plan.

22
23 **The committee recommends, and I so move, upon separation of**
24 **employment or upon retirement, leave can be paid out either as a**
25 **lump sum or as a payment every two weeks, at the employee's**
26 **discretion. Upon separation of employment due to cause leave**
27 **will be paid as a lump sum payment only. When leave is paid out**
28 **as a payment every two weeks, due to separation from employment,**
29 **accrual of further leave will not be allowed during the payout**
30 **period. Any person hired after December 31, 2016, upon**
31 **separation of employment, will be paid any applicable unused**
32 **leave in a lump sum payment.**

33
34 **CHAIRMAN BOSARGE:** We have a committee motion. Any discussion
35 on the motion? Yes, sir, Mr. Banks.

36
37 **MR. BANKS:** I am sorry, but I didn't hear the discussion in this
38 committee. The leave was whatever leave was on the books and
39 there was no minimum? It could have been 1,000 hours? I just
40 want to make sure that I'm clear.

41
42 **EXECUTIVE DIRECTOR GREGORY:** Right. From our research, it's
43 similar to what Mississippi and Louisiana has, as far as what
44 you can accrue. It's unlimited.

45
46 **MR. BANKS:** I realize that, but I'm talking about what you're
47 paid for upon separation.

1 **EXECUTIVE DIRECTOR GREGORY:** We've been paying for the entire
2 amount of accrued leave.

3
4 **MR. BANKS:** Okay. Thank you.

5
6 **CHAIRMAN BOSARGE:** Any other questions or comments? We have a
7 motion on the board. **Is there any opposition to the motion?**
8 **Seeing none, the motion carries.**

9
10 **DR. LUCAS:** Bonus Program Review, staff also reviewed the
11 history of the bonus program since it was implemented in 2010,
12 which is Tab G, Number 5. Mr. Gregory stated that he had
13 limited the performance bonuses this past two years, and it was
14 noted that the council agreed to streamline the bonus program at
15 its August meeting by removing the performance bonus while
16 maintaining the merit bonus. There was no other business to
17 come before the committee. Madam Chair, this concludes my
18 report.

19
20 **CHAIRMAN BOSARGE:** Thank you, Dr. Lucas. Is there any other
21 comments or questions or motions or anything else on this topic
22 before we move on to our next committee report? All right.
23 Next, we will move to the Law Enforcement Committee Report and,
24 Mr. Boyd, I will turn it over to you.

25
26 **LAW ENFORCEMENT COMMITTEE REPORT**

27
28 **MR. BOYD:** Thank you, Madam Chairman. The Law Enforcement
29 Committee met on October 19 with Doug Boyd as Chair. Steve
30 VanderKooy with the Gulf Stated Marine Fisheries Commission
31 summarized the proposed changes to the 2017 and 2018 Gulf of
32 Mexico Cooperative Law Enforcement Operations Plan, and the 2017
33 through 2020 Gulf of Mexico Cooperative Law Enforcement
34 Strategic Plan.

35
36 These changes were developed by the LEC and LETC over a series
37 of webinar and conference calls. The changes included the
38 addition of a seventh goal to address short-term response and
39 long-term recovery from manmade and natural disasters. In
40 addition, several objectives in the Operations Plan were
41 reorganized to fit under goals that were more appropriate.

42
43 **By a unanimous vote, the committee recommends, and I so move,**
44 **that the council approve the 2017 and 2018 Gulf of Mexico**
45 **Cooperative Law Enforcement Operations Plan and the 2017 through**
46 **2020 Gulf of Mexico Cooperative Law Enforcement Strategic Plan.**
47 Madam Chairman.

1 **CHAIRMAN BOSARGE:** All right. We have a committee motion. Is
2 there any discussion on the motion? **Is there any opposition to**
3 **the motion? Seeing none, the motion carries.**
4

5 **MR. BOYD:** Continuing, the staff noted that the LEC and LETC
6 currently has two Chairs and two Vice Chairs, one each for the
7 Gulf States Marine Fishery Commission's LEC and the council's
8 LETC. The membership of the two committees is the same, except
9 for the U.S. Coast Guard representative, who is a member of the
10 LEC, but not the LETC, because he is also a council member. To
11 improve efficiency and reduce confusion, the LEC and LETC is
12 considering having one Chair and Vice Chair for the combined
13 committee, starting with the next election.
14

15 The LEC and LETC was advised that the council will be soliciting
16 nominees for the next (2016) Officer of the Year Award.
17 Committee members agreed to submit nominees to the council by
18 December 1, 2016. Lieutenant Commander Danaher asked if federal
19 agencies could submit nominations. Staff responded
20 affirmatively, noting that both Coast Guard Districts and NOAA
21 Enforcement could submit nominations.
22

23 Newly-elected LEC Chair Rusty Pittman from Mississippi DMR
24 thanked Steve VanderKooy and Steven Atran for their efforts in
25 guiding the efforts to revise the Strategic and Operations Plan.
26 Madam Chairman, that concludes my report.
27

28 **CHAIRMAN BOSARGE:** Thank you, sir. Anything else on that
29 particular topic before we move on? Lieutenant Commander.
30

31 **LCDR DANAHER:** Thank you, Madam Chair. Just other item of note
32 that we kind of refined in both the operational and the
33 strategic plans is the topic that I brought up with Officer
34 Pittman yesterday during his presentation, and we're really
35 trying to pioneer some new methods of collaborative assessments
36 on compliance measurement of the laws, and so he provided some
37 great data, but we need to start getting agencies to work
38 together and start sharing some of those numbers.
39

40 **CHAIRMAN BOSARGE:** Thank you. We appreciate it. Next on our
41 agenda is the Joint Coral and Habitat Protection Committee
42 Report and, Mr. Diaz, are you going to take us through that one?
43

44 **JOINT CORAL/HABITAT PROTECTION COMMITTEE REPORT**

45

46 **MR. DIAZ:** Yes, ma'am. The Joint Coral/Habitat Protection
47 Committee Report, Final Draft of the Five-Year EFH Review, the
48 committee was presented with the final draft of the five-year

1 EFH review.

2
3 Staff highlighted new portions of the document that were added
4 since the August 2016 council meeting, emphasizing the EFH maps
5 by species and life stage, the EFH web application, and EFH
6 recommendations.

