

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 262ND MEETING

4
5 FULL COUNCIL SESSION

6
7 Astor Crown Plaza New Orleans, Louisiana

8
9
10 FEBRUARY 1-2, 2017

11
12 **VOTING MEMBERS**

13 Kevin Anson.....Alabama
14 Leann Bosarge.....Mississippi
15 Patrick Banks.....Louisiana
16 Doug Boyd.....Texas
17 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
18 Pamela Dana.....Florida
19 Dale Diaz.....Mississippi
20 Tom Frazer.....Florida
21 Johnny Greene.....Alabama
22 Martha Guyas (designee for Nick Wiley).....Florida
23 Kelly Lucas (designee for Jamie Miller).....Mississippi
24 Campo Matens.....Louisiana
25 Robin Riechers.....Texas
26 John Sanchez.....Florida
27 Greg Stunz.....Texas
28 Ed Swindell.....Louisiana
29 David Walker.....Alabama

30
31 **NON-VOTING MEMBERS**

32 Glenn Constant.....USFWS
33 Dave Donaldson.....GSMFC
34 Leo Danaher.....USCG

35
36 **STAFF**

37 Steven Atran.....Senior Fishery Biologist
38 Matt Freeman.....Economist
39 Douglas Gregory.....Executive Director
40 Morgan Kilgour.....Fishery Biologist
41 Ava Lasseter.....Anthropologist
42 Mara Levy.....NOAA General Counsel
43 Emily Muehlstein.....Public Information Officer
44 Ryan Rindone.....Fishery Biologist/SEDAR Liaison
45 Bernadine Roy.....Office Manager
46 Charlotte Schiaffo.....Research and Human Resource Librarian
47 Carrie Simmons.....Deputy Director

1 **OTHER PARTICIPANTS**

2 Greg Abrams.....Panama City, FL
3 Pam Anderson.....Panama City, FL
4 Kevin Beach.....Venice, LA
5 Eric Brazer.....Reef Fish Shareholders' Alliance
6 Mark Brown.....SAFMC
7 Colin Byrd.....LA
8 Shane Cantrell.....CFA, Galveston, TX
9 Jim Clements.....Carrabelle, FL
10 Bubba Cochrane.....Galveston, TX
11 Mike Colby.....Clearwater, FL
12 John Coulon.....Empire, LA
13 Jason Delacruz.....Reef Fish Shareholders' Alliance, FL
14 Mike Eller.....Destin, FL
15 Julie Falgout.....LA Sea Grant
16 Myron Fischer.....LA
17 Richard Fischer.....Louisiana Charter Boat Association, LA
18 Troy Frady.....Orange Beach, AL
19 Susan Gerhart.....NMFS
20 Buddy Guindon.....Galveston, TX
21 Ken Haddad.....ASA
22 Chad Hebert.....LDWF Enforcement Division
23 Scott Hickman.....Galveston, TX
24 Chris Horton.....Congressional Sportsmen's Foundation
25 Gary Jarvis.....DCBA, Destin, FL
26 Mike Jennings.....Freeport, TX
27 Laura Jezewski.....GAO
28 Bill Kelly.....FKCFA
29 Bobby Kelly.....Orange Beach, AL
30 Michael Kelly.....CLS America
31 Jason Klosterman.....Destin, FL
32 David Krebs.....Destin, FL
33 Deb Lambert.....NMFS
34 Carrollton Market.....New Orleans, LA
35 Chris Moran.....Fourchon, LA
36 Billy Neff.....Orange Beach, AL
37 Bart Niquet.....Lynn Haven, FL
38 Chris Niquet.....Lynn Haven, FL
39 Bonnie Ponwith.....SEFSC
40 Lance Robinson.....TX
41 Mike Rowell.....Orange Beach, AL
42 Lisa Schmidt.....Madeira Beach, FL
43 Bob Spaeth.....SOFA, Madeira Beach, FL
44 Bill Staff.....Orange Beach, AL
45 Andy Strelcheck.....NMFS
46 Mike Thierry.....Dauphin Island, AL
47 Skipper Thierry.....Dauphin Island, AL
48 Steve Tomeny.....Port Fourchon, LA

1 Clark Trosclair.....LA
2 Russell Underwood.....Panama City, FL
3 Ed Walker.....Tarpon Springs, FL
4 Billy Wells.....Venice, LA
5 Wade Wells.....Venice, LA
6 Wayne Werner.....Alachua, FL
7 Tom Wheatley.....Pew Charitable Trusts, Tampa, FL
8 Johnny Williams.....Galveston, TX
9 Dale Woodruff.....Orange Beach, AL
10 Bob Zales, II.....Panama City, FL
11 Jim Zurbrick.....Steinhatchee, FL

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TABLE OF MOTIONS

PAGE 59: Motion to keep the existing four Ad Hoc APs for another year without re-advertising any of the memberships. The motion carried on page 59.

PAGE 59: Motion that the Red Drum AP openings not be advertised, but be rolled over until the three-year term ends. The motion carried on page 59.

PAGE 142: Motion to accept all the preferred selections within the South Atlantic Electronic Reporting Amendment. The motion carried on page 142.

PAGE 142: Motion to approve the South Atlantic Electronic Reporting Amendment and that it be forwarded to the Secretary of Commerce for review and implementation, and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate. The motion carried on page 145.

PAGE 145: Motion that the council accept the IPT recommendations for the alternatives in Action 3, Trip Notification and Reporting Requirements. The motion carried on page 145.

PAGE 145: Motion to accept the IPT recommendations for Alternative 4 in Action 4, Hardware/Software Requirements for Reporting. The motion carried on page 145.

PAGE 146: Motion in Action 1, to make Alternative 3 the Preferred Alternative. The motion failed on page 159.

PAGE 160: Motion in Action 1 to modify the language in Preferred Alternative 4. Preferred Alternative 4 is to require that the owner or operator of a charter vessel for which a Gulf charter/headboat permit for reef fish or CMP has been issued submit fishing records to NMFS for each trip via electronic reporting (via NMFS approved hardware/software) prior to offloading fish. The motion carried on page 169.

PAGE 172: Motion in Action 2 to modify the language in Preferred Alternative 4. Preferred Alternative 4 is to require that the owner or operator of a federally-permitted headboat for which a Gulf charter/headboat permit for reef fish or CMP has

1 been issued submit fishing records to NMFS for each trip via
2 electronic reporting (via NMFS approved hardware/software) prior
3 to offloading fish. [The motion carried on page 175.](#)
4
5 [PAGE 177](#): Motion in Action 3 to deselect Alternative 3 as the
6 preferred alternative. [The motion carried on page 180.](#)
7
8 [PAGE 180](#): Motion in Action 4 to add the IPT-recommended
9 language in Preferred Alternative 2 and Alternative 3. [The](#)
10 [motion carried on page 184.](#)
11
12 [PAGE 184](#): Motion in Action 4 to select Alternative 3 as the
13 Preferred Alternative. [The motion failed on page 187.](#)
14
15 [PAGE 191](#): Motion to approve the Generic Charter Vessel and
16 Headboat Reporting Requirements Amendment and that it be
17 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 193.](#)
23
24 [PAGE 198](#): Motion in Action 1 to make Alternative 1 the
25 preferred alternative. [The motion carried on page 208.](#)
26
27 [PAGE 208](#): Motion to postpone CMP Amendment 29 indefinitely. [The](#)
28 [motion carried on page 210.](#)
29
30 [PAGE 210](#): Motion in Action 1 to make Alternative 2 the
31 preferred alternative. [The motion carried on page 210.](#)
32
33 [PAGE 211](#): Motion in Action 2 that the preferred alternative be
34 Alternative 2. [The motion carried on page 211.](#)
35
36 [PAGE 211](#): Motion in Action 3 that the preferred alternative be
37 Alternative 2. [The motion carried on page 212.](#)
38
39 [PAGE 212](#): Motion in Action 4 that the preferred alternative be
40 Alternative 4, changing the number of shrimp moratorium permits
41 from 1,300 to 1,175. [The motion carried on page 213.](#)
42
43 [PAGE 213](#): Motion in Action 5 that the preferred alternative be
44 Alternative 2. [The motion carried on page 213.](#)
45
46 [PAGE 213](#): Motion that Shrimp Amendment 17B be sent out for
47 public hearings. [The motion carried on page 213.](#)
48

1 [PAGE 215](#): Motion in Action 2 to move Alternatives 2 and 3 and
2 associated options to the Considered but Rejected Appendix. [The](#)
3 [motion carried on page 215](#).

4
5 [PAGE 215](#): Motion in Action 2 to move Options 4a and 4c in
6 Alternative 4 to the Considered but Rejected Appendix. [The](#)
7 [motion carried on page 215](#).

8
9 [PAGE 216](#): Motion to instruct staff to develop a white paper
10 outlining the changes necessary to include red snapper, gag,
11 gray triggerfish, greater amberjack and red grouper in the
12 management program for charter/for-hire allocation-based
13 management consistent with Charter/For-Hire AP recommendations
14 and joint Charter/For-Hire/Headboat AP consensus. This should
15 explore: required changes to current amendment, including
16 purpose and need, title, et cetera; method for determining
17 charter/for-hire ACL for gray triggerfish, gag, red grouper, and
18 greater amberjack; develop mechanisms for trading different
19 species to accommodate regional differences; scenarios
20 illustrating how initial allocation of shares would change
21 through cyclical redistribution, which was discussed at length
22 during the joint for-hire AP meeting, based on the reported
23 landings methodology chosen. [The motion carried on page 218](#).

24
25 [PAGE 226](#): Motion to request staff to craft a stand-alone action
26 to address cyclical redistribution for shares of red snapper
27 that are not being used by permit holders (permits that do not
28 report landings after program implementation) and include a
29 suite of options for redistribution methods with timelines,
30 including an appeals process for permit holders. [The motion](#)
31 [carried on page 226](#).

32
33 [PAGE 227](#): Motion in Action 1 to make Alternative 3 the
34 preferred alternative. [The motion carried on page 227](#).

35
36 [PAGE 227](#): Motion in Action 1 to add an alternative to look at
37 0.85 times BMSY, or proxy. [The motion carried on page 227](#).

38
39 [PAGE 228](#): Motion in Action 2.2 to accept the IPT
40 recommendations in Alternative 4. [The motion carried on page](#)
41 [228](#).

42
43 [PAGE 228](#): Motion to send Amendment 36A out for public hearings.
44 [The motion carried on page 228](#).

45
46 [PAGE 229](#): Motion in Action 4 to make Alternative 4 the
47 preferred alternative. [The motion carried on page 230](#).

48

1 [PAGE 235](#): Motion to direct staff to add carryover provisions in
2 the ABC control rule amendment and modify the framework
3 procedure to allow for National Marine Fisheries Service to
4 update the appropriate quotas once landings data are available.
5 [The motion carried on page 235.](#)
6

7 [PAGE 241](#): Motion to have staff review federal charter/for-hire
8 permits transferred for the purposes of fishing outside the
9 federal red snapper season and to identify options to address
10 the issue. [The motion carried on page 242.](#)
11

12 [PAGE 246](#): Motion to make Alternative 2 the preferred
13 alternative in Action 1-1. [The motion carried on page 246.](#)
14

15 [PAGE 246](#): Motion to make Alternative 2 the preferred
16 alternative in Action 1-2. [The motion carried on page 246.](#)
17

18 [PAGE 247](#): Motion to bring the Revised Scoping Draft of Coral
19 Amendment 7 out for scoping hearings. [The motion carried on](#)
20 [page 247.](#)
21

22 [PAGE 249](#): Motion to direct staff to develop an amendment that
23 would specify a single ABC and ACL for yellowtail snapper in the
24 Gulf of Mexico and South Atlantic. [The motion carried on page](#)
25 [255.](#)
26

27 - - -
28

1 The Full Council of the Gulf of Mexico Fishery Management
2 Council convened at the Astor Crown Plaza, New Orleans,
3 Louisiana, Wednesday morning, February 1, 2017, and was called
4 to order by Chairman Leann Bosarge.

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

7
8 **CHAIRMAN LEANN BOSARGE:** I am going to call Full Council to
9 order. We have already made a few introductions today. We
10 introduced our new secretary. If there is any other
11 introductions, please don't hesitate to stop me and we can do
12 that.

13
14 If you look at your agenda, we have a couple of presentations
15 coming up today. Are there any items that need to be amended on
16 our Full Council agenda? Is there anything that anyone would
17 like to add to Other Business or do we have a motion to approve
18 our Full Council agenda?

19
20 **MS. MARTHA GUYAS:** I want to talk about yellowtail snapper when
21 we do Full Council, but preferably after public testimony,
22 because I think we're going to hear some things.

23
24 **CHAIRMAN BOSARGE:** Okay. We have that added under Other
25 Business, Martha, and we should have plenty of time, since we're
26 ahead of schedule. In just a second, we will go around the
27 table and make our introductions. Let me read my Chair's
28 opening statement real quick, before we get too much further
29 here.

30
31 Welcome to the 262nd meeting of the Gulf Council. My name is
32 Leann Bosarge, Chair of the Council. If you have a cell phone,
33 pager, or similar device, we ask that you keep them on silent or
34 vibrating mode during the meeting. Also, in order for all to be
35 able to hear the proceedings, we ask that you have any private
36 conversations outside.

37
38 The Gulf Council is one of eight regional councils established
39 in 1976 by the Fishery Conservation and Management Act, known
40 today as the Magnuson-Stevens Act. The council's purpose is to
41 serve as a deliberative body to advise the Secretary of Commerce
42 on fishery management measures in the federal waters of the Gulf
43 of Mexico. These measures help ensure that fishery resources in
44 the Gulf are sustained, while providing the best overall benefit
45 to the nation.

46
47 The council has seventeen voting members, eleven of whom are
48 appointed by the Secretary of Commerce and include individuals

1 from a range of geographical areas in the Gulf of Mexico and
2 with experience in various aspects of fisheries.

3
4 The membership also includes five state fishery managers from
5 each Gulf state and the Regional Administrator from NOAA's
6 Southeast Fisheries Service, as well as several non-voting
7 members.

8
9 Public input is a vital part of the council's deliberative
10 process, and comments, both oral and written, are accepted and
11 considered by the council throughout the process. Anyone
12 wishing to speak during public comment, which is later today,
13 should sign in at the registration kiosk located at the entrance
14 to the meeting room. We accept only one registration per
15 person. A digital recording is used for the public record.
16 Therefore, for the purpose of voice identification, each person
17 at the table is requested to identify him or herself, starting
18 on my left.

19
20 **MR. JOHNNY GREENE:** Johnny Greene, Alabama.

21
22 **MR. KEVIN ANSON:** Kevin Anson, Alabama.

23
24 **MR. DAVID WALKER:** David Walker, Alabama.

25
26 **MR. DAVE DONALDSON:** Dave Donaldson, Gulf States Marine
27 Fisheries Commission.

28
29 **MR. ED SWINDELL:** Ed Swindell, Louisiana.

30
31 **MR. PATRICK BANKS:** Patrick Banks, Louisiana.

32
33 **MR. CAMPO MATENS:** Camp Matens, Louisiana.

34
35 **DR. TOM FRAZER:** Tom Frazer, Florida.

36
37 **MR. JOHN SANCHEZ:** John Sanchez, Florida.

38
39 **MS. GUYAS:** Martha Guyas, Florida.

40
41 **DR. PAMELA DANA:** Pam Dana, Florida.

42
43 **MR. MARK BROWN:** Mark Brown, South Atlantic Council.

44
45 **MS. MARA LEVY:** Mara Levy, NOAA Office of General Counsel.

46
47 **DR. ROY CRABTREE:** Roy Crabtree, NOAA Fisheries.

48

1 **MS. SUSAN GERHART:** Susan Gerhart, NOAA Fisheries.
2
3 **DR. BONNIE PONWITH:** Bonnie Ponwith, NOAA Fisheries.
4
5 **MR. ROBIN RIECHERS:** Robin Riechers, Texas.
6
7 **MR. DOUGLAS BOYD:** Douglas Boyd, Texas.
8
9 **DR. GREG STUNZ:** Greg Stunz, Texas.
10
11 **DR. KELLY LUCAS:** Kelly Lucas, Mississippi.
12
13 **MR. DALE DIAZ:** Dale Diaz, Mississippi.
14
15 **LCDR LEO DANAHER:** Lieutenant Commander Leo Danaher, U.S. Coast
16 Guard.

17
18 **ADOPTION OF AGENDA AND APPROVAL OF MINUTES**
19

20 **CHAIRMAN BOSARGE:** Thank you. Martha added one item under Other
21 Business. Mr. Boyd.

22
23 **MR. BOYD:** In light of the fact that we are probably going to
24 have considerable discussion about the mackerel amendment, I
25 would like to move the Mackerel Committee Report from 10:45 on
26 the final day to the slot at 8:30. In other words, swap
27 Mackerel and Shrimp, if you all are okay with that, so that
28 we'll be sure that we have enough time.

29
30 **CHAIRMAN BOSARGE:** Is everyone okay with that? Dr. Dana, that's
31 your committee report. Are you okay with that? All right. We
32 will bump Mackerel Report up on the agenda. I think that's
33 probably a good idea.

34
35 **MR. BOYD:** Thank you, Madam Chair.

36
37 **CHAIRMAN BOSARGE:** Not a problem, sir. Mr. Diaz.

38
39 **MR. DIAZ:** I was just going to say, if nobody had anything else,
40 I was going to move approval of the agenda.

41
42 **CHAIRMAN BOSARGE:** Okay. We have a motion to approve the agenda
43 as amended. Do we have a second? It's seconded. Any
44 opposition to the motion? Seeing none, the agenda is approved
45 as amended. Next, we have our minutes from our last meeting,
46 which were in your briefing book. Are there any amendments that
47 need to be made to our minutes? Mr. Donaldson.

48

1 **MR. DONALDSON:** Thank you, Madam Chair. On Line 36 and 42, it
2 says "state and federal meeting", and that actually should be
3 the "State and Federal Fisheries Management Committee meeting",
4 if they could make those changes.

5
6 **CHAIRMAN BOSARGE:** So noted. Any other corrections or
7 amendments to the minutes? Seeing none, I will entertain a
8 motion to approve the minutes as amended.

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

11
12 **CHAIRMAN BOSARGE:** It's so moved by Mr. Greene. Do we have a
13 second to the motion?

14
15 **MR. BOYD:** Second.

16
17 **CHAIRMAN BOSARGE:** It's seconded by Mr. Boyd. Is there any
18 opposition to the motion? Seeing none, the motion carries.
19 Next on our Full Council agenda is Review of Exempted Fishing
20 Permit Applications, and so I will look to the NOAA/NMFS side of
21 the house to run with that one.

22
23 **REVIEW OF EXEMPTED FISHING PERMIT APPLICATIONS**

24
25 **MS. GERHART:** Thank you. We did have one EFP application that
26 came into our office. This was from the Gulf of Mexico
27 Shareholders' Alliance. The proposal is for a two-year study to
28 test electronic monitoring, to record and avoid turtle bycatch
29 in the longline closed area.

30
31 The proposal would use up to eight vessels that would use
32 longline gear in the area and collect both biological and
33 economic data. The reason for this proposal is that this area
34 is ideal for fishing for red grouper. It's good habitat and
35 it's closer to shore, and so there is lower fuel costs with a
36 higher CPUE.

37
38 The closed area was set through Amendment 31, and it's east of
39 Cape San Blas, Florida, inshore of the thirty-five-fathom line,
40 and it's for June, July, and August. The Amendment 31 also set
41 a couple of other restrictions to protect sea turtles. One was
42 the longline endorsement, which reduced the fleet by about 40
43 percent, I believe, to about sixty-six vessels that use
44 longlines now.

45
46 Another was to limit the number of hooks that can be fished on a
47 longline, to protect the sea turtles as well. With these other
48 restrictions, the question that is trying to be answered here is

1 can they safely fish within that area, using those hook and
2 reduced effort management measures, and still fish in that area
3 during that closed time without endangering the sea turtle
4 population that's there.

5
6 Right now, we have sent this proposal to the Science Center for
7 review, and we're reviewing it ourselves. Our Protected
8 Resources Division is setting a CPUE of sea turtles based on
9 what the take is outside of the area, and, if level is reached,
10 then fishing would have to stop in that area entirely, and so
11 the idea is to continue to protect the sea turtles while they're
12 fishing there.

13
14 We will also publish this in the Federal Register and take
15 public comment on the application, and so, if you have questions
16 about the details of this proposal, Mr. Eric Brazer, who is the
17 Deputy Executive Director for the Shareholders' Alliance, is in
18 the audience, as well as Jason Delacruz, who is the Vice
19 President.

20

21 **CHAIRMAN BOSARGE:** Is there discussion? Mr. Swindell.

22
23 **MR. SWINDELL:** One of the things, as I read in the document
24 here, is they're going to do video monitoring of their
25 activities during that time, and how many vessels would be
26 participating?

27
28 **MS. GERHART:** They requested up to eight vessels, and, yes, they
29 would have video monitoring equipment on the vessels that would
30 record the line as they retrieve it, to show what's being caught
31 on there.

32
33 **MR. SWINDELL:** I would assume then that this video monitoring
34 would be readily accessible to NMFS, or is going to do the
35 monitoring of their activity?

36
37 **MS. GERHART:** Let me have Mr. Brazer come up, if he would, and
38 he can answer your questions probably more thoroughly than I
39 can.

40
41 **MR. ERIC BRAZER:** Thank you, Madam Chair and council, for the
42 opportunity to speak. To your question, Mr. Swindell, we are
43 partnering with Mote Marine Laboratory in Sarasota. We've been
44 partnering with them for I think four years now. This is one of
45 the more recent iterations of collaborative research that we've
46 done with them.

47
48 They have established a data collection protocol, where they

1 meet the vessels. They know when the vessels are landing, and
2 they meet the vessels once they land. They obtain the hard drive
3 with the video information on it. We have a chain of custody
4 protocol. They take that back to the laboratory, and they
5 review 100 percent of that videotape and provide summaries to
6 myself and to the agency. The data is available to analyze the
7 success of this program.

8
9 **MR. SWINDELL:** I assume then that you've had direct discussions
10 with the laboratory there, to make certain that they feel
11 comfortable that they can do this without having somebody on the
12 vessel 100 percent of the time?

13
14 **MR. BRAZER:** Correct. Mote has been a great partner for the
15 last four years. They work really well with the fishermen, and,
16 over that period of time, they have developed a really
17 comprehensive protocol for how they review, access, and analyze
18 these video data.

19
20 **MR. SWINDELL:** With that in mind, have you done any kind of
21 preliminary work to show that this is realistic and that it's
22 not -- I mean, you're putting out a lot of vessels and a lot of
23 time and effort, and so I assume that somewhere you've got an
24 idea of whether or not you can do this reliably without catching
25 turtles.

26
27 **MR. BRAZER:** We do. We do, and I think there are two parts to
28 my answer. Part one is that we've been engaging on the ground
29 with video monitoring systems for the last decade. We fully
30 believe that, if implemented properly, they can be a valuable
31 data collection and enforcement tool, and we have worked with
32 partners in the other regions, in Alaska and New England, who
33 already have these systems working in on-the-ground, implemented
34 systems that the agency is working with, and so they've
35 basically been able to provide us a roadmap, so we don't have to
36 repeat the mistakes that they made over the last ten years, and
37 so we've got some good partnerships. We've got a solid program
38 that is available in other regions to help us.

39
40 **CHAIRMAN BOSARGE:** I had Mr. Walker and then Dr. Stunz and then
41 Mr. Sanchez and Lieutenant Commander.

42
43 **MR. WALKER:** Thank you. This is kind of for Jason. Jason,
44 could you kind of give us a history of your fishing vessels
45 before and after the amendment and how it's affected the other
46 areas you're fishing now and how this could possibly help and
47 just kind of expand on it?

48

1 **MR. JASON DELACRUZ:** From the boat side of this, the reason that
2 this has developed -- We've been the guys that have always been
3 willing to pioneer new stuff. We were willing to put cameras on
4 boats to test them for reasons, and we had a EM workshop a year-
5 and-a-half ago, and one of the things that we established in the
6 EM workshop was that we didn't really see a clear path forward
7 to do anything with cameras, and probably even before that,
8 actually, this idea kind of spawned into my head.

9
10 One of the challenges that we have is that, when we had this
11 original amendment come down that closed us and moved us outside
12 of thirty-five fathoms during that time, that was a sea turtle
13 reduction issue.

14
15 When we did it, we did three things. We reduced the fleet to
16 sixty-one, we reduced the amount of hooks we could fish with to
17 750, and then we took everybody outside of this area for three
18 months of the year, and the shotgun approach was great. It got
19 us back on the water and we were happy with it, but what we have
20 learned is that it becomes really challenging for the boats to
21 be profitable.

22
23 When you go from twenty fathoms to thirty-five fathoms, you
24 remove about, from the east to west, probably fifty miles of
25 coastline, or fifty miles crossways of what we can actually
26 fish, and so, in essence, from thirty-five fathoms to about
27 fifty fathoms, where we catch red grouper, is eight or nine or
28 ten miles. It's not much, and so you've really put all the guys
29 in a really tight box.

30
31 During the summertime, they fish on top of each other, and what
32 happens is, the first couple of months, or the first month, the
33 first couple of trips, it's okay, but it steadily goes down.
34 The guys just aren't making -- They're not catching fish, and
35 we, unfortunately, are pounding bottom that we don't really want
36 to be.

37
38 I mean, we catch more snapper and more gags there, which the
39 gags aren't a bad thing, but snappers are something we try to
40 avoid, just because they're not as profitable. We would much
41 rather be in the shallow water fishing for red grouper, and we
42 pushed out to that spot. We beat it up, and, by the end of the
43 season, by the time September 1 gets here, most of the boats
44 have lost money, and that's one of the things that we're trying
45 to avoid.

46
47 The idea was to figure out a way to use the cameras to make it
48 more economically viable for the guys to fish. If we can use

1 the cameras to identify this large bycatch, which is a much
2 simpler thing to do with cameras, and then get the guys in an
3 area that's closed now and let them be profitable and then also
4 move EM forward in the Gulf of Mexico.

5
6 For us, it was -- I don't want to say it's a survival thing, but
7 it's just a hardship time, but it's really useful, and an
8 interesting thing from the seafood side, which I think, although
9 this council doesn't address that a lot, it's really important.
10 Demand is great during that time of year, and so fish prices
11 stay high and we can sell all of those fish, no problem.

12
13 As soon as we get back into the shallow water, in September, the
14 demand goes way down, because all the kids go back to school,
15 and so that's a big consideration. This plays directly into the
16 economic value of our fishery in making sense of when we should
17 and shouldn't fish within an IFQ.

18
19 **CHAIRMAN BOSARGE:** Dr. Stunz, you were next.

20
21 **DR. STUNZ:** I have two questions, but I think that sort of
22 answered it, Jason, but I'm still not real clear why --
23 Certainly we want to minimize interactions with the gear and sea
24 turtles. There is no question about that. By the way, the
25 proposal was written well and all of that, but I still wasn't
26 real clear why it needs to be in the closed area. Is that what
27 you were just getting at? It seems, to me, you would want to
28 test it in the area where the fishing is occurring, because it's
29 more of --

30
31 **JASON DELACRUZ:** To be honest, we've kind of already done that.
32 We've been running cameras for long enough now that we know that
33 we can do this. We're clear, and we've actually -- This last
34 go-round with cameras, which we got a little NFWF money to help
35 Mote out with it, but we actually specifically kind of re-
36 tweaked the way the cameras work to be able to look right now
37 over the top of the hauler, so that they can see anything big
38 really easy, and so we built special arms this time around, and
39 so we know it works. Honestly, it's not a question of whether
40 it will work, but it's what the interactions are.

41
42 Really, what we're looking for is the science, at this point.
43 The hardware, we know does its trick, and so it's getting in
44 there and seeing if we really do have those interactions, like
45 we expect, or was 700 hooks and sixty-one boats the solution?
46 The sample size, the eight boats, that gets us close to the --
47 If we for sure get six or seven boats fishing, we're at a sample
48 size of about 10 percent, which we thought was useful.

1
2 **DR. STUNZ:** Okay, and my other question is, and this is to you,
3 Madam Chairwoman, and so Dr. Gerhart just said this is going to
4 the Science Center. Do we act on this today or do we wait to
5 hear back from them what the Science Center's input is from this
6 or what is the -- I am not real sure what the procedure is on
7 these.

8
9 **DR. CRABTREE:** That's really up to you. I think the council
10 procedure has been that you would want to see the package ready
11 to go to the Federal Register, and we're not at that point yet,
12 and so we're not going on to the Federal Register until we get
13 the comments back from the Southeast Fisheries Science Center
14 and resolve some of the protected resources kinds of issues, but
15 I think one of the things that you guys are talking about is
16 important here.

17
18 We did do a number of different things to reduce turtle takes,
19 and turtle takes came down, but we don't really know which of
20 those things brought the turtle takes down. Was it limiting the
21 number of vessels or limiting the hooks or the closed area or is
22 that the fishermen have learned how to fish and not catch
23 turtles?

24
25 I think they're doing shorter sets now than they were back then,
26 because of some of the research that showed that you don't catch
27 any more grouper by doing longer sets, and so it would be useful
28 to get to that, and I don't know, Jason, what you guys are
29 thinking, but, if we had the ability to monitor turtle takes
30 with cameras onboard all of the longline vessels, then we might
31 be able to eliminate the closed area and let them fish, with the
32 understanding that if they catch their allowance of turtles that
33 they're done.

34
35 I don't know if they would want to go there or not, but that's
36 one of the things that we could evaluate if we got there, but
37 there is merit in being able to tease out what is primarily
38 responsible for bringing turtle takes down, and, depending on
39 the Center comments, this may be a way to get at that.

40
41 **CHAIRMAN BOSARGE:** You may have said this already, but that
42 package that's going to be put together, we'll have an
43 opportunity to review that at our next meeting, before any final
44 decisions are made, or is April too late?

45
46 **DR. CRABTREE:** Before any final decisions are made, yes. Now,
47 we might get it together and put it out for comment in the
48 Federal Register, but, if you want to wait until the next

1 meeting to make your recommendation, you certainly will be able
2 to do that.

3
4 **CHAIRMAN BOSARGE:** I certainly think that we definitely want to
5 continue this discussion today, while we have these gentlemen in
6 the room and we can ask them some questions, but certainly we
7 want to see the full package as well and see all of that. Dr.
8 Stunz went, and so then we have John Sanchez and then Mr. Boyd.

9
10 **MR. SANCHEZ:** I want to thank you for coming, and I am going to
11 -- I guess I don't know what we're looking to do as a group, but
12 I will support you on this, and I appreciate your sincerity in
13 coming forth, because obviously there is a risk with a camera
14 rolling.

15
16 It's going to show what it is, and we're going to get to the
17 heart of this, as Dr. Crabtree was alluding to, of whether the
18 rules in force, that you're trying to see if you can operate in,
19 if they have an impact. They clearly have an impact on you, but
20 on the resource that we're concerned about, and so I appreciate
21 your sincerity in trying to do this.

22
23 **MR. DELACRUZ:** Thank you.

24
25 **CHAIRMAN BOSARGE:** Next, I am going to go to Lieutenant
26 Commander Danaher, because I somehow skipped him on my list, and
27 I apologize.

28
29 **LCDR DANAHER:** Thank you, Madam Chair. Just a couple of
30 questions. I skimmed through the document, and I'm really just
31 trying to get a better sense. Will there be any changes to
32 turtle mitigation gear that's required onboard the commercial
33 and headboats?

34
35 **MR. DELACRUZ:** No, but we did add education in there, and so,
36 interestingly enough, we don't require our boats to actually go
37 through the turtle release protocols that we have to for HMS,
38 but we're making it mandatory for the captains that are
39 participating in this, to go to that class, but, gear-wise,
40 there is really no difference. We have kind of established that
41 that gear really seems to do the trick well.

42
43 **LCDR DANAHER:** Perfect. You basically answered my second
44 question, with regards to the education and outreach, which I
45 think is a great idea.

46
47 **MR. DELACRUZ:** There is a class on March 7 on Seminole
48 Boulevard, about ten miles from where everybody lives, and we

1 will all be there, I promise.

2
3 **LCDR DANAHER:** The only other question I have is, if you do
4 start seeing these encounters, where they are freeing the
5 turtles or, if they come up with a turtle that is deceased, is
6 there any mechanism to capture that count during this study?

7
8 **MR. DELACRUZ:** One of the requirements is that they have to
9 report every turtle immediately, and so, as soon as they have an
10 interaction with a turtle, they're going to call in and let us
11 know where they were and how they were, and also one of the
12 things that came out, in speaking with Dr. Ponwith, was that we
13 can probably begin to tweak and get the guys to understand --
14 They will actually tell us, before we know, why they found that
15 turtle in the area. What was in that area? Was there sargassum
16 or what were the nuances, so that we can identify hotspots.

17
18 As that happens, in real time, we can establish that, hey, there
19 is something going on here and let's move away from it. The
20 guys will solve this problem faster than anybody else, and so
21 giving them the carrot to solve the problem, by letting them
22 fish here, is, I think, going to be a faster solution than
23 anything else we can do.

24
25 **LCDR DANAHER:** Thank you. Thank you, Madam Chair. No more
26 questions.

27
28 **CHAIRMAN BOSARGE:** Mr. Boyd.

29
30 **MR. BOYD:** Thank you. Dr. Stunz asked my question, but I do
31 have another question for Dr. Crabtree or someone else. I
32 cannot remember the original reason for the closed area. Was it
33 because of the red grouper and something having to do with the
34 population or was it because of the numbers of turtles in the
35 area?

36
37 **DR. CRABTREE:** It was turtles. We had, based on the observer
38 program, we had a high number of turtle takes in the longline
39 fishery. They went over their incidental take statement, and
40 the council began work on an amendment, the goal of which was to
41 reduce turtle takes.

42
43 In that, we created a longline endorsement that reduced the
44 number of vessels fishing longline gear. We put restrictions on
45 how many hooks they can fish, and we put this seasonal closed
46 area in place, but it was about reducing turtle takes and not
47 grouper.

48

1 **MR. BOYD:** Thank you.
2
3 **CHAIRMAN BOSARGE:** Ms. Guyas.
4
5 **MS. GUYAS:** I have two questions. One is for you, Roy. What is
6 the -- When I first read this, the first question that popped
7 into my mind is what's the likelihood of this triggering a bi-op
8 or something like that?
9
10 **DR. CRABTREE:** Well, that's part of what we're looking at, and I
11 think the question is -- There is an incidental take allowance
12 for the fishery. The question, I think, is whether an EFP would
13 modify that or not and then whether we would have to amend the
14 bi-op and how extensive all of that would be, and so that's part
15 of what we have to figure out.
16
17 **MS. GUYAS:** My other question is can you talk more about the
18 bycatch hotspot avoidance program? Are the fishermen reporting
19 when they not only interact, but also see a turtle, like if
20 they're getting ready to put out a set? Can you just explain
21 how that works?
22
23 **MR. DELACRUZ:** That's really exactly what it is. When they see
24 a turtle -- If we see a lot of turtles in the area, the guys,
25 we're going to respond right back to them, and, with these days
26 of satellite phones and VMS and emails, we know stuff instantly.
27
28 If they see turtles in that area, if they see any kind of
29 predominance of it, just move on. They don't want this to
30 happen any more than we do, and so they're going to go out of
31 their way to solve that.
32
33 Then the real-time side of that too is we're going to actually
34 try to work to build a map and an understanding of, okay, the
35 guys are in this area, and this group of guys are pretty close-
36 knit, and they're going to communicate. They have what I like
37 to call the coconut telegraph. Man, it gets stuff out really
38 fast, and so they're going to know to move from those areas, and
39 so, yes, that exact thing.
40
41 **CHAIRMAN BOSARGE:** Dr. Crabtree, I had you next on the list, but
42 you may have already addressed any comments you had. All right.
43 Then Dr. Dana.
44
45 **DR. DANA:** Thank you, Chairman Bosarge. I should know this,
46 but, in the Shareholders' Alliance, how many longliners do you
47 have as members?
48

1 **MR. DELACRUZ:** That's a good -- We don't specify our membership
2 by gear, and so I don't really -- I would have to ballpark that.
3 We probably have, if you look at it by individuals, I would
4 guess ten maybe, but, if you look at it by boats, it's probably
5 close to thirty.

6
7 **DR. DANA:** The way I'm reading this, the participants, those
8 eight longliners, probably are Shareholders' Alliance members.

9
10 **MR. DELACRUZ:** They are all members, yes.

11
12 **DR. DANA:** Is it eight individual owners or is it one or two
13 owners, because it's all from Madeira Beach right now.

14
15 **MR. DELACRUZ:** Well, we're sea turtle central, right? I mean,
16 that's where the problem lies, and that's also where longlining
17 in this area, the closed zone, is, and so that's where the focus
18 is, but it is going to be probably four different owners. In
19 that four owners, that is where the eight vessels are.

20
21 One of the challenges is we really have to work with vessels
22 that already have cameras. Then there are a couple of vessels
23 in there that the owners have already agreed to buy the cameras,
24 and so, if that becomes necessary, there might be money out
25 there to do it, but it's really speculative how that that is,
26 but this is viable enough for us that it's worth the expenditure
27 of the cameras, and so that's kind of what the caveat is. We
28 are really working with the people that already have cameras.

29
30 **DR. DANA:** Okay, and so the participants will come out of
31 Madeira Beach, based upon where the closed area is, and it's
32 going to be four owners with eight boats, and it's 10 percent,
33 as I read it. There is probably about eighty, give or take,
34 eighty longliners in the Gulf.

35
36 **MR. DELACRUZ:** There is sixty-one longline endorsements.

37
38 **DR. DANA:** Okay, and so this would be 10 percent. Now, what
39 would the other longliners in the other parts of the Gulf -- How
40 are they reacting to it only coming out of one port and kind of
41 excluding them, because it is a profit that you guys are going
42 to gain, whoever the owners are.

43
44 **MR. DELACRUZ:** No, absolutely, and I would think they would see
45 this, and I've had discussions, a little bit, with them, that,
46 if we're successful, that leads a path for them to do the same
47 thing. This isn't just a, hey, let's try it for two years and
48 get an advantage on somebody. Hey, let's try it for two years,

1 and, if this works, we're going to -- As a group here, us
2 together, we're going to work through an FMP to try to build
3 something to let the entire fleet get in there.

4
5 Two years doesn't give me enough to be worthwhile, but two
6 years, this first two-year program, I also kind of think that it
7 has to be established with the guys that have already done all
8 the hard work. I've got guys that have cameras on boats for
9 five years now, and I don't think it's fair that they go, hey,
10 you've had a camera for five years and you don't get to do it,
11 because we have to do it to this guy. These guys have done the
12 hard work already, and they deserve this opportunity, because
13 they have pioneered this stuff.

14
15 It's a little bit of that, and it's also we've got to get in
16 there and test it, and I've got to have captains that have
17 already dealt with it, that know what to expect. They're not
18 going to fight with me. They know what the goal is. They are
19 working towards achieving something.

20
21 **MR. BRAZER:** If I may add to that, the number of eight is
22 roughly 12 or 13 percent of the entire fleet. We had some
23 discussions, with the agency and others, about expanding that
24 and looking at ten boats or twelve boats or fifteen boats.

25
26 At that point, aside from the risks that Jason just mentioned,
27 it kind of pushes the boundary of what defines an EFP. An EFP
28 is defined as limited testing, and so the larger the number, the
29 more questionable that definition of limited becomes, and so
30 that's the process of how we ended up at eight boats, a cap of
31 eight boats.

32
33 **CHAIRMAN BOSARGE:** Did you have a follow-up, Dr. Dana?

34
35 **DR. DANA:** I just asked the question. I'm not saying good or
36 bad, but I'm just asking the question, because it's similar to
37 the headboat pilot of the past. Who gets to participate and who
38 does not? It creates, so to speak, winners and losers at that
39 time. I mean, it just depends on how you look at it, but that's
40 why I asked the questions.

41
42 **CHAIRMAN BOSARGE:** Dr. Crabtree.

43
44 **DR. CRABTREE:** Just following up on that, we don't manage
45 fisheries by EFPs. We test things and try to demonstrate that
46 something will work. If we do this, it will be for a year or
47 two years, some defined period of time.

1 Then, if we are able, through the EFP, to show that there is a
2 better way to refine management, where we can achieve the turtle
3 protection we need, but we can allow more flexibility and allow
4 more grouper harvest, then that would come back to you as a
5 council and we would be looking then at a plan amendment to how
6 to adopt this in a way that it can apply to the entire fleet, or
7 maybe we can get into a situation where, okay, vessels can fish
8 in this area, but only if they agree to put this on their
9 vessels, and so the goal would be to come up to something that
10 we could then do and apply to the fleet.

11

12 **CHAIRMAN BOSARGE:** Dale.

13

14 **MR. DIAZ:** Thank you, Madam Chair. I guess this might be for
15 Ms. Gerhart, and I think you kind of mentioned this, but I am
16 not positive, exactly. You said that Protected Resources is
17 looking at the amount of turtles that might be allowed, and do
18 you know at this point if that would be additional turtles for
19 this area or if it would come out of the amount of turtles that
20 is currently allowed for the fleet in the area that's open
21 outside of thirty-five fathoms?

22

23 **CHAIRMAN BOSARGE:** Mara.

24

25 **MS. LEVY:** The question that we're looking at is whether issuing
26 this EFP can be done under the current biological opinion on the
27 reef fish fishery and is that opinion broad enough to cover
28 issuing this EFP? If it's not, then we would have to do a
29 separate consultation and biological opinion on issuing the
30 permit.

31

32 If we can issue it under the bi-op, the bi-op has an ITS, and I
33 guess NMFS could potentially -- Any turtle catches would come
34 under that incidental take statement that's in the bi-op.

35

36 I suspect that NMFS could, as a condition of issuing this
37 permit, say your limit for this permit is X, Y, and Z, to sort
38 of cap it somehow, but the first decision, or the first thing we
39 have to figure out, is whether it's actually that we can issue
40 it under the bi-op or whether we need to do a separate
41 consultation for it, and that's what we're looking at right now.

42

43 **DR. DIAZ:** Just one more comment. Thank you, Ms. Levy. When I
44 read through the EFP, and a lot of good points have been brought
45 out, but you know sometimes we have to close areas for different
46 reasons, and this was an area that we had to close, but it is a
47 substantial area.

48

1 When you close an area, you shut off the data that you get from
2 fisheries-dependent data, and so there might be some value in
3 this program, if it was opened back up during this time period
4 in this area, that the flow of data would come back in and we
5 would have some more information from fisheries-dependent data.
6

7 As turtle stocks rebuild, we're going to have to think about
8 ways to manage the success, and so, whether it's this EFP or
9 other ones, we're going to have different things that we're
10 going to have to consider in the future as we are successful at
11 rebuilding the turtle stocks. Thank you, Madam Chair.
12

13 **CHAIRMAN BOSARGE:** Thank you, sir. Next, I have Kevin Anson.
14

15 **MR. ANSON:** Thank you, Madam Chair. Just a couple of
16 administrative questions and kind of looking-down-the-road types
17 of things. If this were to be approved and we wanted to take
18 action on that and some sort of amendment development for
19 including EM in the longline reef fish fishery, but how much --
20 Of the NFWF grant that you received, if that's 100 percent of
21 the money will go for these eight vessels or if there's a
22 portion of that was siphoned off to do something else, but how
23 much, administratively, is going to Mote to pay for the counting
24 analysis and all of that? I have another question after that.
25

26 **MR. BRAZER:** Thank you for that, and I don't have that number
27 off the top of my head, but I can get you the number. There is
28 an existing research program. Mote has applied for NFWF
29 funding, and they received funding to look at bycatch in general
30 on the longline fleet in the Gulf of Mexico.
31

32 The overlap in vessels is what we're talking about here, and so
33 these boats have cameras onboard already. They're already
34 working with Mote under the NFWF grant, and so we are able to
35 basically tweak the protocol to focus specifically on turtles,
36 in addition to everything else they're doing, in order to meet
37 the objectives of this EFP, and so this is really coming at no
38 cost to the fishermen and to the organization at this point, no
39 additional cost. Any additional hardware, obviously, would be
40 expensive, but this is all encapsulated in that existing NFWF
41 grant, and I can get you those numbers, if you would like.
42

43 **MR. ANSON:** I would appreciate that, yes. Thank you. Another
44 question, related to that, is you've all heard the discussion
45 we've had relative to VMS and hardware and such in the
46 charter/for-hire and that there's been some concerns among those
47 that would have to abide by those regulations of the costs
48 associated with acquiring that required gear.

1
2 I realize there is an economic incentive and benefit if this
3 were to go through and it showed that there would be no or very
4 minimal impacts to turtles, so that that area could be reopened,
5 but how is that cost -- Looking in the future, is that something
6 that industry would come forward and say, hey, tell us what you
7 all need and, 100 percent, we will go forward or there might be
8 some kickback with some of those longline permit holders?

9
10 **MR. DELACRUZ:** The beautiful part about this is that we're
11 businessmen. This is what we do for a living, and so, once we
12 get to that point, if we figure out that this does the job, then
13 we have to look at, okay, what does it take to maintain this and
14 in what form?

15
16 Another sidebar, slightly to that, is that one of the companies,
17 camera companies, Saltwater Inc., that we're working with is
18 pioneering what they call a stereo camera system that actually
19 works for visual image recognition, and so it's conceivable that
20 the most expensive part, and I guess this answers the question,
21 is the most expensive part of this whole program is the review
22 of the data.

23
24 It's conceivable that we might get to the end of this and they
25 will have already pioneered an autonomous system that will do
26 this, and so, from us as businessmen, this is absolutely worth
27 doing and looking at. When we get there, we will go, okay, this
28 is the cost, and it is what it is.

29
30 I see an FMP, or a fishery management plan, that we would do is
31 a voluntary one, because I don't want to push it down anybody's
32 throat, but, as a businessman, I want the flexibility to be able
33 to look at it myself, and so I'm going to look at it and go, I
34 can catch this much, it costs me this much, the cameras are
35 going to wear out this much, and this is a good business move
36 and go forward.

37
38 I think that's the way the commercial industry gets to look at
39 it, and I'm really glad that we get to, and so I see in that
40 direction. I don't know that if that answers your question
41 specifically or not, but that's how we would look at it.

42
43 **MR. ANSON:** It does. Thank you.

44
45 **CHAIRMAN BOSARGE:** Mr. Boyd, I have you next.

46
47 **MR. BOYD:** Thank you. For Dr. Crabtree, a question. This is
48 proposed to be a two-year EFP. If, at some point, in the life

1 of this EFP, you determine, or the Science Center determines,
2 that there are too many encounters, too many takes, would you
3 stop the EFP in the middle? How would that work?

4
5 **DR. CRABTREE:** Yes, I would guess that's how that would work,
6 that we would monitor the takes and, if it exceeded what we
7 anticipated, we would terminate it, unless there was some other
8 modification that could be made to get you there.

9
10 **CHAIRMAN BOSARGE:** Mr. Brazer, did you have a comment to that
11 point?

12
13 **MR. BRAZER:** Yes. To that point, Mr. Boyd, we are fully aware
14 of the risk of this program, and that's why we've been talking
15 to the agency quite a bit. We understand that we could come to
16 a point where, if this proposal is approved, day one, set one,
17 hook one, if there's a turtle, the program may be done. It may
18 over, and that's -- We are fully aware of that. We don't
19 believe that will happen, but we understand that that could be a
20 risk, and we're still moving forward.

21
22 **CHAIRMAN BOSARGE:** Ms. Guyas.

23
24 **MS. GUYAS:** Kind of related to that, Roy and Mara, I guess, if
25 we get to the point where we do this EFP and they exceed the
26 turtles takes that are allowed, would there be impacts to the
27 industry that is working in the open area at that point? They
28 still, potentially, could be catching turtles as well. Maybe
29 you don't know the answer to this question now, but I guess
30 there is the potential for --

31
32 **DR. CRABTREE:** Are you talking about the longline industry
33 working outside of that area?

34
35 **MS. GUYAS:** Yes.

36
37 **DR. CRABTREE:** Let me point out that this area is only closed to
38 longline vessels, and so you can go in there and vertical line
39 fish. I think we would try to set this up in a way where the
40 chances of that happening are slim, and it's only eight vessels,
41 and so, if we monitor them pretty closely, I think we can avoid
42 having that happen. I certainly would want to make sure that we
43 weren't jeopardizing the whole fishery.