7
8 The committee briefly discussed the importance of determining
9 whether or not to include habitat data collected from studies
10 conducted outside of the Gulf Council's jurisdiction. Moving
11 forward, staff may want to work with the Southeast Fisheries
12 Science Center to solve this problem. It was requested that
13 "proxy", as used throughout the habitat association tables in
14 Appendix A, be defined in the document.

15
16 **The committee recommends, and I so move, to forward this five-**
17 **year EFH Review to the National Marine Fisheries Service by the**
18 **end of 2016 and give editorial license to the staff to modify**
19 **the document as needed, with approval of the Chair.** Madam
20 Chair.

21
22 **CHAIRMAN BOSARGE:** Thank you. We have a committee motion. Is
23 there any discussion on the motion? All right. **Is there any**
24 **opposition to the motion? Seeing none, the motion carries.**
25 Mara.

26
27 **MS. LEVY:** I just wanted to ask whether there is interest in
28 having us have staff start looking at whether you want to
29 actually update or look at updating your essential fish habitat
30 designations, because you voted to submit this report once it's
31 finished, but then I wanted you to think about what the next
32 step is. I didn't want to just leave this and then we forget
33 about the fact that we had a review.

34
35 **CHAIRMAN BOSARGE:** I anticipated that we probably would have at
36 least one more presentation on this, to give us some more
37 feedback and another update, because we did instruct staff to
38 work with the Science Center to take a look at some of the new
39 available science that was outside the Gulf that was noted, but
40 I believe -- Didn't you get with Bonnie and you all said you
41 were going to talk about it and see if it could be incorporated
42 into our document? That was one thing that I know they're still
43 going to be working on that we would get another update on. Dr.
44 Ponwith, did you --

45
46 **DR. PONWITH:** Yes, and that specifically was to help create
47 criteria for when it's appropriate to incorporate considerations
48 that came from outside that have applicability to inside the

1 region.

2

3 **CHAIRMAN BOSARGE:** John.

4

5 **DR. FROESCHKE:** One idea to think about, after we do this, is,
6 in the document, there is a section of recommendations, and
7 Claire went through this in some haste, but there are many of
8 them, and perhaps what we could do is prepare a presentation
9 with some clear-cut examples of issues that we identified, and
10 it might make it a little easier for you to determine if there
11 is sufficient new problems identified or new information to
12 warrant an update or start an amendment at that time.

13

14 **CHAIRMAN BOSARGE:** Mr. Gregory.

15

16 **EXECUTIVE DIRECTOR GREGORY:** Indeed that is our plan, and I was
17 talking with Claire, but to see which of those issues warrant
18 amending the Generic FMP, and it's been ten years since it was
19 amended, and so that in itself might warrant a look at it. We
20 will do that, and we will come back in January, but none of that
21 slows us down in submitting this to National Marine Fisheries
22 Service, but the question is now what do we do next, and do we
23 need to develop an amendment to the Generic EFH Plan.

24

25 **CHAIRMAN BOSARGE:** All right, and so I think we have guidance on
26 that. I am going to turn it back over to you, Mr. Diaz.

27

28 **MR. DIAZ:** Thank you. Scoping Draft for Coral HAPC Amendment 7,
29 staff presented the scoping document for Coral Amendment 7. The
30 committee requested that more information be provided for the
31 goals of the amendment and general biological information about
32 deep-sea corals and overarching information about the areas
33 proposed. Staff will modify current regulations for octocorals
34 to better reflect Florida's regulations.

35

36 There was discussion on the inclusion of octocorals in the
37 fishery management unit, as Florida manages octocoral harvest
38 off of Florida. Staff will provide the council with a brief
39 presentation on the information available for these areas and
40 the different types of corals, so that the council can be better
41 informed moving forward. Staff will bring a revised document to
42 the January 2017 council meeting. Madam Chair, this concludes
43 my report.

44

45 **CHAIRMAN BOSARGE:** Thank you. Any other comments or questions
46 on this topic before we leave this report? Okay. Seeing none,
47 the next item on our agenda was a Vote on Exempted Fishing
48 Permit Applications, but we do not have any of those.

1
2 Then, next, we have Supporting Agencies Update, and we actually
3 did that a little bit earlier in the meeting, and Charlie
4 referenced us to a couple of items that he had in the briefing
5 book, if we wanted to take a look at those. Lieutenant
6 Commander showed us a few slides, and I think everybody else was
7 okay, unless they have something new to tell us about.

8
9 Then the last item on our agenda is Other Business. Is there
10 any other business to come before this council? Seeing none, we
11 are officially adjourned. I will see you in January.

12
13 (Whereupon, the meeting adjourned on October 20, 2016.)

14
15 - - -