44
45 **CHAIRMAN BOSARGE:** Dr. Frazer.

46
47 **DR. FRAZER:** Thank you, Madam Chair. This question is really
48 for the folks at NOAA. I am just wondering, and it's a follow-

1 up to Dale's question. We probably know that the turtle stocks
2 are rebounding, to some degree, and that's a success story, but
3 we also have a lack of fisheries-dependent data on take in that
4 area, and so I'm wondering who at NOAA right now is collecting
5 the data to assess the turtle populations and whether those data
6 might be spatially explicit.

7
8 **DR. CRABTREE:** The Science Center does that. The best index we
9 have of turtle abundance comes from monitoring nesting activity
10 on beaches, and there is a whole network of partnerships with
11 state agencies and all, where they monitor that, and most of the
12 takes we're talking about here are loggerheads, and loggerhead
13 nesting has been going up.

14
15 When we do the bi-op and we do the incidental take statement,
16 it's based on what we think they are likely to catch. Then we
17 determine whether that's a problem or not.

18
19 As the turtle populations grow over the years, in all
20 likelihood, the amount of incidental take we expect to see will
21 go up with those activities, because, if there are more turtles,
22 you are going to expect more encounters, and so we take steps,
23 one, to reduce the mortality of the turtles that are caught, and
24 you can do that through things like tow time restrictions or
25 limiting how long you set and those kinds of things and then
26 trying to reduce the mortality through release mechanisms and
27 things, but that is the best index we have of turtle
28 populations.

29
30 We would like to have more in-water monitoring, and Bonnie can
31 talk about this, but the Center has done aerial surveys and
32 things like that, but there are difficulties with all of those
33 types of approaches.

34
35 **CHAIRMAN BOSARGE:** Dr. Ponwith.

36
37 **DR. PONWITH:** Certainly understanding the numerator and the
38 denominator in the take question is important. We have a keen
39 interest in the strong ability to quantify how many animals are
40 encountered in these fisheries, but, to give that context,
41 understanding what the population levels are is also important,
42 and that's hard, and it's expensive.

43
44 We have done aerial surveys and in-water surveys to help
45 interpret those aerial surveys to get at that, as a way to
46 supplement what's happening on the nesting beaches, because the
47 problem with the nesting beaches is they don't show up there
48 until they are reproductively active. It creates these

1 mysterious years between when they hatch and swim off and when
2 they come back.

3
4 One of the things that we're doing right now is we're actively
5 engaged in conversations with BOEM to partner on doing some
6 intensive work in the Gulf of Mexico that would focus on mainly
7 marine mammals, but also sea turtles, and it would be a
8 combination of ship-based and aerial surveys to get a better
9 handle of what's happening at sea, in the water, with these
10 animals.

11
12 We recognize that that's an area of interest to provide context
13 for these takes, but that doesn't diminish the importance, I
14 think, of really good, sound stewardship and management for
15 minimizing those takes to the fullest extent possible.

16
17 **CHAIRMAN BOSARGE:** Okay. I think we've had some very good
18 discussion. I have just one technical question for you all. We
19 do have this on our agenda on Thursday, at three o'clock, which
20 we may be a little ahead of schedule, to vote on any exempted
21 fishing permit applications, and we may choose to vote at that
22 point or the will of the council may be to see this full package
23 and vote at that time. I don't know, but will you gentlemen be
24 here on Thursday?

25
26 **MR. BRAZER:** Yes.

27
28 **CHAIRMAN BOSARGE:** All right. Good. Were there any other
29 questions or discussion around the table? Thank you for your
30 time. We appreciate it.

31
32 **MR. BRAZER:** Thank you very much.

33
34 **CHAIRMAN BOSARGE:** At this point, we have a scheduled break, and
35 so we're going to take a fifteen-minute break. When we come
36 back, I believe Captain Hebert is ready for his presentation,
37 and so we look forward to seeing that. Fifteen minutes, and so
38 let's just say eleven o'clock.

39
40 (Whereupon, a brief recess was taken.)

41
42 **CHAIRMAN BOSARGE:** We are going to move into presentations, and
43 I believe we have Captain Hebert with us from the Louisiana
44 Department of Wildlife and Fisheries. Sir, we look forward to
45 your presentation.

46
47 **PRESENTATIONS**
48 **LOUISIANA LAW ENFORCEMENT PRESENTATION**

1
2 **CAPTAIN CHAD HEBERT:** Thank you, Madam Chair and council
3 members. I appreciate you all letting me be here. I am Chad
4 Hebert, a Captain with the Louisiana Department of Wildlife and
5 Fisheries Enforcement Division.
6

7 Let me give you a quick rundown of our JEA year for Fiscal Year
8 2015/2016. This is not going take long. It will be real quick.
9 Our division, in Fiscal Year 2015/2016, had a total of 7,197
10 patrol hours. Those are broken down into commercial and
11 recreational hours. Commercial hours were 4,480 and
12 recreational was 2,717. For commercial activities, we had 2,213
13 at-sea man hours and 808 vessel hours for commercial activity.
14 Recreational activity was 2,717 man hours and 992 vessel hours.
15

16 The public contacts for that year were about 13,500. We had
17 5,327 public contacts for commercial activities and 8,261 public
18 contacts for recreational activities. Once the ticket is
19 written though, the work is not over with. We have the
20 investigation follow-ups, report writing, and administrative
21 hours. Those hours, after the initial ticket was written,
22 totaled 2,145 hours, 989 being commercial and 1,156 being
23 recreational.
24

25 These are our observed compliance numbers. In the commercial
26 activities, in the top left-hand box, you can see the different
27 fisheries management plans that we worked: coastal migratory,
28 highly migratory, reef fish, and shrimp inspections. We
29 inspected 491 vessels. In each different fishery management
30 plan, we have the number that we checked for each one of those.
31

32 To the right of that box is our observed compliance. We took
33 the number of inspections we took for each fishery and looked at
34 the number of citations that we made and came up with our
35 observed compliance. That's for the vessel inspections for
36 commercial activities.
37

38 The bottom box, on the left, is our dockside or dealer
39 inspections. We did 430 dockside inspections in each one of the
40 fishery management plans, and you can see those numbers. To the
41 right of that is our observed compliance. As you can see, our
42 observed compliance is a little higher at the dock than it is on
43 the vessel.
44

45 Then we went into our recreational activities, and it's the same
46 situation. We did our observed compliance and inspection
47 breakdown. We inspected 1,002 vessels for the different
48 fisheries management, and the number of inspections for each one

1 of those are in the top-left box. The top-right box is our
2 observed compliance for the recreational activities.

3
4 The bottom box is for charter vessels. We checked eighty-two
5 vessels, and the number of inspections for each different
6 fishery, and the observed compliance is on the right side of
7 that box. You can see the observed compliance numbers for the
8 charter fisheries.

9
10 We had a few cases made. I just wanted to share a couple of
11 them with you. Three men were cited for commercial tuna
12 violations. They possessed numerous skipjack yellowfin tuna
13 with the intent to sell. They didn't have any permit, no HMS
14 permit, issued to the vessel or the crew. They were charged
15 with failure to comply with taking and possessing tuna without
16 the required HMS permit, and they face fines up to \$5,000.

17
18 We had a case in 2012 that we made. Three men were finning
19 sharks. We discovered them to have over 2,000 fins, and they
20 were actually hiding them from us. They had hidden compartments
21 underneath the stove in their vessel, and we ended up catching
22 them with twelve sacks of fish hidden underneath the stove. The
23 reason why I am bringing that up is because, in February of
24 2016, NOAA sent down their settlement, and they were ordered to
25 pay fines totaling \$45,000 in that case.

26
27 Along with the cases, last night -- It was interesting. This
28 happened last night, but we did have a shipment of red snapper
29 come into the state illegally. It was about 1,400 pounds of red
30 snapper, but the JEA program is working really good with the
31 different state partners. We communicated with Mississippi and
32 got some information of this fish that were illegally coming
33 into the state, and we ended up stopping them last night, and we
34 seized 1,400 pounds of red snapper, and they were trying to get
35 it in without putting it towards their quota.

36
37 The JEA program is working wonderfully. I think all the guys
38 are really committed to it, and it's working well. In fact,
39 Senior Agent Marquez, who is working security today, got the
40 call, and he ended up working until midnight last night on that
41 particular case. That concludes my presentation. If anybody
42 had any questions, I would be more than happy to try and answer
43 them.

44
45 **CHAIRMAN BOSARGE:** Thank you, sir. Excellent presentation. Any
46 questions for the Captain? Yes, sir, we have a couple. Mr.
47 Diaz.

48

1 **MR. DIAZ:** Thank you, Captain Hebert. That case you made last
2 night, was that a commercial IFQ holder?
3
4 **CAPTAIN HEBERT:** Yes, sir, it was. They left the dock and
5 didn't call in to get their federal dealer inspection number,
6 and they were bringing it into the state without any records or
7 anything, and so we intercepted that and made the case. Then,
8 of course, it's still under investigation. It's ongoing today,
9 but we should wrap it up today.
10
11 **MR. DIAZ:** Thank you, Captain Hebert. I do want to make another
12 comment. This was actually last year, but I was boarded by a
13 couple of your officers while I was fishing for speckled trout.
14
15 **CAPTAIN HEBERT:** Uh oh.
16
17 **MR. DIAZ:** No, I have to say that your officers were very
18 professional and very efficient. You should be very proud of
19 the two folks that interacted with us. They did a very good
20 job. Thank you, Captain Hebert.
21
22 **CAPTAIN HEBERT:** Thank you. That's very kind of you to say, and
23 we try. We're not out there to write as many tickets as we can.
24 We're out there for the resource and for the people and public
25 safety, and so we do what we can, and we try to be as
26 professional as we can.
27
28 **CHAIRMAN BOSARGE:** Lieutenant Commander.
29
30 **LCDR DANAHER:** Thank you, Madam Chair. Captain, thank you for
31 the presentation today, and I commend you for the comprehensive
32 data regarding compliance, observed compliance, rates. That is
33 something that I am extremely interested in, and also Admiral
34 Callahan, who represents the Coast Guard's 8th District.
35
36 **CAPTAIN HEBERT:** Yes, sir.
37
38 **LCDR DANAHER:** One of the questions, or the question, that I
39 have for you is just, with a quick comparison of numbers on the
40 reef fish inspections for commercial versus recreational, it was
41 evident to me that you were boarding many more recreational
42 vessels for the reef fish management plan. Is that because of
43 the size of the fleet or is that because of certain suspicions
44 that you have on recreational versus commercial? I am just
45 interested in your thoughts there.
46
47 **CAPTAIN HEBERT:** Yes, sir. Whenever we go out on patrol, we're
48 not targeting one specific type of violation. Basically, if we

1 can check one recreational fisherman and one commercial
2 fisherman, but, whatever we come across, we inspect it.
3 Definitely the commercial fleet is smaller than the recreational
4 fleet, and we tend to get to know a lot of the commercial
5 fishermen, because we check them often, because they're out
6 there all the time, just like we're out there all the time, and
7 so the fleet is definitely smaller, and we get to know the
8 fishermen. That is probably what you're seeing. Weekends, we
9 have a lot of influx of recreational fishermen, and so we tend
10 to, because of the size of the fleet, we will check them.

11

12 **LCDR DANAHER:** Thank you. Thank you, Madam Chair.

13

14 **CHAIRMAN BOSARGE:** Dr. Stunz.

15

16 **DR. STUNZ:** Thank you, Captain. That was a very interesting
17 presentation. I just had a comment or sort of a question for
18 you that you may or may not know in the shark finning case that
19 you processed. That was 2,000 fins, and they were fined
20 \$45,000, which was good, but I'm wondering, do you have an idea
21 of what that is selling for to them? I'm just wondering if that
22 fine is even -- They are probably making so much more with what
23 you're not --

24

25 **CAPTAIN HEBERT:** I am not sure what the retail is on shark fins.
26 I really couldn't answer that. I am not sure. That was the
27 judgement that NOAA came down with. As far as what the retail
28 is, I can't answer that question.

29

30 **CHAIRMAN BOSARGE:** Mr. Walker and then Mr. Matens.

31

32 **MR. WALKER:** I would just like to thank you for your
33 presentation and express my gratitude for the job that you guys
34 are doing. I actually had a little communication with one of
35 your officers last night. For the commercial industry, we like
36 to see things enforced too, and we try to help out as much as we
37 can.

38

39 **CAPTAIN HEBERT:** Great. Thank you.

40

41 **MR. MATENS:** I am going to take care of you guys. I don't want
42 to embarrass you. Your boss is here, but I'm a lifetime
43 Louisiana resident. I have been on the water and in the field
44 all of my life. I don't really have that many interactions with
45 you guys. I must go to the wrong places, but these guys have
46 the most difficult law enforcement role in the State of
47 Louisiana, and it may well be in your states as well.

48

1 They have to be wildlife guys and they've got to be fishing
2 guys. You can tell by his accent that he's not a foreigner. In
3 the last few years, two of our agents have been shot. They both
4 survived. One of them is not going to walk again. I understand
5 the other one is going to be okay. They're out there in the
6 middle of the woods with people with guns at night. We in our
7 community can't do enough to thank and commend them for what
8 they do. Thank you, sir.

9
10 **CAPTAIN HEBERT:** Thank you, Mr. Matens. I appreciate that.

11
12 **CHAIRMAN BOSARGE:** Any other comments or questions? Mr. Boyd.

13
14 **MR. BOYD:** Captain, thank you. Just a quick question. Do you
15 all use canines to search for protein, as opposed to drugs?

16
17 **CAPTAIN HEBERT:** No, sir. We currently do not have a canine
18 program. We're actually in the discussion of possibly getting
19 one started here in Louisiana. I know that Alabama has one, and
20 I've been talking to Scott Bannon a lot about their program.
21 That one seems to be going real well, and so we are actually in
22 discussion of possibly getting one started here in Louisiana.

23
24 **CHAIRMAN BOSARGE:** All right. Anyone else? Thank you, sir, and
25 thank you for all of your hard work. We appreciate everything
26 you do.

27
28 **CAPTAIN HEBERT:** I appreciate it. Thank you.

29
30 **CHAIRMAN BOSARGE:** Next on our agenda, we're going to have a
31 presentation on the National Standard 1 Guideline Revisions, and
32 that is going to be Ms. Deb Lambert, if you are ready.

33
34 **NATIONAL STANDARD 1 GUIDELINE REVISIONS**

35
36 **MS. DEB LAMBERT:** Thank you for allowing me to talk today about
37 National Standard 1 Guidelines. My name is Deb Lambert, and I
38 work for NOAA Fisheries, in the Office of Sustainable Fisheries,
39 in Silver Spring, Maryland. I worked on this most recent
40 guideline revisions.

41
42 As I think you all know, in October of 2016, we published a
43 final rule with final revisions to the NS 1 Guidelines, and that
44 is what I will go over today. A little outline of the
45 presentation is I will provide a little bit of background,
46 describe why we set out to revise the guidelines, and then
47 summarize the major features within the new revisions and have
48 some opportunity for questions at the end.

1
2 As you all know, the Magnuson-Stevens Act has ten National
3 Standards. National Standard 1, we feel, is a critical
4 component to the Magnuson Act's successes for conservation and
5 management. It requires that U.S. fisheries management prevent
6 overfishing while achieving optimum yield, and the guidelines
7 for National Standard 1 provide guidance on how to meet these
8 two objectives.

9
10 A little bit of background. When the Magnuson-Stevens Act was
11 reauthorized in 2007, it introduced new requirements for ACLs
12 and AMs in federal fisheries, and NOAA Fisheries, back in 2009,
13 revised the National Standard 1 Guidelines to incorporate
14 guidance on these new requirements.

15
16 Since then, ACLs and AMs have really transformed fisheries
17 management. We have learned a lot through the implementation of
18 these provisions, and we felt that there was some room for
19 improving the guidelines, based on some of the experiences that
20 we gained.

21
22 We started this whole process of guideline revisions back in
23 2012, when we published an advanced notice of proposed
24 rulemaking, and, throughout this whole process, we had basically
25 three major objectives for revising the guidelines, and the
26 first was to improve and streamline the guidance.

27
28 I will note that, throughout this presentation, I am referring
29 to the National Standard 1 Guidelines, but we also did revise
30 the guidelines for National Standards 3 and 7, predominantly to
31 get at this objective of streamlining the guidance, particularly
32 as it relates to our guidance on stocks in need of conservation
33 and management, and I will get into that more later on in the
34 presentation.

35
36 We also wanted to address the experiences that we gained during
37 the implementation of ACLs and AMs, and we felt that the
38 guidelines could be revised to provide some flexibility to
39 address management issues, all while keeping within the current
40 statutory mandates of preventing and ending overfishing.

41
42 I will note that the recent revisions to the Guidelines do not
43 introduce any new requirements that would require councils to
44 revise their FMPs. Rather, they provide some additional tools
45 that can be used, if councils desire to do so.

46
47 I am going to provide some overview of five of the major
48 features within the new guidelines, and this is not the extent

1 of all the changes that were made, but these are the major
2 topics, and I will note that, in your briefing book and on our
3 website, we have a red-line version of the Guidelines that shows
4 all the recent changes that were made in this recent revision.

5
6 The first topic that I will go over today is increasing
7 stability to fisheries. That topic, there is three sort of
8 components to that, to increasing stability topic, and the first
9 one is about phasing in changes to catch levels.

10
11 Typically, when we get new information that suggests that cuts
12 are needed to be made, those cuts are typically taken all at
13 once, and that can lead to dramatic changes in the way fisheries
14 operate. We have introduced into the Guidelines a provision
15 that explains that changes to the ABC can be phased in over a
16 time period up to three years, and that would be incorporated
17 through the control rule, the ABC control rule.

18
19 The Guidelines explain that, if councils desire to use this type
20 of approach, it should be explained within the FMP. They should
21 explain when this provision can and cannot be used and consider
22 whether or not it's appropriate in situations where stocks are
23 overfished or in a rebuilding plan.

24
25 This slide here shows a really simple example of how this could
26 look. This example is for a stock that maybe is assessed every
27 three years. During that time, ABCs and OFLs are set static
28 over a three-year period, and so the red line here shows the
29 OFL, the blue line here shows what the ABC would have
30 traditionally been under a traditional ABC control rule, and the
31 black line is just showing in a phasing in of reductions in the
32 ABC. I will note that this phase-in process could also be used
33 in situations where ABCs are increasing, based on new
34 information.

35
36 The next topic under the stability theme is about carryover, and
37 so, in fisheries that don't catch the full ACL in one season,
38 the NS 1 Guidelines do allow councils to carry over a portion of
39 that underage into the next year.

40
41 Typically, carryover has been used in situations to relieve
42 pressure on fishermen to fish in unsafe conditions at the end of
43 the fishing season or in other situations, to reduce the risk of
44 exceeding the ACL at the very end of the season, and so the
45 Guidelines provide two examples of how this carryover approach
46 could be used, and the first one is a more simple example, and
47 this is illustrating situations where an ACL has been set less
48 than an ABC.

1
2 In that situation, the Guidelines explain that a portion of the
3 underage could be carried over into the next year to increase
4 the ACL in year two, as long as that new ACL does not exceed the
5 ABC that's been specified.

6
7 Another approach we describe within the Guidelines is the
8 carryover provision through the ABC control rule, and what this
9 is essentially saying is that a portion of an underage could be
10 carried over into the next year to essentially increase the ABC
11 in the next year, and the premise behind this provision is that
12 there's been an increase in abundance resulting from the fishery
13 harvesting less than the full ACL.

14
15 Again, the Guidelines explain that this type of provision, this
16 carryover provision within the control rule, would need to be
17 explained within the FMP and that councils should consider both
18 the condition of the stock as well as the reason for the
19 underage before using this approach. For example, if an
20 underage occurred because the fishing season closed too early,
21 then that might be a good reason to allow carryover, whereas, if
22 an underage occurred because of poor stock status, then that
23 might not be the -- That might suggest it might not be
24 appropriate to carry over, but we just note that you should
25 consider the reason.

26
27 I will move on to the next topic under the stability theme,
28 which is about multi-year overfishing status determinations.
29 NMFS and NOAA Fisheries, we report on the status of stocks
30 annually, and we report on whether stocks are overfished or are
31 subject to overfishing, and we know that, oftentimes, our last -
32 - These determinations are based on the most recent year for
33 which data is available and, especially looking at fishing
34 mortality rates, we know that the terminal year's estimate of
35 fishing mortality is often more uncertain than prior years'
36 estimates of fishing mortality, and so this can lead to
37 situations where stocks are bouncing off and on the overfishing
38 list.

39
40 To address this uncertainty, we have introduced into the
41 Guidelines that overfishing status determinations can be based
42 on a multi-year approach, over a time period of up to three
43 years, and that this approach, if used, should be described
44 within the fishery management plan.

45
46 This is a very simple example here showing comparisons of
47 fishing mortality to the fishing mortality threshold. In this
48 situation, if you look at the average from the last three years,

1 it could lead you to the conclusion that the stock was not
2 subject to overfishing. Again, the Guidelines explain that, if
3 council wants to use this approach, it should be described in
4 the FMP and consider the situations when it would be appropriate
5 to use this approach.

6
7 We got a lot of comments on this provision at the proposed rule
8 stage, and so we really tried to emphasize in the final rule
9 that this provision is about looking backwards to see whether or
10 not overfishing occurred and that it should not be used to set
11 future catch levels that do not prevent overfishing, and so, for
12 example, you can't set future catch levels above the OFL,
13 anticipating that the average of the last three years' worth of
14 catches would be below the OFL. This approach does not allow
15 for that.

16
17 Moving on to the next topic, which is about increasing
18 flexibility in rebuilding plans, the Magnuson Act requires that,
19 for stocks that are overfished, rebuilding shall occur as short
20 as possible and not exceed ten years, with certain exceptions,
21 and the National Standard 1 Guidelines provide some guidance on
22 how to determine the minimum and maximum time period to rebuild,
23 and that minimum time period to rebuild is -- We describe it in
24 the Guidelines as the time it would take to rebuild the stock if
25 there was no fishing.

26
27 In situations where that minimum time, T_{min} , is greater than
28 ten, the Guidelines provide some guidance on how to determine
29 the maximum time to rebuild. Under the old National Standard 1
30 Guidelines, that maximum time to rebuild was estimated by using
31 T_{min} plus one generation time for the stock.

32
33 Under the new revisions, we've introduced two additional methods
34 that can be used to determine that maximum time to rebuild, and
35 those are T_{min} times two or the time needed to rebuild to BMSY
36 when fished at 75 percent of the maximum fishing mortality
37 threshold. We feel that this provides some additional
38 flexibility for using a method that best fits the data
39 available, and the Guidelines recommend that councils should
40 consider the relevant biological data for a stock, the
41 uncertainty of that data, and consult with their SSCs when
42 determining which method to use.

43
44 For example, in situations where there is high uncertainty in
45 generation time, or if generation time doesn't adequately
46 reflect the productivity of the stock, then it might be
47 appropriate to consider some other methods, these other two
48 methods.

1
2 The next topic under the rebuilding theme is about discontinuing
3 rebuilding plans. Typically, in the past, once a stock has been
4 declared to be overfished and it entered into a rebuilding plan,
5 it remained in a rebuilding plan until the stock was
6 demonstrated to be at its BMSY.

7
8 We do have situations though where we find out, later on, down
9 the road, that a stock -- Once a stock had entered a rebuilding
10 plan, we might find out later that a new assessment shows that
11 the stock was actually not overfished in the first place, and so
12 we have introduced a provision into the guidelines that explains
13 that, if you find out later that a stock was not in fact
14 overfished at the time where that determination was made, then
15 the rebuilding plan could be discontinued.

16
17 The third theme I will talk about today is about adequate
18 progress in rebuilding. The Magnuson Act requires that the
19 Secretary review rebuilding plans to ensure that adequate
20 progress is being made for rebuilding stocks. Previously, we
21 didn't have any guidance on this within the National Standard 1
22 Guidelines, and so we decided to introduce some guidance on this
23 topic and some criteria that the Secretary could use in
24 determining whether or not adequate progress is being made.

25
26 We have introduced two criteria that could be used by the
27 Secretary, and those are if F rates are exceeding F rebuild, or
28 if catches are exceeding the ACLs, and the AMs are not effective
29 at addressing those overages, that could be a reason to
30 determine that adequate progress is not being made. This is
31 putting emphasis on things that managers can control, like catch
32 and fishing mortality rates and accountability measures.

33
34 The second criteria that could be used is if new or unexpected
35 information significantly changes the rebuilding expectations
36 for a stock, and so this could include, for example, if we get
37 new information that significantly changes our understanding of
38 what BMSY is for a stock. That could lead us to determine that
39 adequate progress is not being made.

40
41 The fourth feature we will move on to is determining which
42 stocks require conservation and management. The Magnuson Act
43 establishes that federal management is required for stocks that
44 are in need of conservation and management, and that means that
45 those stocks would need to be managed through a formal fishery
46 management plan and managed with ACLs and accountability
47 measures.

48

1 The previous guidance, previous NS 1 guidance, did not have
2 explicit guidance on how to address this topic of which stocks
3 need conservation and management, and we had some guidance on it
4 in NS 1 and as well as the National Standard 3 and National
5 Standard 7 Guidelines, but it wasn't all comprehensive on how to
6 determine this question.

7
8 We set out to sort of streamline the guidance and lay out a
9 framework for how to determine whether or not stocks require
10 conservation and management. The framework we have is that, if
11 a stock is overfished or subject to overfishing, or likely to
12 become so, and is predominantly caught in federal waters, then
13 it requires conservation and management and needs to be put into
14 a federal FMP.

15
16 In addition to that, for other stocks, we provided ten
17 additional factors that could be considered, and I'm not going
18 to read through those here, but they're listed here and they're
19 in the Guidelines, and so these are factors to consider when
20 deciding whether other stocks might need conservation and
21 management.

22
23 The Guidelines explain that essentially any of these factors
24 might be relevant for a particular fishery. There is pretty
25 much a lot of flexibility on evaluating these factors. We do
26 explain that, when removing a stock from an FMP, you should
27 consider all ten of these factors, but, when adding a stock, any
28 one of them might be relevant.

29
30 Lastly, moving on to the last topic of optimum yield and
31 aggregate MSY, we have gotten a lot of questions over the years
32 about what the relationship is between optimum yield and the ACL
33 framework, and we have tried to clarify this relationship in the
34 final rule, the final guidelines, and we explained that optimum
35 yield, as defined, is supposed to include economic, social, and
36 ecological considerations, and we explain that these same
37 considerations can also be incorporated within the ACL
38 framework.

39
40 The Guidelines explain that while OY is a long-term average
41 amount of desired yield, there is, for each year, an amount of
42 catch that is consistent with achieving that long-term yield and
43 that, if councils choose to express OY on an annual basis, then
44 that annual OY cannot exceed the ACL.

45
46 Second, we acknowledge in the Guidelines that because fisheries
47 do not -- We don't always have quantitative data and that a
48 qualitative analysis can be used to describe the OY for a

1 fishery.

2
3 Last, we have introduced into the Guidelines that an aggregate
4 approach can be used to specify maximum sustainable yield for a
5 group of stocks and that that aggregate MSY could be used to
6 serve as a basis for determining the optimum yield for a
7 fishery, in which case that optimum yield could serve as a cap
8 on the total removals from a fishery. In this example, we're
9 showing that the sum of the ACLs in that fishery would be
10 constrained by that overall cap, and so this is meant to provide
11 tools for allowing better accounting of multispecies
12 interactions within fisheries.

13
14 In conclusion, the recent revisions to the Guidelines do not
15 establish any new requirements for councils to revise their
16 FMPs. Rather, they provide some additional tools that could be
17 used to increase stability and flexibility within fisheries
18 management. With that, I will stop, and I'm happy to take any
19 questions that you might have.

20
21 **CHAIRMAN BOSARGE:** Thank you, Ms. Lambert. Is there discussion
22 or questions from the council? I am amazed, but thank you very
23 much for the presentation, and I guarantee you that we were all
24 listening very attentively, and we appreciate the flexibility,
25 and so thank you, ma'am.

26
27 All right. Next on our agenda, we have our Law Enforcement
28 Report on Fiscal 2016 Maritime Boundary Line Activities, and so
29 I am going to turn the floor over the Lieutenant Commander
30 Danaher.

31
32 **LAW ENFORCEMENT REPORT ON FISCAL 2016 MARITIME BOUNDARY LINE**
33 **ACTIVITIES**

34
35 **LCDR DANAHER:** Thank you, Madam Chair. Good morning, Madam
36 Chair and council members. The following slides are the Coast
37 Guard Law Enforcement Report for Fiscal Year 2016 activity on
38 the maritime boundary line and several of the key domestic
39 cases. Before I begin, I would like to recognize the District 8
40 Chief of Response, Captain Jose Jimenez, who is here today in
41 the audience.

42
43 Of the known and suspected maritime drug smuggling conveyances
44 in the Gulf of Mexico, Mexican-flagged lanchas are the most well
45 defined vector, based upon historical case information,
46 custodial interviews, and network analysis. On this slide, you
47 will see the general area of where the Coast Guard and partner
48 agency resources focus. Also note the two pictures of the

1 lanchas. Their design is very similar to that of a go-fast
2 boat, but smaller in size and usually only propelled by one
3 outboard engine.

4
5 On this slide is a composite view of the locations of Coast
6 Guard lancha sightings and seizures and lancha GPS positions.
7 This view includes your calendar year 2011 to 2016 available
8 data. In fiscal year 2016, there were 176 detections and forty-
9 five seizures. It was a record year for Coast Guard enforcement
10 of illegal fishing in the U.S. EEZ. Thus far in fiscal year
11 2017, we have had thirty-two detections and ten interdictions.
12 This is right on track to meet or exceed the previous year's
13 metrics for the fiscal year.

14
15 From 2013 to 2014, District 8 partnered with our superiors at
16 Atlantic Area Operations Research, and their experts developed
17 an academically-defensible analysis of the number of lancha
18 incursions and economic impact from illegal fishing in the U.S.
19 EEZ. Based on the magnitude of detection and interdictions in
20 fiscal year 2016, Atlantic Area determined that this data
21 analysis is still accurate.

22
23 How they determined that, just a brief summary from them, is
24 when a range of data was available, the study purposefully used
25 the smaller number to create a conservative output. This
26 ensures that the study did not inflate the results and remained
27 academically defensible. Profits from illegal fishing activity
28 are likely being funneled to the Gulf cartel. Funds may be used
29 to support other illicit cartel operations.

30
31 All of the estimates listed were achieved using low threshold
32 numbers, meaning that the actual impact is likely much higher.
33 We assess 1,100-plus incursions per year and 750,000 pounds plus
34 of red snapper illegally taken from U.S. waters.

35
36 The study supported Congress passing of the Illegal, Unreported,
37 and Unregulated Fishing Enforcement Act of 2015, placing Mexico
38 on the IUU list and giving two years of notice before sanctions.
39 Then, on January 18, 2017, NOAA promulgated the first set of
40 sanctions against Mexico, restricting routine U.S. port entry
41 for any Mexican-flagged fishing vessels in the Gulf of Mexico.

42
43 District 8 has not seen significant activity from Mexico to
44 combat the lancha threat, although that doesn't mean that the
45 Department of State hasn't seen progress. I have heard some
46 different unofficial reports, but, in partnership with our
47 Sector Corpus Christi, the Coast Guard continues to engage the
48 Mexican Navy officials, and we look for opportunities for Mexico

1 to make meaningful progress with this issue.

2
3 This slide depicts several domestic cases where red snapper were
4 being illegally harvested. On particular boarding by Coast
5 Guard Cutter Resolute in November of 2016 -- They were in
6 federal waters off of south Texas. During the boarding, several
7 TED and BRD violations were identified and corrected on the
8 spot. However, forty-eight red snapper were located in the fish
9 hold. Many of the fish were under the legal size limit and the
10 vessel did not have a permit for Gulf reef fish.

11
12 We did request a seizure through the local NOAA Office of Law
13 Enforcement Office, but there was some disparity, I think, there
14 with the request, and it was not granted for seizure. Total
15 monetary penalties are still being assessed. The boarding
16 officer in this particular case did instruct the master to
17 dispose of the red snapper prior to entering Texas waters, but
18 the Coast Guard cutter did not remain on scene to confirm that
19 action.

20
21 I am continuing to work with NOAA General Counsel, Southeast
22 General Counsel, and the South Texas Office of Law Enforcement,
23 just to ensure the transparency during future cases where
24 seizures are requested.

25
26 The second one, the second case, was a recreational cabin
27 cruiser in Freeport, Texas, in November of 2016. A Station
28 Freeport boarding officer requested to seize the catch through
29 their Coast Guard chain of command in Houston/Galveston. They
30 engaged with NOAA, National Marine Fisheries Service, and Texas
31 Parks and Wildlife.

32
33 Texas Parks and Wildlife offered to take the case for
34 prosecution, and so this is an excellent example of our
35 partnerships in the field, because TPWS authorities issued an
36 \$8,000 fine to each of the four members onboard the vessel and
37 they seized the catch. There were a total of sixteen citations
38 and a total of \$32,000 in penalties issued, and I just wanted to
39 recognize that TPWS has been an outstanding partner for our
40 Coast Guard units in Texas, and we hope to continue that.
41 Pending any questions, Madam Chair, this concludes my brief.

42
43 **CHAIRMAN BOSARGE:** Thank you, sir. Any questions? Dr. Dana.

44
45 **DR. DANA:** Thank you. Thanks for the presentation. With your
46 interaction with Mexico, how has that interaction been with the
47 Mexican Navy? Are they taking it as seriously, I guess, that
48 border patrol, as is the U.S. Coast Guard? If they are, or if

1 they are monitoring that area robustly, do they find American
2 vessels going onto their side?

3
4 **LCDR DANAHER:** I don't have any data that suggests that U.S.
5 fishing vessels are illegally fishing in Mexican territorial
6 seas, or their EEZ. We did meet with Mexican Navy
7 representatives. We as in the Coast Guard met with them last
8 week, in Corpus Christi, and we conducted another coordination
9 meeting to pursue some exercise opportunities with the Mexican
10 Navy.

11
12 From their agency, or from the Mexican Navy standpoint, they are
13 trying to do what they can, but they're also a resource provider
14 for their government, and so, if there is any other members from
15 NOAA that would have further comment on that, they're welcome to
16 chime in.

17
18 **CHAIRMAN BOSARGE:** I have David and then Mr. Riechers and then
19 Dr. Stunz.

20
21 **MR. WALKER:** Thank you for the presentation. This is kind of a
22 question of like maybe the average top speed, and I'm sure that
23 it depends on the sea conditions, of these vessels and the
24 source. Are they pretty much coming from the same mold? Is
25 someone manufacturing these boats consistently for these
26 lanchas? Have you checked the source of where these are coming
27 from, to kind of trace them a little better?

28
29 **LCDR DANAHER:** Based on the GPS slide that I had, and I can go
30 back to it here if you would like, Mr. Walker, most of the fish
31 camps that we have observed through the GPS exploitation, and
32 you have to bear in mind that there are some things that I
33 cannot mention in this venue, but a majority of the fish camps
34 are located in Playa del Bagdad, which is not that far south of
35 the border, maybe about fifteen or twenty miles, if that.

36
37 When they operate, they generally will go out beyond twelve
38 nautical miles before they incur into the U.S. EEZ, further
39 offshore, and so the top speed -- It just depends, of course, on
40 that sea state and how much cargo they already have onboard. We
41 have tracked them moving around to twenty-five to thirty knots,
42 but it's usually about four personnel onboard. If they're
43 loaded with catch, they will be moving a little bit slower.

44
45 **CHAIRMAN BOSARGE:** Mr. Riechers.

46
47 **MR. RIECHERS:** First of all, I want to thank Lieutenant
48 Commander Danaher for the presentation and certainly for the

1 cooperation as well from Texas Parks and Wildlife, on behalf of
2 our law enforcement group. It's a great partnership that we
3 have down there. I wish we weren't having to be so active, but
4 we are where we are in that respect.

5
6 I wanted to talk a little bit about the impact estimates that
7 you all have created. We had that presentation, and I want to
8 say it's been in the nature of a year-and-a-half ago or so, but,
9 as I understand it, these numbers, as you're presenting them,
10 you all continue to refresh that analysis, and I think I heard
11 that, that you all have kind of updated and looked and tried to
12 make sure that these were minimum estimates, et cetera. Did I
13 hear that correctly?

14
15 **LCDR DANAHER:** Yes, sir, you did. I am in regular contact with
16 the operations research, which is essentially just a fancy title
17 for applied mathematics, at Atlantic Area in Norfolk. He
18 actually happens to be a classmate of mine from the academy, and
19 so he's doing his due diligence on ensuring that the numbers are
20 updated. Thankfully, he understands math way more than I do.

21
22 **MR. RIECHERS:** As a follow-up to that, and we don't have to ask
23 the question today, but I know that, at the time we had that
24 presentation, given the significance of the catch, I think we
25 were having at least some discussion about how we think about
26 incorporating that as a mortality within the stock assessment,
27 because it basically does mean both more biomass as well as more
28 catch, and I think we were discussing ways to do that last time
29 or the possibility of doing that, and we may just want to follow
30 up on that at some point.

31
32 **CHAIRMAN BOSARGE:** All right. Dr. Stunz.

33
34 **DR. STUNZ:** Robin made one of my points there at the end, about
35 how are we building this in, because, as I'm looking at this,
36 and -- By the way, that was a great presentation. It's sort of
37 sad that we're having to sit here and actually hear about it, in
38 terms of this is happening, but, at some point, I am suspecting
39 -- I know you've been very conservative in your estimates, but I
40 was doing some back-of-the-envelope calculations on like these
41 record seizures and how many you see per day, and I'm guessing
42 it's a lot more than that.

43
44 I know the reason you're doing what you're doing is certainly
45 justified, but then -- If you go back, and you didn't present
46 one of the last slides, or at least it was in my presentation,
47 and why I'm bringing this up is -- Could you go to that? It's
48 the seizures versus the detections. Is that in your

1 presentation? It was towards the end.
2
3 **LCDR DANAHER:** It was a backup slide, in the interest of time,
4 but I'm happy to discuss it.
5
6 **DR. STUNZ:** That's fine, but I am just looking at that. One,
7 it's like obviously there's a lot of stuff going on that you
8 don't catch, and that's just the way it is, because there are so
9 many of them, but 2017 has been a good year, if you're part of
10 the lancha fleet, and I'm thinking that -- January is not a good
11 month to be out there, and so I'm worried that this trend is
12 getting even worse, if we've already got thirty in one month.
13 What is this going to look like in December? Who knows, I
14 guess.
15
16 Being in our backyard, I am concerned. Anyway, I think this
17 council needs to look harder at this and try to figure out how
18 this is affecting our management as well as ways to curb it, but
19 then my last question is, if you go back to your map slide, and
20 this is just because I don't understand and I am interested in
21 this, because we see this a lot in our research activities and
22 find pieces of gear and things all the time.
23
24 The little orange dots -- I get the lanchas and seizures, and
25 some are below that boundary, but is that just tracks that you
26 guys have of them? I am trying to figure out what the smaller
27 dots are.
28
29 **LCDR DANAHER:** Yes, sir. The smaller orange/yellowish dots are
30 GPS locations that were exploited from seized GPS units on
31 lanchas. Provided that they do not erase them, upon
32 interdiction by the Coast Guard, all of that equipment is seized
33 and processed through the chain of custody.
34
35 **DR. STUNZ:** The reason I'm asking is I don't know how
36 proprietary that is for your agency, but, as certain groups
37 around the Gulf are trying to get at snapper abundance in the
38 Gulf of Mexico and looking at areas we don't know about, this
39 kind of information is actually pretty valuable, to know where
40 they're fishing, because obviously they wouldn't be there if
41 there wasn't snapper in that region, and so there may be other
42 utilities for this type of data outside of just enforcement.
43
44 **CHAIRMAN BOSARGE:** Mr. Banks.
45
46 **MR. BANKS:** Lieutenant Commander Danaher, on the graph that you
47 just showed in the backup slide, is there any idea, between
48 those years, what you guys' level of effort was on detection?

1 Did you still have basically the same number of man hours out
2 trying to make these detections? Is the problem truly getting
3 higher, or are we just paying more attention recently?
4

5 **LCDR DANAHER:** That's a good question, sir. As best that I can
6 determine, the focus of Coast Guard resources has maintained as
7 constant as possible. The station in South Padre Island is
8 really the primary resource for conducting the interdictions,
9 and the training of those crews and the equipment that they use
10 are usually how we perform the interdiction once we have
11 detected the lancha.
12

13 The patrol boat presence, your eighty-seven-foot-size patrol
14 boat that can remain out for several days at a time, our
15 scheduling coordination really tries to ensure that there is
16 24/7/365 presence on that MBL. If you don't see that patrol
17 boat out there, it doesn't mean that an aircraft isn't above,
18 and the aircraft that are based out of Corpus Christi are making
19 daily flights along the MBL. In addition to that, when there
20 are other partner agency resources available, we do apply them
21 as often as possible.
22

23 **CHAIRMAN BOSARGE:** Mr. Swindell.
24

25 **MR. SWINDELL:** These vessels that you've got positions on and
26 the vessels that you have intercepted and seized, what kind of
27 fishing activity are they doing at the time?
28

29 **LCDR DANAHER:** They are mostly engaged in the longline
30 equipment, and I would say that 95, if not greater, percent of
31 every seizure that we've conducted, when there is fish onboard,
32 it's red snapper and shark, most of the time.
33

34 **CHAIRMAN BOSARGE:** A follow-up, Mr. Swindell?
35

36 **MR. SWINDELL:** What concerns me is you realize that, if all of
37 this is being observed in this relatively small area, the fish
38 don't stop there. The fish are either going south or coming
39 north, one or the other, and so I really don't -- We don't
40 really know how much effort by the Mexicans is really taking
41 place beyond the border. This may just be a very small part of
42 the effort that is going on down there and how many fish are
43 down there and so forth. Unfortunately, it's all still tied
44 into our resource that we're looking at. Thank you.
45

46 **CHAIRMAN BOSARGE:** Ed, I was kind of thinking something that was
47 similar to that. I was just thinking about the Mexican waters
48 versus the U.S. waters and the actual fish, the stock of fish,

1 and, just judging by the number of lanchas that are coming over
2 here, I would venture to guess that this is just not
3 opportunistic fishing, where the CPUE in U.S. waters is a little
4 better than the CPUE in Mexican waters.

5
6 I would venture to guess that they have probably bottomed out
7 their stock, and I may be completely off on that, but I would
8 say it's probably not nearly as healthy as what ours is, and so,
9 from almost a grand experiment point of view, I was wondering
10 what kind of landings data, historically, do they have on their
11 Mexican fishery, just to look at it and say, hmmm, how much
12 pressure did that stock withstand before it finally took a turn
13 for the worse, just to look at it as something outside the norm
14 of any experiment that we would ever want to conduct here in the
15 Gulf, but just to get an idea of what can that stock withstand,
16 what did it withstand, and where is it at now, just looking at
17 those trends as some sort of hypothesis and experiment.

18
19 **LCDR DANAHER:** Madam Chair, I would be happy to take that
20 information for action and see what I can do.

21
22 **CHAIRMAN BOSARGE:** Thank you, sir. Add that to your many lists
23 of items there. Dr. Ponwith.

24
25 **DR. PONWITH:** Thank you, Madam Chair. This just reminds me to
26 mention also or remind all of us that the Gulf of Mexico Large
27 Marine Ecosystem Program was funded by the Global Environment
28 Facility, and one of the actions included in there is a
29 collaboration between Mexico and the United States to conduct
30 kind of the first joint stock assessment for king mackerel, and
31 we've been talking about this along the way.

32
33 It's an interesting opportunity, because, as we know, the lack
34 of information from south of the border has been vexing, in
35 terms of understanding what the exploitation rates are, and I
36 think that joint effort that will happen in 2018 will cultivate
37 the relationships, scientist to scientist, across the border to
38 recognize how crucial it is to understand the status of the
39 stock across its full distribution in being able to do a better
40 job of understanding what our part of that is.

41
42 I say that just because opening the door, by doing this first
43 assessment, if it is a successful enterprise, where the
44 scientists are satisfied that they are getting more by doing
45 this jointly, and the managers are comfortable with the advice
46 they're getting from the science, it creates opportunities for
47 future collaborations and understanding those exploitation
48 rates.

1
2 In the history of red snapper, the United States, once they
3 essentially pummeled the red snapper population in the U.S. at
4 what was historically its center of density, as we understand
5 it, which was the Florida Panhandle, they headed across the
6 border and went to the Yucatan Peninsula and fished quite
7 heavily there, until, essentially, between the U.S. and the
8 Mexican fleet, they did the same thing in the Yucatan Peninsula.

9
10 Those patterns of changes of distribution of the animals and
11 exploitation rates of the fleets are quite interesting, and the
12 recovery rates are quite interesting. Of course, the thing that
13 confounds that is whether people are fishing legally or not,
14 because it creates mystery in our understanding of those
15 exploitation rates, and so I would add my congratulations to our
16 Coast Guard colleagues for this work, and we will continue to
17 interact with them, in terms of how these data might be used or
18 might inform the stock assessments.

19
20 We will also be careful, as we engage with Mexican scientists,
21 to sort of open up their data they have, the data
22 confidentiality issues they need to be attentive to, just as we
23 do. If we can demonstrate that we can do this in a way that is
24 sensitive to all those requirements in each of our
25 jurisdictions, I think it could open the door to a lot stronger
26 collaboration across the border.

27
28 **CHAIRMAN BOSARGE:** Mr. Greene.

29
30 **MR. GREENE:** Thank you. Not to get into that conversation, but,
31 Lieutenant Commander Danaher, have you guys reached out to the
32 general public and that, if you encounter one of these vessels,
33 you should notify us and you should stand clear and you should
34 do this? Has there been any consideration of that?

35
36 **LCDR DANAHER:** Yes, sir. The sector office down in Corpus
37 Christi, they are the command and control element responsible
38 for pretty much all of south Texas and the EEZ. They do
39 outreach with regards to if you see one of these vessels that
40 here's who you should call or who you should contact.

41
42 I would also remind you not to approach them. That just really
43 comes from my counterdrug background. I don't have a lot of
44 experience with the lancha threats, as far as being on scene,
45 but you just don't know what you're going to encounter if you
46 try and approach them. If you see it, contact the Coast Guard
47 as quickly as possible.

48

1 **MR. GREENE:** The detections that you have reported in your
2 report are U.S. Coast Guard detections and they are not phoned
3 in by the general public or anything? That is purely Coast
4 Guard?
5

6 **LCDR DANAHER:** That's correct. The classification or the
7 definition of a detection is that a Coast Guard resource had to
8 have eyes on it or potentially another Department of Defense or
9 interagency resource.
10

11 **CHAIRMAN BOSARGE:** Mr. Matens.
12

13 **MR. MATENS:** Thank you, Madam Chair. Lieutenant Commander, I
14 know I'm not telling you anything that you don't already know,
15 and know extrapolation is dangerous, but I am in agreement with
16 Dr. Stunz. It looks like these guys could be catching three or
17 four-million pounds of fish annually, which is -- We have had
18 this discussion before. Not only should it be cranked into our
19 numbers and whatever shakes out shakes out, but this is an
20 important theft from our country.
21

22 The other comment that I have to make, knowing a little bit
23 about Mexico, is the men that you're catching, or the people
24 that you're catching, they're not the principals. They're some
25 poor guys trying to make a living and being paid by the pound.
26 I know that you destroy the lanchas when you seize them.
27 Looking at it here, you've destroyed a couple hundred lanchas,
28 and that hasn't slowed them down. I would ask you, when you
29 seize these boats, do you have repeat offenders, in terms of the
30 people? Surely you do, and what do you do with them?
31

32 **LCDR DANAHER:** Mr. Matens, it's very common to have repeat
33 offenders. In fact, we've had them as close as three days
34 apart. The prosecution side really is -- The pressure is on the
35 Mexican government for the prosecution. Every case package that
36 comes across my desk from the maritime boundary line
37 interdictions is copied and archived and then that copy goes to
38 the Mexican authorities. That's what we are instructed to do.
39 We are the enforcement arm, but we're doing it on behalf of
40 NOAA.
41

42 We do generally receive permission to conduct interviews with
43 each of the individuals. If there are any minors onboard, which
44 is occasional, they are not permitted to be questioned, but the
45 adults, we get as much information from them as possible before
46 border patrol takes them to the closest border point.
47

48 **MR. MATENS:** Let me follow up on that, and I guess I should know

1 this, but I don't. If they are in the EEZ and not in Texas
2 waters, are they in America?

3
4 **LCDR DANAHER:** If they're in the EEZ, yes, because they are
5 fishing, and the EEZ is considered that sovereignty for the
6 United States, with at least the fishing aspect. If they are in
7 Texas state waters, then that could create a situation where
8 Texas may desire to prosecute the individuals, and that has
9 occurred, but that's something that we coordinate with NOAA and
10 Texas state authorities.

11
12 **MR. MATENS:** I know it's a tough job, and if I'm inferring what
13 I think I am, it's just not stoppable. You can catch some of
14 them and you can destroy the boat and you can throw the fish
15 away, because they're not on ice, and so that means they don't
16 get utilized, but the motivation for these people to come is
17 always going to be high as long as there is no penalty, because
18 they're not buying the boats. Somebody else is.

19
20 **CHAIRMAN BOSARGE:** I have Mr. Atran and then Mr. Swindell.

21
22 **MR. STEVEN ATRAN:** When we got a similar presentation a couple
23 of years ago, there was some discussion or at least the question
24 came up as to whether it might be possible for the Coast Guard
25 to provide annual estimates of the illegal catches to the
26 Science Center, so that it could be incorporated into the stock
27 assessments as an additional source of mortality.

28
29 The amounts that are being illegally caught, at least based upon
30 that previous study, exceed the recreational catch off of Texas,
31 and so I was wondering if there has been any movement toward
32 trying to provide that information to the Science Center.

33
34 **CHAIRMAN BOSARGE:** I believe that request was made before you
35 joined the council, and so, if you need to check into that, that
36 is fine.

37
38 **LCDR DANAHER:** Madam Chair, thank you. That is something I will
39 look into for you, Mr. Atran. It is something that we discuss
40 regularly, but I wasn't aware of that information getting
41 passed, and so I will take a look at it.

42
43 **CHAIRMAN BOSARGE:** Mr. Swindell.

44
45 **MR. SWINDELL:** This question I think maybe would be more for
46 Robin. I'm just interested in what kind of structures are
47 there? If he's talking about a lot of red snapper, there has
48 got to be some reef structures or oil rigs or something in the

1 area that he is talking about. Do you have a good idea of
2 what's going on there?

3
4 **MR. RIECHERS:** There is both, Ed, and, if you look at his dots
5 closely, you can see where there is a lot of activity, based on
6 GPS plots, and certainly that is where you see a lot of
7 activity.

8
9 I am assuming there is some level of structure there, but, in
10 that part of the world, there is both, both oil rigs as well as
11 some structure on the bottom as well, and so, additionally, I
12 just might add, folks, and certainly the Commander knows this,
13 this is not a last-ten-year problem. This has been an ongoing
14 problem for a very long time.

15
16 I think there has been somewhat of a shift in focus, maybe more
17 towards red snapper or including red snapper, where, in the
18 previous years in the past, I think they were more focused on
19 sharks a lot of the time, but it now has shifted into red
20 snapper as well.

21
22 **CHAIRMAN BOSARGE:** Go ahead, Mr. Swindell.

23
24 **MR. SWINDELL:** Have you had any direct contact with the oil rig
25 operators and whether or not they're having any particular
26 problems that we need to be somewhat aware of?

27
28 **MR. RIECHERS:** Ed, I can't really answer that. I can check with
29 our law enforcement folks, who I assume would be more akin to
30 getting that kind of information, if it came through as a threat
31 in some way. We can certainly check on that, but, like the
32 Lieutenant Commander says, a lot of assets and resources are
33 being used down there on an every-day and every-week basis right
34 now, and so we may have a better picture of that, but, to answer
35 that question specifically, I would have to check.

36
37 **CHAIRMAN BOSARGE:** Suffice it to say that I think your
38 presentation was very interesting. We have one more question
39 from Mr. Anson.

40
41 **MR. ANSON:** Thank you, Madam Chair. Dr. Ponwith, in relation to
42 the question on whether or not this data can be incorporated in
43 the assessment model, would it be premature or would it be wise
44 to have the SSC potentially review it, to kind of review the
45 quantitative analysis, to see if it passed muster, so to speak,
46 so that, when we got to the assessment time, that that data
47 could be incorporated into the model somehow as an additional
48 source of mortality?

1
2 **DR. PONWITH:** Yes, I think that would be valuable. We have
3 looked at the methodology, but it's been sort of in a general
4 way, because it wasn't specific to an ongoing stock assessment,
5 and certainly the level of scrutiny that we would apply to the
6 methodology would be much more rigorous if it were being
7 contemplated for us as some other form of mortality in the
8 estimate. Having that go to the SSC would probably be a
9 valuable step to prepare for the next stock assessment.

10
11 **CHAIRMAN BOSARGE:** All right. Dr. Frazer, you're the last one.
12 Go ahead.

13
14 **DR. FRAZER:** Thank you very much, Madam Chair. A similar
15 question though, to follow up with Kevin. It's not just about
16 catch or mortality, but it's about effort. Would the SSC
17 consider how they might get any legitimate effort estimates from
18 the Coast Guard?

19
20 **CHAIRMAN BOSARGE:** Thank you, sir. We have one last
21 presentation before lunch. It's going to be our presentation on
22 Commercial Fishing Vessel Classification Standards, and I
23 believe I am correct that Ms. Laura Jezewski is going to be
24 presenting today. Thank you.

25
26 **COMMERCIAL FISHING VESSEL CLASSIFICATION STANDARDS**

27
28 **MS. LAURA JEZEWSKI:** Good morning, everyone. I want to thank
29 you for taking the time to let me speak to you this morning,
30 especially since I'm the last person standing between you and
31 lunch. My name is Laura Jezewski, and I'm with the Government
32 Accountability Office, or GAO.

33
34 If you're unfamiliar with GAO, we are a nonpartisan, independent
35 legislative agency, and so we're a federal agency that works for
36 Congress. We are often called the congressional watchdog or the
37 investigative arm of Congress, and we investigate how the
38 federal government spends taxpayer dollars. We have offices in
39 Washington, D.C. and throughout the country.

40
41 Our work comes to us through requests by congressional
42 committees or individual members of Congress, as mandates and
43 law, or through the head of our agency, the Comptroller General.

44
45 Our team is currently conducting a review of commercial fishing
46 vessel classification standards, and this is our team. I am the
47 analyst in charge, or the project manager, of the review. I am
48 joined today by Erin Stockdale, who is another senior analyst on

1 the review. In addition to Erin and I, we also have two other
2 analysts assigned to the review, as well as our Director and
3 Assistant Director, who were unable to be with us today.

4
5 I would like to take a few moments to tell you about our review
6 and why we're here. In the Coast Guard Authorization Act of
7 2015, Congress mandated that we examine commercial fishing
8 vessel classification and safety and understand how
9 classification requirements affect vessel owners, operators, and
10 shipbuilders.

11
12 As part of our work, we interview government agencies,
13 commercial companies, and other organizations, as needed, to
14 collect evidence to support our review. After we have completed
15 our interviews, we analyze the evidence that we've collected and
16 publish a report of our findings. For this review, we will
17 issue a publicly-available report later this summer.

18
19 The scope of our review falls into four key areas. First, the
20 trends involving commercial fishing vessel accidents, injuries,
21 and fatalities. Secondly is how U.S. regulations for commercial
22 fishing vessel classification compare with other countries.
23 Third is the costs, challenges, and any benefits associated with
24 building and maintaining a vessel to classification standards.
25 Finally, how an alternative approach, which was recently put
26 into law, compares with classing a commercial fishing vessel.

27
28 If you're unfamiliar with classing requirements, these are
29 specific rules or standards developed by a class society, for
30 example the American Bureau of Shipping, that a commercial
31 fishing vessel must be built and maintained to. Based on our
32 understanding, fish processing vessels built after July 27, 1990
33 and catchers, tenders, or processors that are at least fifty
34 feet in overall length and built after July 1, 2013, must be
35 built and maintained to class society standards or also classed
36 vessels is what they're commonly referred to.

37
38 Additionally, the most recent Coast Guard Authorization Act
39 established another approach, which we are calling the
40 alternative-to-class approach. Under this approach, vessels
41 built after February 8, 2016 that are between fifty and seventy-
42 nine feet can follow this alternative approach in lieu of
43 classing them.

44
45 This alternative approach lays out some requirements for how
46 these vessels must be designed, constructed, and surveyed and
47 maintained. The particular requirements under this approach can
48 be seen here on this slide.

1
2 We are aware that these requirements may have real cost
3 implications to commercial fishing vessels, vessel owners and
4 operators, and shipbuilders, and so, as part of our review, we
5 are hosting a public forum this evening. At this forum, we
6 would like to hear your candid opinions on the type and size of
7 commercial fishing vessels used in the Gulf, costs and
8 challenges associated with building and maintaining fishing
9 vessels to class society standards, how these requirements have
10 impacted vessel owner decisions on whether or not to purchase a
11 new vessel, and any benefits or challenges to the alternative-
12 to-class approach that I mentioned earlier.

13
14 Again, we would like to invite anyone interested to attend this
15 evening. The forum is going to be held between 7:00 and 9:00
16 P.M. in the Toulouse B Meeting Room in this hotel. I would also
17 like to take this time to thank the council for helping us to
18 set up and host the forum on this very important topic, and we
19 hope to see you this evening. Thank you for letting me speak to
20 you, and I'm happy to answer any questions you may have.

21
22 **CHAIRMAN BOSARGE:** Do we have any questions or comments from the
23 group? Thank you for coming. I will give maybe a little more
24 background, so that maybe you can drum up some more attendance
25 at your meeting tonight.

26
27 I am glad that you're having it here at the hotel. I know we
28 have a lot of fishermen in the room now, and we'll have a lot
29 more in the room later, and so maybe we can make another
30 announcement right before public testimony and just let them
31 know that you will have that next door.

32
33 First, I just want to say, for the proposed Coast Guard
34 regulations, that they have changed a lot over time, and they
35 are taking it very slow and being very methodical about it, and
36 I want to commend them for that. They have reached out to the
37 various fishermen across the U.S., and they are really trying to
38 tailor a lot of their regulations to that region and even
39 specifically to that type of fleet, depending on what you're out
40 there targeting, and I think that's amazing. They are trying to
41 make sure that it works for us.

42
43 It's my understanding, and you can correct me if I'm wrong here,
44 but a lot of the proposed regulations, a lot of the impetus
45 behind sort of what started some of this, was some data on
46 fishing vessel fatalities across the U.S., but those fatalities
47 were broken down by different regions, and I know we have Mr.
48 Bob Perkins in the audience with the Coast Guard. We may have

1 to put him on the spot at some point, but stop me at any point
2 if you need to.

3
4 Anyway, in the Gulf of Mexico, that data showed that the Gulf is
5 a little unique, in some sense, as far as the fatalities in the
6 commercial fishing arena. In the Gulf, the majority of our
7 fatalities actually come from man-overboard situations, and that
8 is not the case in any other part, along your Atlantic seaboard
9 or your Pacific. Even in Alaska, where it's very dangerous,
10 that's not the case.

11
12 I hail from the shrimp fleet, and that is a fairly large fleet
13 in the Gulf of Mexico, and so I'm sure that there will be a lot
14 of attention shown to the shrimp fleet, as far as looking at
15 them and what we can do to make that a safer industry for those
16 participants, and I am not going to speak on behalf of the
17 entire shrimp fleet by any means, but I am from Mississippi.

18
19 Our boats shrimp in both state waters and federal waters, but
20 predominantly federal waters. We shrimp throughout the Gulf of
21 Mexico and the South Atlantic, and I have lost a lot of friends
22 over the years, and so I take it personally. They are not just
23 statistics.

24
25 One thing that I see, as far as the people that we lose, is
26 that, if it could be addressed in some way, it could really make
27 a difference, and you may think, gosh, I can't believe this, but
28 they fall overboard and they cannot swim.

29
30 I know a lot of the impetus has been put on the stability of
31 these vessels and the physicality of the vessels and making sure
32 that that's as rigorous as it can be so the vessel doesn't sink
33 as we get into situations that are tough, as we're towing and we
34 hang up or it's bad seas or whatever the case may be, but I
35 think sometimes there is some very simple things that we can do
36 to save lives.

37
38 I don't know if that's a question that's asked by the Coast
39 Guard when you investigate a fatality. Yes, it was a man
40 overboard, but maybe we can add that question. Do you know if
41 he could swim? Was he proficient at swimming, he or she,
42 because, a lot of times, they are not.

43
44 There is a couple of ways to try and improve that situation.
45 One way that I'm sure every fisherman would go, lord, Leann,
46 please do not say that, but you could mandate that they take a
47 marine survival class. Make them learn to swim, or at least get
48 that PDF on correctly if they go into the water.

1
2 I don't know if that's the answer. You need to be cautious when
3 you do that and understand the demographics of our shrimp fleet,
4 because these men are very, very intelligent, but there's not a
5 job description for a shrimper that says you need to have a
6 college degree or you need to have a PhD. That's not it.

7
8 It's years and years and years of being on that water and being
9 very good at what you do, being an expert at what you do, and so
10 the classroom setting is not something they're very fond of.
11 That is just not what they've grown up with or that being the
12 way to get where they want to be in life. It's more being there
13 and doing it day after day and being really good at it.

14
15 That's one way. Another way that I'm sure, again, that they
16 won't like it, but having to wear some sort of floatation device
17 when you're working.

18
19 Now, you have to keep in mind that we work with winches, and so
20 I would hate to see some sort of mandatory requirement that you
21 have to wear a Type I or Type II Coast Guard-approved PFD.
22 That's going to be more dangerous than it is good, because you
23 have straps that hang off of these things and you don't want
24 anything hanging off of you when you're close to a winch.
25 That's a good way to get yourself killed, but there are a lot of
26 floatation devices these days that maybe are not Coast Guard-
27 approved, but it provides you some sort of buoyancy. The key is
28 to just keep his head above water.

29
30 Anyway, that's my two-cents. I am not going to get into the
31 stability side of it. I am sure that you will get very in-depth
32 into that side, which is a lot of the dollar figure costs of
33 meeting these regulations, later this evening, but, for the
34 Coast Guard in the room and for my fishermen friends, I hope you
35 will think about that, and maybe our focus might need to shift a
36 little bit, from overall stability for that particular fleet to
37 something that actually could be a simpler fix and get more bang
38 for your buck if you're the one looking for the statistics to
39 improve, and so thank you.

40
41 **MS. JEZEWSKI:** Thank you.

42
43 **CHAIRMAN BOSARGE:** Sorry. I got passionate and forgot I was in
44 charge. I still have to let you know when you're supposed to go
45 to lunch. All right. We have finished all of our
46 presentations. We are scheduled for a lunch break from 12:15 to
47 1:45. We are actually, believe it or not, a little ahead of
48 schedule, as far as knocking things off the agenda, and so let's

1 go to lunch, and we will come back at 2:00. See you then.

2
3 (Whereupon, the meeting recessed for lunch on February 1, 2017.)

4
5 - - -

6
7 February 1, 2017

8
9 WEDNESDAY AFTERNOON SESSION

10
11 - - -

12
13 The Full Council of the Gulf of Mexico Fishery Management
14 Council reconvened at the Astor Crown Plaza, New Orleans,
15 Louisiana, Wednesday afternoon, February 1, 2017, and was called
16 to order by Chairman Leann Bosarge.

17
18 **CHAIRMAN BOSARGE:** We are ready to get started again. We are
19 going to get back into our Full Council business, and we are
20 actually going to let Mr. Mark Brown give us his South Atlantic
21 Liaison Report.

22
23 I know we have a lot of extra people in the room, because we're
24 getting very close to public testimony, but if I could get you
25 to take your conversations just outside those doors, we would
26 appreciate it. Thank you. Mark, I'm going to turn it over to
27 you, sir.

28
29 **SOUTH ATLANTIC COUNCIL LIAISON REPORT**

30
31 **MR. BROWN:** Thank you, Leann. We had our council meeting in
32 December, in Atlantic Beach, North Carolina, for the South
33 Atlantic. I am just going to go through a real quick brief on
34 this, because it is in your briefing books. One of the
35 discussions we had was the issue was the for-hire reporting
36 amendment, which has been sent to the Secretary of Commerce for
37 final approval. The council will be working with this
38 throughout 2017.

39
40 Also, we have a pilot program in place right now, and all of
41 that should be pulled together throughout the year. Then it
42 will be finalized to where it becomes mandatory on January 1 of
43 2018. We also have the for-hire limited entry. The council
44 directed the staff to develop a white paper to explore limited
45 entry options for the snapper grouper and for-hire fishery, but
46 we also stopped on limited entry for the dolphin and wahoo and
47 the coastal pelagics. The council will be discussing that more
48 in 2017.

1
2 Mutton snapper, the Amendment 41, was sent for final review to
3 the Secretary of Commerce, and a lot of the decisions in that
4 were based on things of the past, where we incorporated the new
5 adjustment to the catch limit from three to five, and so,
6 anyway, all of that is in your briefing book, too.

7
8 The red snapper, the revised scoping document was approved for
9 scoping, and the scoping meetings are being held in January and
10 February. Yellowtail snapper was split from a joint amendment
11 with the dolphin and approved for public hearings, and those
12 hearings have been going on also in January and February.

13
14 Commercial and recreational visioning amendments were approved
15 for scoping, and those are being done on webinars. The webinar
16 scoping meetings are also being held in January and February,
17 and the council will review that in March.

18
19 Cobia has become a big issue over there, and it looks like the
20 ASMFC is probably going to take control of that all the way down
21 the coast. Amendment 30, the recreational fishing year was put
22 on hold. Dolphin was split from a joint amendment with
23 yellowtail, and we added actions for staff to analyze, and we
24 included actions to allow multi-gear trips for the lobster pot
25 fishery, and the staff and council are working on that with the
26 SSC. That concludes my report.

27
28 **CHAIRMAN BOSARGE:** Thank you, sir. We appreciate that. Did
29 anybody have any questions for Mr. Brown? We definitely
30 appreciate you being here, and we've called upon you several
31 times. I know you have an early flight tomorrow, and so we
32 appreciate you being here and giving us the report.

33
34 One other thing that we will try and knock out on our agenda, if
35 there's no objections, while we have just a few minutes here, is
36 we will go ahead in our Administrative/Budget Committee Report.
37 I don't think we're going to hear anything at public comment on
38 our Administrative/Budget Committee.

39
40 **COMMITTEE REPORTS**
41 **ADMINISTRATIVE/BUDGET COMMITTEE REPORT**

42
43 **DR. LUCAS:** Thank you, Madam Chair. The Committee adopted the
44 agenda and minutes of the October 2016 Administrative/Budget
45 Committee meeting as written.

46
47 Under Review of Advisory Panels, staff presented an overview of
48 the four existing ad hoc advisory panels: Red Snapper

1 Charter/For-Hire, Reef Fish Headboat, Red Snapper IFQ and Red
2 Snapper Private Angler APs. There was some discussion regarding
3 the Ad Hoc Red Snapper IFQ AP, since they have not met since it
4 was formed in 2015. It was concluded the AP would be shortly
5 convened to review draft Reef Fish Amendment 36B. The following
6 motions were passed by the committee without opposition.

7
8 **The committee, by consensus, recommends, and I so move, to keep**
9 **the existing four Ad Hoc APs for another year without re-**
10 **advertising any of the memberships.**

11
12 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any
13 discussion on the motion? **Seeing none, is there any opposition**
14 **to the motion? Seeing no opposition, the motion carries.**

15
16 **DR. LUCAS:** The committee then reviewed and discussed the need
17 to re-advertise membership for the Coastal Migratory Pelagic and
18 Red Drum Advisory Panels. The CMP AP has met twice since they
19 were appointed in 2015. The Red Drum AP has not met, and staff
20 suggested reappointing the Red Drum AP to another term without
21 re-advertising.

22
23 **The committee recommends, and I so move, that the Red Drum AP**
24 **openings not be advertised, but be rolled over until the three-**
25 **year term ends.**

26
27 **CHAIRMAN BOSARGE:** Okay. We have a committee motion. Is there
28 any discussion on the motion? **Is there any opposition to the**
29 **motion? Seeing none, the motion carries.**

30
31 **DR. LUCAS:** Staff was requested to contact the Red Drum AP
32 members to determine their interest in continuing to serve for
33 another three-year term. Based on the results of this poll, the
34 council will decide if there are enough active members or if it
35 is necessary to re-advertise the Red Drum AP.

36
37 Next up, we talked about the Marine Recreational Education
38 Program. Staff also reviewed the Marine Recreational Education
39 Program. The Marine Resource Education Program, MREP, workshops
40 meet twice a year, and they reserve a spot each year for one
41 council member to attend.

42
43 The two workshops consist of science and management training.
44 MREP pays all travel expenses. Council members participate on
45 their own time and do not serve as a representative of the
46 council. Consequently, participation incurs no cost to the
47 council.

1 Staff is proposing a method for selecting council member
2 attendance whereby the Executive Director will announce to the
3 council when a MREP workshop is scheduled and request council
4 members to indicate if they are interested in attending. If
5 more than one person indicates interest, then the Council Chair
6 will select a participant. If a council member has previously
7 attended one of the two annual workshops, they will be given the
8 first opportunity to attend the complementary workshop. There
9 was no other business to come before the committee. Madam
10 Chair, this concludes my report.

11
12 **CHAIRMAN BOSARGE:** Thank you, Dr. Lucas. We have one other
13 report that I believe is ready. Dr. Dana, if you will take us
14 through your report, please, ma'am.

15 16 **MIGRATORY SPECIES COMMITTEE REPORT**

17
18 **DR. DANA:** Thank you, Chairman Bosarge. The Migratory Species
19 Committee met on January 30, 2017, and the agenda was adopted as
20 written. However, approval of minutes was skipped, because none
21 of the committee members from the last time the committee met,
22 which was August 12, 2009, are still on the council.

23
24 Randy Blankenship, the Atlantic HMS Management Division
25 Southeast Branch Chief, gave a presentation titled "Introduction
26 to Atlantic Highly Migratory Species Management", which
27 highlighted similarities and differences with council
28 management.

29
30 The HMS Management Division was created in 1992. It
31 participates in the International Commission for the
32 Conservation of Atlantic Tunas, otherwise known as ICCAT, and
33 implements ICCAT recommendations as necessary and appropriate
34 through regulations under Atlantic Tunas Convention Act, or
35 ATCA.

36
37 Current issues include bluefin tuna, which is Amendment 7; dusky
38 sharks, which is Amendment 5b; swordfish revitalization; bycatch
39 of sea turtles; billfish; marine mammals; and the Deepwater
40 Horizon Oceanic Fish Restoration Program.

41
42 Dr. Craig Brown, the Atlantic HMS Branch Chief, Southeast
43 Fisheries Science Center, gave a presentation titled "Overview
44 of ICCAT Atlantic Highly Migratory Species Stock Assessment
45 Process". ICCAT is responsible for the management of tunas and
46 tuna-like species in the Atlantic Ocean and adjacent seas.

47
48 ICCAT's Standing Committee on Research and Statistics, SCRS, is

1 responsible for providing scientific advice to the Commission,
2 including carrying out stock assessments and providing
3 management advice. In 2017, stock assessments are planned for
4 shortfin mako shark, Atlantic swordfish, and bluefin tuna.

5
6 Dr. Brown provided several examples of HMS research being
7 conducted in the Gulf of Mexico by the Southeast Fisheries
8 Science Center. These included a cooperative tagging program
9 for several HMS species, a recreational billfish survey, and
10 bluefin tuna larval surveys.

11
12 Dr. Brown also described a close-kin analysis, where genetic
13 mark-recapture is used to estimate the number of western
14 Atlantic bluefin tuna spawners. Other ongoing bluefin tuna
15 research includes joint U.S./Japan/Canada/Mexico longline CPUE
16 indices, a young-of-the-year, or YOY, sampling survey in the
17 Florida Straits, and electronic tagging of bluefin and yellowfin
18 tuna.

19
20 In questions following the two presentations, a council member
21 asked what data sources were used for recreational landings,
22 particularly for yellowfin tuna. The presenters responded that
23 the data sources included the large pelagic survey, MRIP,
24 headboat survey, Texas Parks and Wildlife survey, and
25 tournaments.

26
27 The council member suggested using the LA Creel data as well.
28 The presenters responded that they were open to using additional
29 sources of data if they could determine how to incorporate the
30 data into their analysis.

31
32 Another council member asked how the boundaries for the new
33 pelagic longline restricted areas were determined. The
34 presenters responded that the areas and closure ties were based
35 on the timing of bluefin tuna interactions reported in pelagic
36 longline observer data. A council member asked what types of
37 outreach were used to inform fishermen about regulation changes,
38 and the presenters responded that they sent letters to the HMS
39 permit holders, published changes in the HMS e-mail, and
40 communicated via VMS monitoring.

41
42 Pamela Dana summarized her participation in the ICCAT meeting
43 held in Portugal on November 14 through 21, 2016. There were
44 fifty-four nations represented at the meeting. Decisions were
45 made by consensus. All nations had to agree to a proposal for
46 it to be accepted.

47
48 Among the proposals that passed were the first ever conservation

1 and management measures for sailfish and North Atlantic blue
2 shark. This included measures for live release and use of
3 circle hooks. In addition, quota measures were extended for
4 several stocks, including north and south Atlantic swordfish.

5
6 A proposal that sharks be landed with their fins attached was
7 supported by a majority of the nations, but not by all, and so
8 it did not pass. The U.S. delegation raised a concern about
9 bycatch of juvenile yellowfin tuna by vessels fishing for bigeye
10 tuna using fish aggregating devices, otherwise known as FADs. A
11 FAD working group was formed to examine this issue. A summary
12 report describing all of the actions taken at the meeting was
13 included in the council's briefing book materials. Madam Chair,
14 this concludes my report.

15
16 **CHAIRMAN BOSARGE:** Thank you, Dr. Dana. The next thing on our
17 schedule is Public Comment, and that is scheduled to start at
18 2:30 sharp. I am pretty flexible on a lot of things, but that's
19 something I am rigid on. We have nine minutes. We will take a
20 five-minute break. We will all be in our seats in five minutes,
21 quiet and ready to get started. That way, we will not be late
22 for the 2:30 schedule. You have got five minutes. Thank you,
23 guys.

24
25 (Whereupon, a brief recess was taken.)

26
27 **CHAIRMAN BOSARGE:** We've got lots of people to talk to us today
28 and try and help us down our path in fisheries management.
29 Before we get started with public testimony, for the fishermen
30 in the room and any other interested stakeholders, I do want to
31 mention that the GAO, the Government Accounting Office, is going
32 to hold a meeting at seven o'clock tonight in this same hotel,
33 to try and garner feedback from stakeholders on the up and
34 coming U.S. Coast Guard commercial fishing vessel safety
35 standards that are coming out and classification standards.

36
37 If that's something you're interested in and want to learn more
38 and give your feedback, that will be happening in this same
39 hotel and not in connection with our meeting, but at this same
40 hotel at seven o'clock tonight in Toulouse B Meeting Room, which
41 is on the M-2 floor in the elevator, Mezzanine 2.

42
43 All right. Good afternoon. Public input is a vital part of the
44 council's deliberative process. Comments, both oral and
45 written, are accepted and considered by the council throughout
46 the process. The Sustainable Fisheries Act requires that all
47 statements include a brief description of the background and
48 interest of the person in the subject of the statement. All

1 written information shall include a statement of the source and
2 date of such information.

3
4 Oral or written communications provided to the council, its
5 members, or its staff, that relate to matters within the
6 council's purview are public in nature. Please give any written
7 comments to the staff, as well as all written comments will also
8 be posted on the council's website for viewing by council
9 members and the public, and it will be maintained by the council
10 as part of the permanent record.

11
12 Knowingly and willfully submitting false information to the
13 council is a violation of federal law. If you plan to speak and
14 haven't already done so, please sign in at the iPad registration
15 station located at the entrance to the meeting room. We accept
16 only one registration per person.

17
18 Each speaker is allowed three minutes for their testimony.
19 Please note the timer lights on the podium, as they will be
20 green for the first two minutes and yellow for the final minute
21 of testimony. After the three minutes is up, the red light will
22 blink, and a buzzer may sound. Additional time is allowed to
23 dignitaries providing testimony, at the discretion of the Chair.
24 Welcome. We are glad to have all of you here. First up this
25 evening on our list, we're going to have Mr. Bart Niquet,
26 followed by Mr. Chris Niquet.

27
28 **PUBLIC COMMENT**

29
30 **MR. BART NIQUET:** Good afternoon. I'm Bart Niquet, and I'm glad
31 that you're giving me this chance to speak. I am ninety years
32 old right now, and I've been making my living on the water since
33 I was fifteen, and I was still doing so until this morning.

34
35 However, after yesterday's fiasco, I don't know whether these
36 hearings -- I don't know what we're going to do. I'm not sure
37 of anything. The requirement to have a boat and a reef fish
38 permit was done away with by the council after the five-year
39 review. I am sure surprised that you remember that, and that's
40 why reverting back to it doesn't make any sense. These are the
41 kinds of actions that cause the fishermen to mistrust you.
42 Maybe different actions will work better.

43
44 Actions like these should be reviewed before brought to the
45 council. The council needs to clarify what they mean by new
46 entrants to the fishery. Do you mean the reef fish fishery?
47 That is now under a moratorium.

48

1 Do you mean the red snapper fishery? That's being met by the
2 leasing program. Much ado is being made by some about the
3 price, but where else can a starting fisherman invest three-
4 dollars and, in just a little while, get back around five?
5 That's the best percentage for a loan that I know of. That's 60
6 percent on your money. Maybe some of you mathematicians can
7 figure that out.

8
9 Ask any of the fishermen who lease the fish and see what their
10 feelings are. This is almost exactly the same program the State
11 of Louisiana had for the alligator harvest.

12
13 I have had reef fish permits since the beginning of the program,
14 until I sold my boat last year. Does this mean that I can no
15 longer use my snapper allocation to use it as retirement income?
16 That's discrimination against the elderly. Perhaps I've got to
17 go to court to get what I think that I deserve.

18
19 On your kingfish, in the northwest Florida area, and, in fact,
20 from Alabama all the way to Carrabelle, Florida, you closed the
21 kingfish season down just as it was starting to get good.
22 That's the reason your reports from up there in such a shortage.
23 If you opened it up for another month, you would probably have a
24 20 or 30 percent increase in your reports. Something is wrong
25 there. Those fishermen, recreational and commercial fishermen,
26 need a break up that way. Thank you.

27
28 **CHAIRMAN BOSARGE:** Thank you, sir. Mr. Chris Niquet, followed
29 by Mr. Ken Haddad.

30
31 **MR. CHRIS NIQUET:** I'm Chris Niquet from Panama City, Florida.
32 I am here to talk about the red snapper, mostly 36B. The
33 council's consideration of further restrictions on the leasing
34 program and those who are involved in it should be met by
35 skepticism by all members of the council, and here are the
36 reasons why.

37
38 The allocation program is now -- I think it's at 99-plus percent
39 or 98--plus percent, and some of those are inactive permits that
40 have never even been activated. They don't lease them, they
41 don't buy them, and they don't sell them. You can't get in
42 touch with the people. You can't even activate that poundage.

43
44 One fellow here that I know very personally, his fish house
45 handled 800,000 pounds of red snapper allocation. You know he
46 didn't use them all. He had eighty-eight pounds left over, one-
47 tenth of 1 percent. That is inefficiency, folks. You need to
48 correct that. You had better look around. You won't find a

1 program that has the efficiency that the allocation program has
2 right now.

3
4 Don't put restrictions on it. The lack of restrictions has made
5 it efficient. Anybody who is in the contracting business or the
6 building business or the grocery store business knows that, if
7 you put more restrictions on your business, the efficiency goes
8 down, the cost of business goes up, and you must raise the price
9 of your product to cover it.

10
11 In addition to that, these restrictions are going to come with a
12 price tag. That price tag is going to have to be paid. If the
13 price tag is put on me personally, my thoughts are that I'm
14 going to try to go to the courts and recover it from the
15 government. Thank you very much for your time.

16
17 **CHAIRMAN BOSARGE:** Thank you, sir. Mr. Ken Haddad, followed by
18 Mr. Bob Zales.

19
20 **MR. KEN HADDAD:** Thank you, Madam Chairman and council members.
21 My name is Ken Haddad, and I'm with the American Sportfishing
22 Association. I am speaking on Amendment 29. First, as we've
23 stated previously, we do not oppose the concept, and there is
24 some things that we're okay with in the amendment.

25
26 I do want to point out that this is one of the few federal
27 fisheries with happy recreational fishermen, and so we ask that
28 things progress delicately. We are concerned that there is a
29 trend towards this type of quota shift. We are seeing it in
30 other fisheries. We see this as a one-way street, because of
31 differences in how the sectors fish.

32
33 We are concerned that there has been no real policy discussion
34 on the application of this type of conditional shift. What
35 triggers action? Who triggers action? There are so many things
36 that we don't quite grasp on how the council was thinking about
37 this particular issue.

38
39 We are concerned that OY is determined from a commercial
40 perspective and not necessarily a recreational perspective, and
41 this all goes back to maximizing benefit and not maximizing,
42 necessarily, the number of fish. Your own AP recommends
43 Alternative 1. The updated ABCs suggest questions on the stock.
44 We have not yet experienced the results of a three-fish bag
45 limit. There is no analysis or discussion of the impact of
46 reduced abundance on the chances of encountering and catching a
47 recreational fish. This is what Mr. Swindell very eloquently
48 asked about in the committee meeting.

1
2 Right now, we look at this as, if we go over our ACL, we're
3 punished. If we go under our ACL, we get our ACL reduced.
4 Then, if we go over that ACL, we get punished.

5
6 Thinking about this, one, we still would like to see, if this
7 were to go forward, that there is a clear 100 percent statement
8 that the recreational fishery will not be held accountable if it
9 goes over its original ACL.

10
11 Currently, you read it, and people will say, well, it's designed
12 to kind of do that, maybe, but it's very confusing. It's not
13 straightforward, and that always bothers me. From a big-picture
14 perspective, we truly do not know where this is going, and so
15 we're just concerned about too rapid of a pace on looking at
16 conditional transfers. Thank you.

17
18 **CHAIRMAN BOSARGE:** Thank you, sir. Mr. Bob Zales, followed by
19 Mr. Russell Underwood.

20
21 **MR. BOB ZALES, II:** Bob Zales, II, Panama City, Florida. Real
22 quick, when it comes to the charter/for-hire allocation system
23 that everybody is looking at, I can tell you that myself and
24 probably pretty much the majority of the charter guys in Panama
25 City would rather see a fixed season, because, the allocation
26 schedules and the Excel sheets that we've seen, I'm not getting
27 anywhere near the fish under that proposal, under a fixed quota
28 for me, that I'm doing under the fixed season. I think pretty
29 much the rest of them are the same way.

30
31 The only way that I'm going to get that is if you put a trading
32 system in there, so other people can be bought out. Then you're
33 going to have a fleet that's going to be dramatically reduced,
34 and that's not going to be good.

35
36 On the data collection system, and pretty much everybody that
37 knows me knows that data has been -- I have been involved in
38 that since the late 1980s. I'm sure some of you, if not all of
39 you, have seen the information that I've sent out on the recent
40 review.

41
42 A VMS system, I am definitely not going to support. I am not
43 going to support giving the Fisheries Service carte blanche on
44 developing a device for me to have to have at some point in the
45 future, unless it's some type of dedicated website that is
46 secure. I've got a permit, a permit number, and I can log into
47 a website, and I can be required to log into that website, but
48 the Fisheries Service has to have the fortitude to enforce that

1 reporting, which they could do today for people. I am required
2 to report today. If I don't report, they could take action
3 against me.

4
5 A site can be developed pretty easy, to where, every day, I can
6 be required to report whether I fish or whether I don't. I put
7 the information down there, and the system can be designed such
8 that, in four or five days, it sees that Bob didn't report five
9 days ago and I get a generated email of where is your report?
10 Either send us one or we're coming to see you.

11
12 In my mind, it's real simple. It's real easy, and it's cost-
13 effective, because I can use my phone or I can use Doug's
14 computer to go log in and provide that information. That is
15 where I am, and that's where a lot of people that I know of
16 would like to see.

17
18 The burden of trying to report before I get in, the reality is
19 that there's not enough money, not enough manpower, to do the
20 dockside validation that you're going to need to do. In the
21 fixed season of snapper, there are days that I do three trips in
22 a day. I normally do two, because I like two six-hour trips.

23
24 When I come in, I immediately turn around and go back out. If
25 I'm going to have to wait on somebody to come see me, he's going
26 to miss me, because my customers are waiting to go back and I'm
27 leaving, and so that's going to be an issue.

28
29 At our dock, where there is a good number of boats, you haven't
30 got enough people to sit at that dock to verify everybody that's
31 there, and so that's part of the problem. Any questions? I
32 will be glad to entertain them.

33
34 **CHAIRMAN BOSARGE:** Thank you, Mr. Zales. Yes, we have a
35 question from Dr. Stunz.

36
37 **DR. STUNZ:** I have a quick question. Bob, you're referring to
38 most of these devices are run by a webpage in the background
39 that could easily just be used, like you're saying, just in case
40 you lost your device in the water or something.

41
42 I think that that would happen with anything. You would have
43 access to a website, but the app is just an interface to get to
44 it, but I have a question, and maybe you can expand on it. The
45 issue that we're having is the validation component of that
46 reporting before the dock, and I don't know if you were here and
47 heard the presentation earlier in the week, but that's a big
48 deal, and having that information ahead of time with landing at

1 the dock allows for matching of those reports, which is key for
2 doing the estimate, but why -- If it was a short data entry
3 process, just a few minutes, you don't think that still creates
4 a problem as you're switching out to the new group of customers?
5

6 **MR. ZALES:** I don't see any difference in that and what's being
7 done now. I mean, you've got dockside intercept people there.
8 They walk the dock, and they see if boats are in or if they're
9 not in, and they take that against the current data that they
10 have.

11
12 If I am required to report every day and I didn't fish, I check
13 off "no fishing". If I fished, I put whatever I did that's
14 there. In their validation system, if they've gone to the dock
15 that day and they say, okay, Bob's boat was gone on a day that
16 he didn't fish, then that's an immediate trigger that there's
17 something wrong with that, and so you can do exactly what you're
18 doing now.

19
20 You will never have the money to hire the number of people that
21 you're going to need to validate it. I'm not a commercial boat.
22 I don't sit at the dock for two or three days after my trip. I
23 immediately, on days -- In snapper season, I fished forty-three
24 out of forty-six days.

25
26 Most of that time, it was two trips a day, and some of it was
27 three trips a day, and there were a handful of single trips. In
28 Panama City, at our dock, in snapper season, people are leaving
29 at five o'clock. The fleet leaves. At the end of the day,
30 around six or seven o'clock, everybody is back in.

31
32 In between times, it is shuffled all day long. I mean, it's
33 just constant boats moving in and out, and you're not going to
34 change that. I mean, my customers are important. I am not
35 going to inconvenience those people to satisfy somebody when the
36 fish don't belong to me to begin with. They're their fish.

37
38 **CHAIRMAN BOSARGE:** Thank you, sir.

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

41
42 **CHAIRMAN BOSARGE:** Mr. Russell Underwood, followed by Mr. James
43 Zurbrick.

44
45 **MR. RUSSELL UNDERWOOD:** Thank you, Madam Chairman, and I'm glad
46 to be back at this council speaking again. I had a few health
47 problems, but I'm doing pretty good. The first thing today is
48 I'm Russell Underwood from Panama City, Florida. I've got a

1 little fleet of boats, and I've fished out of Leesville,
2 Louisiana for the last thirty-five years, and I've been part of
3 this council process, and I sit on a bunch of APs, and so I've
4 been there and I've done this.

5
6 Anyway, I would like to talk today about Amendment 36B. There
7 seems to be a little confusion about how we got to this good
8 program. It's working very well. I sit back and listen to some
9 of the recommendations, and I would like to clarify a few
10 things, like the use-it-or-lose-it.

11
12 Years back, we talked this over, back and forth. We had
13 seventeen panel members. There was recreational and there was
14 environmental people and commercial. We all worked together as
15 a team.

16
17 We brought that up quite a bit, about a use-it-or-lose-it, and
18 the council decided not to go forward on this. Our concern was,
19 at that time, we had problems in the fishery, and it was a new
20 plan, and we thought, well, we don't want an environmental
21 group, we don't want CCA, buying a bunch of quota up, and we
22 wanted this program to be our commercial fishing program.

23
24 That's why we decided not to go that way, and I guess the
25 council decided not to go that way, but the intent was not to
26 penalize somebody if they didn't use or catch all of their
27 quota. The thing about this is we've got 91 percent of the fish
28 caught this past year on the snapper quota, on the commercial
29 side, and so what's the big deal?

30
31 We left a few fish, and I think it's a good thing. We left a
32 few fish out in this Gulf to repopulate and multiply, and I
33 think that should be the thought about this council, is how can
34 we use our fish and conserve too, and so we left 400,000 or
35 500,000 pounds or whatever we left out there, or a couple
36 hundred thousand, and the way my thinking is that we just left a
37 lot of fish out there to repopulate, so we're going to have more
38 fish for these coming up years to come. It's going to help the
39 recreational and it's going to help the commercial.

40
41 From that point, I will go to another subject. The king
42 mackerel, I am not in favor of -- If there is a TAC increase, it
43 should be a hard TAC. I don't think these people back here in
44 the audience wants to get an increase in TAC and, the very next
45 year, you all take it from us. If the recreational are not
46 using their TAC, I believe that we can use some of these fish
47 and use the resource, if we don't go above the ACL and all of
48 that, and so I would recommend status quo on the mackerel.

1
2 On the charter boat deal, I used to run partyboats for Captain
3 Andersons in Panama City, and I can speak on that behalf. These
4 people need a plan that they can live and manage their business.
5 I support things like get rid of 30B. That's a hardship for the
6 charter boats and other boats.

7
8 They need to keep on working on Amendment 41. That will
9 continue moving forward on the charter boat industry. I think
10 you all's job here is to not manage people and manage the
11 resource. You know, the resource is coming back, and everybody
12 wants a little bit more, but we just need to continue to do
13 better and think about that next man, whether it's a charter
14 boat or it's a commercial guy, but we're not out here to hurt
15 somebody. We are out here to help the industry in both parties,
16 recreational, and I'm excited to see the recreational fishermen
17 -- They're starting to come up with a little plan, and so I'm
18 excited about that. They can work on it. They had a pretty
19 good presentation yesterday.

20
21 **CHAIRMAN BOSARGE:** Mr. Underwood, if you could wrap it up. I'm
22 sorry.

23
24 **MR. UNDERWOOD:** I'm excited about that, and so I appreciate you
25 all listening to me today, and I'm glad to be back to be able to
26 see you all. Thank you, all.

27
28 **CHAIRMAN BOSARGE:** We're glad to have you back. Glad you're
29 here, sir. Mr. James Zurbrick, followed by Mr. Steve Tomeny.

30
31 **MR. JIM ZURBRICK:** Thank you, council, for allowing me to speak
32 in front of you. I'm Jim Zurbrick from Steinhatchee, one of the
33 top five most dependent fishing communities in the Gulf on
34 fishing. That's what they discovered when we were doing the
35 IFQs, the grouper IFQ.

36
37 I do support the electronic logbooks for the charters. I
38 support the hail-in and the hail-out and the fixed mount for GPS
39 tracking. It works. The people that were on this council that
40 remember that the commercial sector -- We thought it was the end
41 of the world when we were forced to get those VMSSs. We thought
42 that it was Big Brother and we thought, oh my god, everybody is
43 going to have our secret fishing spots.

44
45 It didn't do that. Then, when we won the lawsuit, as you all
46 remember, we didn't want to have them taken away from us, and so
47 that lesson learned needs to be a lesson learned here. The only
48 folks who are not going to want to be tracked are people who are

1 jumping that line. We've got to call it out as it is. There is
2 a group of people that don't want to, or they're just so scared
3 that Big Brother is watching everything they do, and they resent
4 that. Hopefully that goes forward.

5
6 I want to thank you for putting me on the five-year snapper
7 review twice, and with the grouper. That's an honor, and when
8 we -- The rationale for the use-it-or-lose-it was strictly what
9 Mr. Underwood said. We were all worried, and it was like the
10 Big Brother thing, but we were worried about the NGOs buying up
11 quota and setting it aside for the greater good.

12
13 I can see their point. I see that mentality and how it works,
14 and also some of the recreational groups thinking they can get
15 their hands on it later on. That was not the rationale. It's
16 documented in all of our minutes, and I'm sure you can find it
17 if you want to.

18
19 The exempted fishing permit, how wonderful it is to have
20 something well thought out. I've been up here now for almost
21 twenty years, and the great grouper wars of 2000 -- I can
22 remember when that got started, and, since that time, the
23 industry is getting strong. We're getting smart. We're getting
24 minded in conservation. It's embedded in us, and so these folks
25 are willing to put a camera on their boat and take a chance
26 because they believe that what they're seeing out there is not
27 what is perceived. I think you ought to definitely go ahead
28 with allowing that exempted fishing permit.

29
30 As for king mackerel, I am not a king mackerel fisherman, but
31 listen to those folks that are in that business. If they want
32 to get that 10 percent bump and then possibly lose it next year,
33 but I do see where the recreational guy is coming from.

34
35 Mr. Swindell made a good point about catch and release. Those
36 are fish that never get counted, and that might be a sizeable
37 number, but I know that the king fishermen need some relief,
38 because, the way it works now, it's shut all the time. They
39 catch they quotas quick, and people are coming over, and so I
40 know the chaos, and I thank you very much.

41
42 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Steve
43 Tomeny, followed by Mr. Eric Brazer.

44
45 **MR. STEVE TOMENY:** Good afternoon. I am Steve Tomeny. I
46 operate a charter fishing business out of Port Fourchon,
47 Louisiana. I am also a red snapper IFQ holder and commercial
48 fisherman.

1
2 First, I'm going to hit on the ELBs. I have been up here many
3 times saying that we need electronic logbooks. If it's VMS, I'm
4 okay with that. I think it has to be a GPS attached to the
5 boat, as a minimum. I am in favor of hailing-in and hailing-
6 out. I think we'll have to have some kind of a backup,
7 breakdown plan put into it, maybe if you've got to go for a
8 couple of days on a phone while you fix your equipment, if it
9 breaks.

10
11 I haven't had technical problems, to speak of, of any big
12 problems with my commercial VMS. It's already on my two boats,
13 and so it hasn't been a big problem, but some people perceive
14 it, but, if we had this five or ten or fifteen years ago, some
15 of these things that are bogging Amendment 41 down would have
16 already -- We would have this data that shows what boats are
17 fishing and what is not fishing and what the individual boat is
18 catching. This is stuff that's really important.

19
20 Look at the amberjack situation this year. I don't think my
21 charter boat, which really won't gear up good until later in the
22 spring, will catch a single recreational amberjack this year,
23 and we were probably a high-liner in the Gulf, if you go back a
24 couple or three or four years. We're probably way up there,
25 because we've got a big, multi-passenger boat, and the amberjack
26 have been plentiful.

27
28 Somebody caught them, but -- That dovetails me back into 41 and
29 having the multispecies allocations per your permit. It's just
30 important that we go that way. I think that's the way we're
31 going to end up having to go in the future, and I even had some
32 folks kind of say, well, if weekly was good enough for the South
33 Atlantic that it ought to be good for us. I heard that in one
34 of the Louisiana charter boat newsletters.

35
36 Well, look at their fishery, fellas. We don't want to be
37 following the South Atlantic. Their reef fishery has been in
38 trouble. They don't have fractions of the fish we have, and I
39 don't want to follow their lead, and I don't mean to offend
40 anybody on the South Atlantic and the council folks that work on
41 it, but we need a timely -- We need to be the leaders in this
42 deal.

43
44 I'm going to get into the white paper for 41, and I think that
45 needs to move along. I would like to hear that we will keep
46 that moving. That cyclical distribution sounded good to me. I
47 think it's another way to find out how we can redistribute the
48 fish to the guys that need them. That's the big stuff. My time

1 is up. Thank you.

2
3 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Eric
4 Brazer, followed by Mr. Bill Kelly.

5
6 **MR. BRAZER:** Thank you very much, Madam Chair. My name is Eric
7 Brazer, Deputy Director of the Gulf of Mexico Reef Fish
8 Shareholders' Alliance. Thank you for the chance to speak.
9 First, I want to thank you again for the opportunity to answer
10 your questions about the EFP. I really enjoyed that. That
11 demonstrated, to me, that you guys are taking this seriously and
12 that you read through the document, and we really do appreciate
13 that, and so we will be around until the end of the meeting
14 tomorrow. If you guys have any questions, please grab us, and
15 we will be happy to talk with you.

16
17 On 36B, I think if we were to take a step back and to look at
18 this from the perspective of an outside observer, or even for
19 commercial fishermen, it seems like, at this point, we're at a
20 mish-mash of ideas that penalize commercial fishermen, and this
21 shouldn't be a surprise. This is what you've been hearing since
22 this conversation has started.

23
24 These proposals restrict access, and they limit fishing
25 opportunities. The amendment has no clear goal or vision. We
26 don't have a consensus here of what we're trying to achieve,
27 what you're trying to achieve, and you have fisherman after
28 fisherman coming up and explaining about the unintended
29 consequences of some of these ideas.

30
31 The IFQ systems have been in place for a number of years, and
32 they are doing what they are supposed to do. Businesses have
33 been created, and supply chains have been established. From
34 that perspective, you should be able to see why there's a lot of
35 consternation over some of these ideas.

36
37 If we're going to have this conversation, let's do it right.
38 Let's figure out what the problem statement is and let's talk
39 about goals and objectives. Let's talk about strategies. Let's
40 come up with real solutions and let's give an honest answer to
41 why we are doing this, why we are having this conversation.

42
43 As long as fishermen feel like these are unfounded attacks on
44 their businesses, there is going to be pushback and there is
45 going to be resentment, and it's going to make these discussions
46 controversial. If you're asking us to work with you to find
47 ways to improve the program, that is going to be a much more
48 constructive conversation.

1
2 With regards to corals, we believe the amendment still has a
3 long way to go. As we said before, we support coral
4 protections, but we do have strong concerns with closing off big
5 areas of the ocean to fishing, any type of fishing, especially
6 areas where historical fishing has taken place.

7
8 We support taking a hard look at the data that was used to
9 identify these expansion areas, and we support getting a more
10 accurate assessment of historical fishing activity and true
11 fishing impact in these areas. We see there are some major data
12 gaps that need to be addressed. We want to make this work, but
13 there are some data gaps that need to be addressed first.

14
15 Then, finally, real quick, we support increasing the commercial
16 size limit on gag from twenty-two to twenty-four inches. It
17 seems like a slam dunk. I think you get a 50 percent bump in
18 fecundity doing that, and that is a great reason to do it, and
19 so we support that. We support cyclical redistribution on
20 Framework 41. Keep making progress on 41 and 42, and we support
21 final action this week to give the for-hire sector the ELBs that
22 they want. Thank you, Madam Chair.

23
24 **CHAIRMAN BOSARGE:** Thank you, Mr. Brazer. Next, we have Mr.
25 Bill Kelly, followed by Mr. Gary Jarvis.

26
27 **MR. BILL KELLY:** Madam Chair and council members, Bill Kelly,
28 representing the Florida Keys Commercial Fishermen's
29 Association. I would like to talk to you about a couple of
30 issues. Number one is allocation, of course. I think that
31 action by all regional councils is appropriate for effective
32 management of the species and best utilization of the resource.
33 It provides the flexibility for the councils that we've been
34 pressing for for years, and we hope to see it happen under the
35 reauthorization of the Magnuson Act.

36
37 We have seen some concerns here expressed by the SSC, especially
38 with regard to king mackerel. There's not enough new
39 recruitment out there, the converse of which is there is too
40 many old fish, and so suddenly now underfishing is just as
41 detrimental as overfishing. That makes it incumbent upon the
42 councils to allocate appropriately, so that we fish to OY and
43 utilize those species.

44
45 We think it would be appropriate to set the standard with annual
46 reviews of allocation and then set intervals of action that
47 would be deemed appropriate by the council to make these
48 assessments. In many instances, we believe that a hard

1 allocation is appropriate. Why? Because you're going to hear
2 alternative facts today, but the numbers really speak for
3 themselves.

4
5 That is, that the commercial fishing industry is fully
6 documented in their landings and so forth. We see that with
7 regard to yellowtail snapper and king mackerel, in particular.
8 America's consumers, the industry, we are all being short-
9 circuited by these inappropriate allocations.

10
11 I want to first paint the picture for you on yellowtail snapper.
12 Fully 90 percent or more of the yellowtail harvested takes place
13 in the Florida Keys, in Monroe County. Early season closures
14 have been having significant socioeconomic impacts on our small
15 island communities. That has been exacerbated by problems with
16 the early closures on dolphinfish as well in the South Atlantic
17 and people turning their attention to yellowtail.

18
19 We think it's particularly inappropriate when the recreational
20 sector is leaving nearly 500,000 pounds of a 1.5 million
21 allocation underutilized and unharvested each year. We have
22 made very positive steps. We have volunteered them to both the
23 South Atlantic and the Gulf Council. That is changing the
24 fishing year to August 1 through July 31, to protect spawning
25 populations, in the event that closures are necessary.

26
27 I am here today to also volunteer and recommend the following.
28 One, that we combine the Gulf and South Atlantic stocks and
29 manage them as one, with the South Atlantic Council taking
30 management responsibility. The reason for that is approximately
31 75 percent of the harvest comes from the South Atlantic and 25
32 percent from the Gulf.

33
34 Have the South Atlantic combine both the commercial and
35 recreational ACLs, as is done in the Gulf without problems, and,
36 from May 15 through July 31 of each year, impose a commercial
37 trip limit of 500 pounds for day boats and 3,500 pounds for
38 extended-day vessels, to cover additional costs and provide
39 additional stock protections. Those vessels would be identified
40 by the use of VMS. I see that I'm out of time. I've got a lot
41 more to go, but I will address that in written comment to you.
42 Thank you very much.

43
44 **CHAIRMAN BOSARGE:** Thank you, Mr. Kelly. We have a question for
45 you.

46
47 **MR. GREENE:** Thank you, Mr. Kelly. I was trying to write as
48 fast as you were talking, but I wasn't keeping up very well with

1 you. In your original comments about king mackerel and the
2 allocation part of it, could you kind of go back over your first
3 comments on king mackerel?

4
5 **MR. BILL KELLY:** Yes, and we're concerned. Thirty years of
6 rebuilding this stock and fully ten years of the recreational
7 sector leaving three-million pounds on there, we think it's
8 certainly time that you would take appropriate action. The
9 comment of we're talking about the insufficient new recruitment,
10 is that what you're referring to?

11
12 **MR. GREENE:** No, just the allocation between the two fisheries,
13 between the recreational and the commercial.

14
15 **MR. BILL KELLY:** I think a hard allocation would certainly be
16 appropriate. I mean, we've seen what's going on here for the
17 past ten years, and we haven't taken any action on it. When we
18 see these dramatic imbalances, I think it becomes incumbent upon
19 the council to allocate appropriately so that we can get to OY.

20
21 Someone mentioned that the OY is the commercial definition, but
22 it's not. The SSCs are looking at it and allocating X number of
23 pounds of fish, and it's incumbent on us to go and catch them,
24 to harvest them, because it can have repercussions both ways, if
25 we overfish them or if we underfish them.

26
27 **MR. GREENE:** Thank you.

28
29 **CHAIRMAN BOSARGE:** Thank you, Mr. Kelly. Next, we have Mr. Gary
30 Jarvis, followed by Ms. Pam Anderson.

31
32 **MR. GARY JARVIS:** Captain Gary Jarvis, President of the Destin
33 Charter Boat Association. I would like to thank you, council
34 members, for hearing me out again. I am going to start by
35 speaking personally, as a dual-permit holder. The use-it-or-
36 lose-it provision, as discussed yesterday, is an unnecessary way
37 to approach to improve the fishery.

38
39 It will have serious negative consequences for small
40 shareholders like myself, who rely on supplementing their
41 allocation and access to the fishery from those who don't fish
42 their allocation.

43
44 Before the IFQ, about 33 percent of the fishery was harvested by
45 fishermen who leased Class 1 permits. Nine years later, 31
46 percent of the fish being harvested by red snapper fishermen are
47 being harvested on leased fish from other shareholders who don't
48 fish, and so, ever since its inception, from prior to the IFQ to

1 today, the actual execution of the fishery has changed very
2 little.

3
4 If your intent is to improve the IFQ fishery and to help
5 fishermen and not to subvert the IFQ program and, in essence,
6 hurt small fishermen, then maybe perhaps, instead of discussing
7 things like use-it-or-lose-it, which nobody could give a
8 definition of what that really meant, maybe this council, with
9 the help of the National Marine Fisheries, should really focus
10 on a loan program that's allowable by law and in existence on
11 the Pacific coast that allows fishermen to use those allocation
12 shares as collateral, and that allows young, new fishermen the
13 financial capability to buy into an expensive fishery and do so
14 and pay for it with their hard work with the allocation that
15 they borrowed that money. I think that would be real important.

16
17 Now, as a representative of the Charter Boat Association, we
18 will start on the charter stuff. It's time to vote yes and take
19 final action on ELBs. For ten years, we have analyzed, scoped,
20 surveyed, workshops, webinars, hundreds of hours of public
21 testimony in favor of actual catch data collection.

22
23 Preferred alternatives from the Charter/For-Hire AP, the
24 Headboat AP, and the Data Collection Ad Hoc and compromises of
25 technology to the different types that we can use to garner
26 industry support have been made to change data collection in our
27 fishery, and now, with the absolute failure of status quo
28 management that has led to zero harvest of gray triggerfish in
29 2017, a dark cloud over the amberjack season, which will
30 probably close before we reconvene next time, it's time for data
31 collection, at least in the charter/for hire industry, that will
32 improve the information to help you guys to make the management
33 decisions.

34
35 For over eighty years, the charter/for-hire sector has provided
36 public access to the Gulf of Mexico as one, and that's why the
37 Charter/For-Hire AP and the Headboat AP, joint AP, have
38 recommended to this council that there will be multispecies and
39 cyclical redistribution added to this document. I hope that we
40 can get a motion and a vote in favor of those two items and in
41 favor for the white paper, so that we can work our way and try
42 to develop this fishery.

43
44 The last thing I would like to say is that status quo management
45 started in 1981, and it's still a 1981 management system, and it
46 happens to be 2017.

47
48 **CHAIRMAN BOSARGE:** Thank you, Mr. Jarvis. We have a question,

1 sir, from Dr. Crabtree.

2
3 **DR. CRABTREE:** Gary, on the electronic reporting, one of the
4 things that we had a lot of discussion about had to do with the
5 GPS system and whether we should have some part of it
6 permanently affixed to the vessel so we could be assured that
7 what we're getting positioned on is actually the vessel. What's
8 your feeling on that?

9
10 **MR. JARVIS:** Well, we all know where a segment of our industry
11 stands on VMS. They're against it, it's cost-prohibitive, they
12 don't like the idea of Big Brother watching you.

13
14 **DR. CRABTREE:** I am not talking VMS.

15
16 **MR. JARVIS:** I understand that, and I'm going to answer your
17 question. We have tried to come up with compromises of using
18 good technology to enter into a self-reported data collection
19 system.

20
21 As we've worked through the system, through information from you
22 and the SSC and council members, we also know that it's going to
23 be expensive and that the agency and our fishery needs to have a
24 cost-effective manner to validate our electronic logbooks that
25 we report on our iPads or Palm Pilots or on our phones and that
26 having a fixed GPS was kind of like the compromise.

27
28 It's cheap and it's easy and it doesn't require you to do
29 anything, but, at the same time, it's probably the best bang for
30 the buck for dockside validation of our efforts, because, if
31 it's just on a smartphone -- Ms. Dana has got a charter boat,
32 and I could go up to her captain and say, take my phone with
33 you, bro, and I will stay at the dock, and I fill out a fishing
34 report that I went fishing that day, or I could do just the
35 opposite. I could leave my phone at home and go out and make my
36 trip and not report, because I don't want to pay my taxes for
37 that trip.

38
39 I'm an honest guy. I play by the rules. I have never had a
40 fish violation, but not everybody aspires to play by the rules,
41 and some of the pushback you see on these accountability
42 measures are either there may be a bit of malfeasance intended
43 on how they fish or perhaps they want to live in an underground
44 economy, which does none of us any good, not our fisheries and
45 especially our business.

46
47 **DR. CRABTREE:** Thanks, Gary.

48

1 **CHAIRMAN BOSARGE:** We have one more question from Mr. Sanchez.

2
3 **MR. SANCHEZ:** Gary, we had some talk about daily versus weekly
4 reporting. I want to get your take on I guess the integrity,
5 the quality, of the information of daily versus weekly and what
6 you're going to get out of that.

7
8 **MR. JARVIS:** As a human being, if I put anything off, the
9 further I get away from the actual event, the less I am going to
10 retain and remember. We tried the bluefin web-based pilot, and
11 Bonnie will tell you how it was not a resounding success, and it
12 was based on a weekly reporting system, and here is how the day
13 goes.

14
15 You get into the dock, you've been up in the bridge the whole
16 time, you've had very little communication with your people, and
17 so you spend some of the time while they're cleaning fish and
18 taking pictures and talking to them. You have a soft drink and
19 the wife calls up and she doesn't want to cook dinner that
20 night, and so you go out and eat dinner. Then, before you know
21 it, it's 9:30 and you're on the twelfth twelve-hour trip in a
22 row and it's time to go to bed. That happens for a couple of
23 days, and, all of a sudden, on Thursday night, you're like,
24 dang-it, I forgot what I reported.

25
26 You go back and now you're digging through your booking book and
27 you're like, okay, what did we catch that day. I had two six-
28 hours, and was one with four people or did I have nine people
29 that day, and so I've got to report. Now I'm grasping for
30 straws and reporting.

31
32 In the scenario that we talked about earlier, if a guy knows
33 that he's only going to get dockside intercepts that will
34 compare what he reports on his reports, he knows what day he got
35 dockside sampled, and his report is going to be extremely --
36 This is I'm talking about maybe an unscrupulous operator, but
37 his report is going to reflect on what that guy sampled that
38 day, but he may change his reporting later.

39
40 You cannot have a reliable, validated reporting system that we
41 so desperately need and to quit being extrapolated and surveyed
42 out of the fishery, and the only answer to that is to have some
43 type of validation affixed to the vessel and daily reporting, so
44 we can report what we caught that day, while it's fresh, whether
45 you're on an outboard or on a sixty-five-foot enclosed bridge,
46 to report what you catch. When your daily bag limit is twelve
47 fish, it's not all that hard. Thank you.

48

1 **CHAIRMAN BOSARGE:** Mr. Jarvis, I think we have a question from
2 Mr. Banks.

3
4 **MR. BANKS:** One quick question, Gary, and I appreciate the extra
5 information. When you say daily reporting, do you feel like it
6 has to be before you hit the dock?

7
8 **MR. JARVIS:** If you want to increase the accuracy of your
9 science and your data collection, I would say yes. It's just
10 commonsense. All of us have times in our day, even if it's ten
11 foot out there, to where, if you can move your coolers and get
12 your beanbags out to get everybody comfortable before you come
13 in, while you're doing that, it takes ten or fifteen or twenty
14 or thirty-five seconds to report that I caught twelve red
15 snappers and four triggerfish. Well, not this year. Then a
16 grouper. Then you punch it in and you're done.

17
18 With some of the smartphone applications that we tested with
19 iSnapper, Dr. Stunz, it relied on cellphone communication. It
20 would store that, and, as soon as you got cellphone coverage, it
21 would pulse it out, and you didn't have to worry about that.
22 You reported in the phone offshore and, once you got back, it
23 did it by itself.

24
25 Of course, VMS, a bunch of us -- I'm a dual-permitted guy, and
26 so I've got it. I am in the habit of reporting what I catch
27 before I hit the dock, but, if you want to increase your
28 accuracy and the science and the value -- If we're going to take
29 this burden on financially as an agency, and for us, as fishers,
30 the better our self-reported data, the more confidence you have
31 and I have that it's right, then the better management decisions
32 every single one of you are going to be able to make, because
33 you're not going to have to spend thousands of hours reading
34 your briefing books and trying to figure out what are the errors
35 of this information.

36
37 We are living in a 20 percent buffer world. You talk about
38 instant access to a fishery, cut that down to 13 percent or 7 or
39 5, like in the commercial industry. Thank you.

40
41 **CHAIRMAN BOSARGE:** Thank you, sir. Ms. Pam Anderson, followed
42 by Mr. Bill Staff.

43
44 **EXECUTIVE DIRECTOR GREGORY:** Pam, before you get started, I want
45 to ask those of you all in the back of the room not to be
46 talking in here. If you must carry on a conversation, please
47 take it out in the hallway. Thank you. Pam, can you turn the
48 microphone on? You all can leave the microphone on in between

1 people.

2
3 **MS. PAM ANDERSON:** Madam Chair and council members, I am Pam
4 Anderson, Operations Manager at Captain Anderson's Marina,
5 Panama City Beach. We're the home of thirty-seven charter boats
6 and five headboats, and I am also the fishery rep on the Bay
7 County Chamber of Commerce. Thank you for this opportunity to
8 speak.

9
10 A lot of time and effort and money, private money, went into the
11 document presented by the Gulf Angler Focus Group, in an attempt
12 to address all options and to flesh out what is needed to go
13 forward in each option and what consequences may be in store for
14 each.

15
16 I strongly support using this document for a guideline for the
17 private angler AP. In order to make the process more effective
18 though, I urge you to address the data needs in the document. I
19 believe, in all of these discussions of management, the right
20 decision for the council comes down to your goal for the
21 recreational fishery, whether it's on data collection or catch
22 shares or traditional measures. Is the goal of this council to
23 conserve the fishery while maintaining adequate access to
24 promote a positive economic benefit to our coastal communities?

25
26 It's not good for our communities to lose jobs and businesses.
27 I truly believe the VMS will eliminate some of those smaller
28 operators. 50 percent of my charter boat owners that I
29 questioned yesterday said it would be quite a hardship to pay
30 for a VMS. The others already had it, because they are dually-
31 permitted.

32
33 You have been given other options to lessen the cost burden.
34 They all know logbooks are important, but they don't want a
35 financial burden that will have such a negative impact on their
36 businesses. They need to feed their families and pay their
37 bills. They are very honest people. They are not trying to get
38 away with anything.

39
40 It was indicated in the combined AP discussions this month that
41 the reason some of the industry are pushing VMS is that the
42 expense will indeed eliminate some of the operators who cannot
43 afford it, giving themselves more allocation, again making
44 winners and losers and redistributing the wealth to the winners,
45 as in the commercial fishery.

46
47 Another observation is, when the report says "consensus", it is
48 on the basis of cooperatively working on the document at hand.

1 In my case, and that of others, it is not because we want sector
2 separation or catch shares or VMSs. Several of us agreed to
3 work through the questions given to the AP, even though we
4 preferred traditional management of seasons and bag limits.

5
6 If we go down this road in Amendments 41 and 42, designing and
7 implementing catch shares, we will eliminate businesses in the
8 industry. We need more days to fish with adequate bag limits
9 and many species to keep our customers interested in this sport.

10
11 At our marina, there are forty-two boats that need a variety of
12 fish with adequate bag limits and seasons to stay in business.
13 With the current Amendment 42, on my husband's headboat, instead
14 of forty-six days to fish for red snapper, we would have had
15 fifteen to seventeen days, with only a one-fish bag limit, if
16 this catch share amendment had gone forward. That's not
17 acceptable, and it's certainly not good for any business to be
18 forced into such restraints.

19
20 Do we need a good data collection program for charter boats?
21 Yes. Do we need an improved method of measuring harvest data
22 for private anglers? Yes, and we believe that that's coming
23 with the states. Do scientists need every harvested fish
24 counted in order to make sound decisions on the health of the
25 fishery? No. You need more accurate, timely data than you have
26 for charter boats, but you don't need the most expensive, most
27 aggressive program.

28
29 Just with the private angler data that is coming online, plus a
30 fair method of collecting data from charter boats, will be quite
31 adequate to improve the accuracy of the catch levels
32 significantly.

33
34 **CHAIRMAN BOSARGE:** Ms. Anderson, can you bring it to a close,
35 please, ma'am?

36
37 **MS. ANDERSON:** I will. This is my last little bit. In
38 business, we are required to give the government many reports of
39 state sales tax, corporate tax, state park fees for local access
40 to an island, and they don't stand over my shoulder to see if
41 I'm doing it right. They spot check and they watch for
42 inconsistencies and they address those who are operating
43 illegally, with the laws that punish them. You can do the same
44 here. Thank you.

45
46 **CHAIRMAN BOSARGE:** Thank you, Ms. Anderson. Next, we have Mr.
47 Bill Staff, followed by Mr. Troy Frady.

48

1 **MR. BILL STAFF:** I'm Bill Staff from the Charter Boat Sea Spray.
2 I've been charter fishing for thirty-five years. Thanks, Madam
3 Chair and the council, for the opportunity to speak. Never more
4 than now have we ever needed electronic logbooks. Guys, imagine
5 having a fiscal year of forty-five days to try to make a living
6 with no jacks, basically, and no triggers and no snapper, but
7 hopefully a forty-five-day season. That's where the
8 charter/for-hire are.

9
10 Many times, through the years, I've been uncomfortable with
11 closures. This year, I feel threatened. We need real-time
12 data. We need a hail-in and hail-out with an electronic
13 logbook. I've been using CLS since June, and I've had no
14 problems with it.

15
16 Some of these closures might be a little easier to swallow if we
17 knew these fish were being caught and by who. Who better to do
18 a stock assessment than us, using the real-time data? I think,
19 with no jacks and no triggers, I think it would be a good time
20 for you all to look at possibly letting us have a few of the
21 snapper that we've left on the table with Amendment 40. Please
22 implement Amendments 41 and 42 with the multispecies at the same
23 time. Cyclical distribution is a good plan and leave
24 reallocation alone. Thanks.

25
26 **CHAIRMAN BOSARGE:** We have a question, Mr. Staff, from Dr.
27 Crabtree.

28
29 **DR. CRABTREE:** Bill, on the electronic logbooks, the issue of
30 the GPS and having something affixed to the vessel so we can be
31 sure that the position --

32
33 **MR. STAFF:** I have no problem with that. Mine is fixed in the
34 tower right now.

35
36 **CHAIRMAN BOSARGE:** We have one more question for you, Mr. Staff.
37 You're going to get your exercise today.

38
39 **MR. STAFF:** I need it.

40
41 **MR. WALKER:** Thank you, Bill. Do you find it difficult to
42 operate your VMS system?

43
44 **MR. STAFF:** No, and I'm not computer literate either. Anybody
45 else?

46
47 **CHAIRMAN BOSARGE:** I think you're free. Mr. Troy Frady,
48 followed by Mr. Wayne Werner.

1
2 **MR. TROY FRADY:** Madam Chairman and ladies and gentlemen of the
3 Gulf Council, my name is Troy Frady. I'm a charter boat
4 operator out of Orange Beach, Alabama. Thank you for allowing
5 me to speak.

6
7 The first thing I would like to talk to you today is about data
8 collection. We have talked about it, we've kicked it around,
9 and we've finally got some real teeth, to where we can move
10 forward with it.

11
12 I come from an industry where we had 19,000 employees, and all
13 of them submitted daily logbooks, and the reason we submitted
14 daily logbooks was from a DOT standpoint. It was for safety,
15 but it was also from a compliance standpoint and trying to keep
16 up with reconciliation of the data that was coming in.

17
18 Many of you have spouses that have had checkbooks, and they
19 never reconciled their checkbook, and they ended up getting
20 overdraft notices, and that made you feel very uncomfortable.
21 Thinking back on my previous years and having had to deal with
22 some insufficient funds notices at one time or another, through
23 spousal failure to reconcile, I would urge you to encourage and
24 develop the data collection program to where it's done daily, so
25 you will know what you've got in your checking account.

26
27 I think a single unit attached to a vessel, a logbook that's
28 permanently attached, would be the way to go. I have submitted
29 over a hundred reports this summer, through the CLS program, and
30 I found it very simple.

31
32 It didn't take any time away from me or cause me to do anything
33 that was unsafe, and there are a lot of people who are against
34 electronic logbooks or having Big Brother know what's going on,
35 but, you know, I look back on the years with the DOT and the
36 transportation industry, and we never had the IRS come audit one
37 of our DOT logs to figure out where we were operating in
38 commerce.

39
40 I don't think we have to really worry about anybody coming there
41 to take something away from us or to really spy on us. I am
42 willing to sit there and give you every bit of information, like
43 I did this summer, so we can have something that really works in
44 the future. I just think the reconciliation and accountability
45 and all of these things have to come into play in order to have
46 a successful program.

47
48 If you allow me to wait until the end of the week, I am telling

1 you that I get brain fog at the end of the week, after doing
2 seventy-two hours on the water, and the accuracy of my reporting
3 will go down. The whole purpose of data collection is to
4 improve the data collection.

5
6 When it comes down to Amendment 41 and 42, you all have
7 introduced a white paper and wanting to get that rolling to do
8 the multispecies and cyclical distribution, and that's fine, but
9 I urge you to keep 41 and 42 moving along. Basically, I want to
10 thank you so much for allowing me to go over my time, and thank
11 you for allowing me to speak to you. I appreciate it.

12
13 **CHAIRMAN BOSARGE:** Thank you, sir. Hold on. We have a question
14 for you from Mr. Walker.

15
16 **MR. WALKER:** I hope it's okay to ask this. A lot of people
17 probably don't know that Troy was at MREP, and he was the
18 moderator there, and could you speak for a few minutes about how
19 you felt about how the science and the management part of that
20 went, as far as with the constituents who were there?

21
22 **MR. FRADY:** Well, having been involved with the MREP Steering
23 Committee, the Marine Recreational Education Program, for the
24 past five years, it has enlightened me to see the need for
25 education. The outreach that the program teaches and what it
26 does for you is it gives you an opportunity to open dialogue and
27 not close doors, but it opens doors, to where you can reach out
28 to fellow fishermen.

29
30 I encourage anyone who has an interest in educating and
31 bettering themselves and wanting to know how federal fisheries
32 are managed -- I encourage people to participate, and there is
33 actually an opportunity for a few people to join that, but
34 everyone that I've seen come through the program, I have seen
35 them sit there in their chairs with their arms crossed at the
36 beginning of the meeting, which means I am not willing to accept
37 anything you're saying and they've closed off all dialogue, but,
38 after a couple of days in the MREP program, I have seen people
39 start relaxing and kicking back in their chairs, and they
40 started interacting and asking questions. Why? Because they
41 became educated on how federal fisheries is managed and how it
42 works.

43
44 I think it's probably the best program that I've ever seen,
45 because it takes the average person, and it diffuses and puts us
46 all in a neutral environment, to where we can learn and
47 understand from each other, and I'm real proud to be a part of
48 that program. Thank you.

1
2 **MR. WALKER:** Thank you.

3
4 **EXECUTIVE DIRECTOR GREGORY:** I would ask anybody testifying, if
5 they're a graduate of MREP, to just mention that. I know Mr.
6 Zurbrick was, and there is some notices in the back about the
7 upcoming workshops. We just got these this week, and so take a
8 look at that and consider applying for sitting through the
9 workshops. Thank you.

10
11 **CHAIRMAN BOSARGE:** Thank you. Next, we have Mr. Wayne Werner,
12 followed by Mr. Mike Eller.

13
14 **MR. WAYNE WERNER:** Good afternoon. I'm Wayne Werner from
15 Alachua, Florida, owner of the Fishing Vessel Sea Quest. I've
16 been fishing out of Leesville, Louisiana for thirty-two years.
17 I would like to say that this is our tenth year, ten years, with
18 the IFQ system.

19
20 What you don't see up here is you don't see 90 percent of the
21 fishermen coming up here and telling you how bad of a system it
22 is and how it needs all this work. You don't see that. All we
23 see is a lot of positive things. You hear positive things from
24 the people.

25
26 I was part of the IFQ panel and, the use-it-or-lose-it, we were
27 concerned about the environmentalists holding our fish. We
28 didn't do it. I mean, we wanted it, and the council didn't do
29 it. You know, I've been watching this process go along, and we
30 have a good system. We have a lot of trading going on, but it
31 sounds like it wants to be kind of interrupted and messed with
32 in a way that isn't healthy.

33
34 It sounds to me like you want to kind of stop me from leasing
35 any fish, which I always do to address bycatch in the eastern
36 zone, and then, if I broke my leg and I didn't use the fish,
37 then you're going to take them away from me. How does that make
38 any sense? I mean, I just don't see it. I don't see where you
39 all are headed with this amendment. I don't see where it's
40 good.

41
42 On the other hand, it's appropriate that it's Groundhog Day,
43 because, when you look at the recreational fishery, it's
44 definitely Groundhog Day. We're twenty years or twenty-five
45 years into the same program, doing the same thing over and over
46 again, and it's not working. You need to move forward. You
47 need to use some inventive ideas, and you need to get with the
48 program.

1
2 I just can't believe that the only option that you can come up
3 with is trying to reallocate fish. There has got to be other
4 ways, other ways to address problems, and that can't be it. As
5 far as the mackerel, I like status quo. I would like to see it
6 left alone.

7
8 With my last few seconds, I would like to make one comment about
9 the VMS system. I have a CLS system on my boat, and it was down
10 for almost six weeks last year. You have to have a backup. You
11 have to have something to back it up. In my case, I wasn't
12 allowed to go fishing during that six weeks, and so I want you
13 all to keep that in mind. Thank you.

14
15 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Mike
16 Eller, followed by Mr. Tom Wheatley.

17
18 **MR. MIKE ELLER:** Madam Chair and council members, thanks for the
19 opportunity to speak. I'm Mike Eller, a thirty-five year
20 veteran charter boat fisherman from Destin, Florida. I am here
21 in support of ELBs. I have an ELB on my boat. It's been on my
22 boat for a little over a year now. It takes me about one
23 minute, and that is no lie, one minute, to do my fish report.
24 It is very, very, very simple.

25
26 I do it on the way in, and it's no big deal. If I forget about
27 it, I do it on the way out the next morning. It's important
28 that we have daily reporting. The other thing that is important
29 is for us to push aside the naysayers and for us to finally --
30 All we hear from the naysayers and the bogeymen is how expensive
31 it is and how terrible it's going to be and what a burden it's
32 going to be.

33
34 I can remember my grandfather distinctly telling me that he was
35 not going to wear a seatbelt, that he didn't believe in it and
36 he thought it was dangerous. He thought it was terrible, but
37 you know something? If you want to drive your car, you're going
38 to wear a seatbelt. If you want to drive your car, you're going
39 to submit to alcohol testing when the police pull you over. If
40 you want the privilege of having a federal permit and fishing in
41 the EEZ of the United States of America, then you need to report
42 your fish on an approved electronic device that is attached to
43 the boat.

44
45 It can be on something, but the antenna has got to be on the
46 boat. It's got to be attached to the boat, and so it's very
47 important. I have been coming to meetings for a very long time,
48 and we've spoken about this for a very long time, and let's

1 please move the ball forward. Technology has caught up with us
2 to allow us to do this now, and so we need to move it forward.

3
4 It's no big deal to do an electronic logbook. Last year, they
5 were giving away VMSs, CLS was. Anybody in Panama City that
6 said they can't afford one and it's a burden, they could have
7 got one for free, and maybe they chose not to.

8
9 Anybody that doesn't want a -- It doesn't have to be a VMS. If
10 a VMS is the big holdup, then let's do something else, but, if
11 you don't want a VMS on your boat, it's because you're doing
12 something illegal. It's because you are so stuck in the past or
13 you are doing something illegal that you don't want big
14 government to -- Just like Captain Jim Zurbrick said, everybody
15 thought that VMSs were this terrible thing on the commercial
16 boats, and low and behold, they weren't. Thank you very much.

17
18 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Tom
19 Wheatley, followed by Mr. Bubba Cochrane.

20
21 **MR. TOM WHEATLEY:** Good afternoon. I'm Tom Wheatley. I live,
22 work, and fish in Tampa, Florida. I am here representing the
23 Pew Charitable Trusts. We're in support of final passage of the
24 charter/for-hire electronic logbook amendment. As outlined in
25 our letter that we sent last Monday, we think it's important
26 that stakeholders are involved in the design and also the
27 implementation of the program after the regulations are
28 approved.

29
30 We would recommend that potentially the council create a working
31 group of NOAA staff and council staff and experienced charter
32 captains and others that would essentially allow the
33 stakeholders to have a seat at the table as this process
34 actually moves forward.

35
36 As we all know, when this program is implemented, it has the
37 potential to improve the quality and the timing of the data in
38 the charter/for-hire sector. It can improve estimates of
39 discards and release mortality that can be used in stock
40 assessments, and it can also potentially allow for responsive,
41 in-season management changes, and I think mainly, most
42 importantly, as we're hearing here today at the podium for many
43 of the stakeholders, is that it can increase confidence in the
44 data that's being used to make management decisions.

45
46 Ultimately, as management certainty, over time, decreases or
47 wanes, because of steps like this with using electronic logbooks
48 and other things that need to happen, of course, we can see the

1 buffers that we're using between our annual catch targets and
2 our annual catch limits decreased, and I think that's a goal
3 that a lot of us share here, is actually providing more
4 recreational fishing opportunities for folks like myself and
5 others who actually utilize the charter/for-hire sector to get
6 out on the water. That's all I had to say. I appreciate your
7 time, and thank you for your hard work.

8
9 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Bubba
10 Cochran, followed by Mr. Chris Horton.

11
12 **MR. BUBBA COCHRANE:** My name is Bubba Cochran, from Galveston,
13 Texas. I'm a commercial fisherman and a federal charter boat
14 permit boat owner and President of the Reef Fish Shareholders'
15 Alliance.

16
17 The red snapper IFQ will not be improved with Amendment 36B.
18 This amendment is so restrictive in nature that, if anything,
19 it's going to cause real problems for commercial fishermen. I
20 think this will be made clear when the amendment goes out for
21 public comment and my sentiments are echoed by other commercial
22 fishermen, particularly those who lease allocation to run their
23 business.

24
25 Back in 2007, when the red snapper IFQ was implemented, my first
26 thought was how are we going to get people to lease out
27 allocation? Now, ten years later, this council is trying to
28 keep individuals from leasing out red snapper allocation or make
29 it so difficult that they don't bother.

30
31 I don't lease out any of my allocation. I catch every pound on
32 my boat, personally. Now, if everyone who had shares did the
33 same thing, I guarantee that 36B would look a lot different.
34 Instead of restricting leasing, it would be forced, so other
35 fishermen, including new entrants, could have access. I don't
36 hear much complaining about shareholders leasing out allocation
37 to fishermen that want it. I probably hear more complaints that
38 I don't lease out my allocation.

39
40 In yesterday's council discussion on 36B, the concept of use-it-
41 or-lose-it was brought back up. I thought this idea had been
42 put to rest some time ago. The original fear was recreational
43 groups or some NGO might buy up large amounts of shares and not
44 harvest them and basically shelve them. It had nothing to do
45 with people leasing too much of their quota and not catching it
46 themselves.

47
48 In my opinion, as long as the quota is being harvested, it is

1 being used, whether by the original shareholder or by someone
2 who has leased it. The bottom line is 36B is going to be a mere
3 technicality. I believe Dr. Crabtree said it best yesterday,
4 that people will find loopholes around these restrictions, and I
5 think it is likely the very fishermen that are being perceived
6 as taken advantage of are going to pay the price.

7
8 On corals, I believe it's important to protect corals. I also
9 believe it's important to protect commercial fishermen's
10 historical access to fishing grounds. There must be a way to
11 work together to maintain both, instead of choosing one or the
12 other.

13
14 Charter/for-hire, I would like to see the council continue to
15 make progress with the Charter/For-Hire AP. I also like the
16 idea of the cyclical distribution approach for charter boat
17 allocation and continued development of electronic reporting.
18 Thank you.

19
20 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Chris
21 Horton, followed by Mr. Dale Woodruff.

22
23 **MR. CHRIS HORTON:** Thank you, Madam Chairman. I will be quick.
24 I just want to speak, real briefly, on Amendment 29. We can't
25 support this amendment at this time. There seems to be a lot of
26 uncertainty, not the least of which is how many fish we're
27 actually landing. I mean, there seems to be at least some
28 indications, from the new and improved MRIP, that we may be
29 landing more fish than what we think we are now.

30
31 When we have a better picture, maybe that margin of what we're
32 leaving in the water is not quite as big as it seems. To that
33 point, leaving fish in the water, the whole optimum yield thing
34 -- From a recreational angler's perspective, we don't have to
35 maximize -- We don't fish to maximize every fish that we can
36 harvest or take out of the water.

37
38 There is value in those fish being left in the water. There is
39 value to encountering those fish. Whenever you go to the Gulf
40 and there is no other season open, you can at least go out and
41 catch kingfish with the family, and so there's value in that.
42 How we measure that value, we don't do a very good job of that,
43 and I think it's something that we need to put some emphasis on,
44 in how do we get a handle on what is the true value of a fish
45 left in the water or fish harvested for the recreational
46 community.

47
48 It's not easy when you don't have a market to sell the fish to

1 and to count, from an economic perspective. Then the third
2 reason is just from process. The AP, it seems like they,
3 overwhelmingly, support the no-action alternative here, and so,
4 anyway, thank you for your time.

5
6 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question from Dr.
7 Frazer.

8
9 **DR. FRAZER:** Chris, thanks for the comments. I just wanted to
10 know what your affiliation was.

11
12 **MR. HORTON:** I'm sorry. The Congressional Sportsmen's
13 Foundation.

14
15 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Dale
16 Woodruff, followed by Mr. Billy Neff.

17
18 **MR. DALE WOODRUFF:** Good afternoon. I'm Dale Woodruff, out of
19 Orange Beach, Alabama. I have two boats, one multi-passenger
20 and one six-pack that is dually-permitted. Right now, I'm going
21 to speak for the Alabama Charter Fishing Association.

22
23 We, the members, are in full support of an affixed ELB system in
24 our industry in Orange Beach and for the industry in the Gulf of
25 Mexico. We have been asking for this, some type of system, some
26 type of real-time data, for years now, ten years, or maybe even
27 longer. I don't know.

28
29 NMFS has neglected and failed with the amberjack, and NMFS has
30 neglected and failed with the triggerfish. Now we're looking at
31 being neglected again if we don't get these ELBs on the boats
32 and get some real-time data.

33
34 Now I'm going to step back and speak for myself now. Amendment
35 41 -- You can't pass Amendment 42 without 41, multispecies. It
36 sounds good and sounds great. I would like to see what we're
37 going to get out of it before I fully support it, but I am in
38 favor, but, full support, I would like to see kind of what we're
39 looking at.

40
41 To me, people that don't want the ELBs on their boats -- Some of
42 them may have been fishing for years and some of them may just
43 be getting into the industry, but we've got to move forward,
44 guys. It's 2017.

45
46 People complain about things not working. I mean, they hop on
47 their boats and they've got \$60,000 worth of equipment, or they
48 may have \$500 worth of equipment, but they're going out in the

1 Gulf of Mexico and going fishing no matter what. If there is a
2 problem with being able to afford one of them, call me. I will
3 pay for it myself.

4
5 This is how strongly I feel about having some real-time data.
6 I've got seven kids. One of these things costs about three-
7 grand. I'm not going to pay for it monthly, but I will put it
8 on your damn boat. That's how strong I feel about this. It's
9 time to move on. How many more days, how many more years, are
10 we going to keep doing this? Sorry for being a little too
11 passionate.

12
13 I'm worried about not being able to catch all the fish for the
14 charter/for-hire. I know I ain't got much time left, but, when
15 the time for recalibration and reallocation comes up, I would
16 hate for the charter/for-hire to lose fish because they're not
17 able to catch at least 90 percent of what's out in the Gulf of
18 Mexico, which we should be able to catch. Instead, the private
19 recs keep the good fishing and they get the state seasons, and
20 so they get to overfish, and the charter/for-hire gets punished
21 again. That's got to stop. Thank you.

22
23 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Billy
24 Neff, followed by Mr. Mike Colby.

25
26 **MR. BILLY NEFF:** Good afternoon. My name is Billy Neff, and I'm
27 with Class Act Charters in Orange Beach, Alabama. We have two
28 boats. One of them is dually-permitted. I am definitely for
29 the electronic logbooks on all charter/for-hire vessels. They
30 work. We have them now and we use them. We have used it -- I
31 have used it with the commercial side and the charter side.
32 We've got to get data. It's the best way to get the data that
33 we have to have so that we can make the decisions that we need
34 to make.

35
36 We have used it since June of last year, and I ran a trip seven
37 days ago, where, on that electronic logbook, I reported that, on
38 a six-hour trip with four people fishing, we caught and released
39 108 triggerfish. That is insane, but I was able to report it.
40 108 triggerfish and forty red snappers, and we got to keep about
41 seven fish on a six-hour trip.

42
43 If you can't report those kinds of things, then we can't make
44 the decisions we need to make, and so we've got to have these
45 electronic logbooks. They work. Some of us are using them now.
46 They are very simple to use, and I don't know why anybody
47 wouldn't want one. I support 41 and 42 and hope it moves
48 forward, and thank you for your time.

1
2 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Mike
3 Colby, followed by Mr. Mike Thierry.

4
5 **MR. MIKE COLBY:** Thank you, Madam Chairman and council. Thanks
6 for taking my comments. In case there was anybody that missed
7 it, and it's been out in the hallway, and this is it. This is
8 the VMS unit made by CLS. You can stick it right on your
9 console. It's about the size of a kitchen match box and that's
10 it.

11
12 The interesting part of this unit is that the information flow
13 from this to the satellite is ID protected. The position data,
14 the sensitive position data, plus the catch reports, go through
15 that protected pathway from the satellite right to the
16 processing center, and it is mounted with a negative ground,
17 twelve-volt system. It draws about one-half to three-quarter
18 amp, about the same as a festoon bulb on a small boat in your
19 bathroom. It's not much.

20
21 For my money, for my security, I prefer an ID-protected
22 satellite pathway versus one where we have a data logger of some
23 sort in an archived smartphone or tablet, where I then produce
24 that data through the cellular environment, AT&T or T-Mobile or
25 wherever it goes. That is a personal observation. I mean, any
26 fisherman in here can take that one and massage it around any
27 way they want, but, for me, I prefer that sensitive vessel
28 position going through a satellite pathway versus a cellular
29 network.

30
31 Quickly, on Monday, Dr. Stokes was asked a question, and correct
32 me if I'm wrong, but, Robin Riechers, I think it was your
33 question. It was about why, in our ELB project, there might be
34 10 percent or so that are not reporting, and I think she
35 indicated that she would prefer to have that passed on to Bob
36 Gill. Since Bob Gill isn't here, I thought he wouldn't mind if
37 I just jumped in on that one, because I don't think she fully
38 answered that.

39
40 I believe, and I say this guardedly, but I'm sure there is a
41 very small number of fishermen that probably just game the
42 system. Hey, I got a free VMS and I'm out of here, but the
43 overall majority of our fishermen just got overwhelmed. I think
44 they saw that -- They didn't go to the training sessions and
45 they didn't go online to the training videos, and they got
46 overwhelmed, and it just slipped right out their pathway.

47
48 The larger question is the frequency of reporting. As she tried

1 to put together in a presentation, matching a trip to a report,
2 and that's pretty important, and that goes back to the frequency
3 of reporting, and one of the solutions was to increase frequency
4 of reporting by using a downloaded ping to the tablets, and that
5 software, in this particular tablet that goes with this unit,
6 it's already there.

7
8 You can ping a boat on a hail-out and hail-in an eighth of a
9 mile from the dock, and for me, that's right around the fuel
10 dock. For most people, they can turn around and shout at the
11 dock from that distance, and so I think you can increase the
12 frequency and pull together that three-hour, plus or minus,
13 variable that she mentioned, that they tried to use as an
14 equation to account for that lack of understanding of putting a
15 trip to a report. That would be an excellent way to do it, and
16 we could do that right now on our project. Thank you.

17
18 **CHAIRMAN BOSARGE:** Thank you. Hold on just a second, Mr. Colby.
19 We have a couple of questions for you. Mr. Riechers.

20
21 **MR. RIECHERS:** Mike, I appreciate you thinking that I asked that
22 question. I think it was someone else, but I do have a question
23 for you. My question is, and because some folks have suggested
24 that there are people saying they don't want ELBs -- I will be
25 honest. I don't know what you're hearing, but I'm going to ask
26 you. Is that what you're hearing, because that's not what I am
27 hearing.

28
29 **MR. COLBY:** No, I will tell you, and I will dial this back a
30 year-and-a-half ago, when I got on the phone and called over a
31 hundred fishermen in the eastern Gulf, and there was a minority
32 of them, a very small minority, that hung up on me. The minute
33 I used the words "data collection", they just hung up.

34
35 There was another small minority that said, look, I've been in
36 this business for a lot of years and I don't want to be bothered
37 with this, and then there was a larger group of those hundred or
38 so people that I called that said that I see the value in doing
39 this and I understand this and, as long as the platform is
40 reasonable, I will do it. Then you had the rest of them that
41 said bring it on and let's do ELBs.

42
43 **MR. RIECHERS:** Thank you for confirming that, because that's
44 what I am hearing, is that the discussion is surrounding the
45 platform and exactly when we report to reduce recall bias and
46 not I don't want them.

47
48 **MR. COLBY:** Yes, right.

1
2 **CHAIRMAN BOSARGE:** Just a second, Mr. Colby. Mr. Boyd has a
3 question for you.
4
5 **MR. BOYD:** Mike, thank you. That is the first time I've seen a
6 real VMS. What is your keyboard that you enter the data in.
7 What do you use?
8
9 **MR. COLBY:** It's a Google tablet that was specially designed for
10 the project. It has internal parts that are vibration resistant
11 and a weatherproof coating and vibration coating around it.
12 It's about the size of -- It's smaller than a Kindle Fire, if
13 any of your kids have those kinds of things. It's about that
14 big, about like that.
15
16 **MR. BOYD:** Does it physically attach to the VMS?
17
18 **MR. COLBY:** No, sir. The minute you turn the tablet on, it
19 powers up and makes a Wi-Fi connection that is unique to the
20 boat to this box, and it doesn't matter if you're eighty miles
21 offshore or if you're sitting at the dock. As long as you're
22 within about fifty feet of your boat -- There it is. This is
23 the tablet.
24
25 As long as you're within about fifty feet of your boat, you will
26 get that Wi-Fi connection, and we did that on purpose, because
27 we didn't want Hooters Restaurant or Starbucks Wi-Fi clogging
28 the system up, and so it is Wi-Fi unique and unique to the
29 vessel with its own TID number.
30
31 **MR. BOYD:** Thank you.
32
33 **MR. COLBY:** You bet you.
34
35 **CHAIRMAN BOSARGE:** One more. Hang on, Mr. Colby. Mr. Anson.
36
37 **MR. ANSON:** Thank you, Madam Chair, and thank you, Mike, for
38 being here. I want to understand what you said during your
39 three-minute testimony. At the end, you mentioned something
40 about within an eighth of a mile of where the boat is normally
41 docked and it would sense that you're crossing the line, so to
42 speak, and you left your home port, your dock, your home dock,
43 and then you crossed a line that would send a ping saying the
44 vessel just left, and then it would do the same thing on the way
45 back, and is that what I heard you say?
46
47 **MR. COLBY:** Yes, and, right now, this tablet already has that
48 software downloaded to it. We can do that right now, and, after

1 listening to Dr. Stokes's presentation, particularly with how
2 one of the problems in that calibration of the data was matching
3 a trip to a report, and, if you remember one of the two slides,
4 she indicated on there that one of the ways that she got around
5 this in the initial calibration process for her was using the
6 three-hour, plus or minus, window of when that vessel was pinged
7 on the one ping per hour.

8
9 That's as close as she could get, and so there is a way to
10 increase trip reporting frequency. There's a way to do that
11 right now, and I will probably say that, in the second year of
12 this ELB project, we're going to do that. It could be an eighth
13 of a mile or it could be 400 feet. It's whatever, and it does
14 fall back to the configuration of your home port.

15
16 For me, an eighth of a mile is -- I can throw a stone and hit
17 our fuel dock at the Clearwater Marina, and that will be a
18 special ping, one that is injected other than the one ping per
19 hour that fishermen will get off of a traditional VMS as they
20 move through their fishing trip.

21
22 **MR. ANSON:** Just, again, a point of clarification. You held up
23 the pad and said the software is capable, but the pad can be
24 turned on and off, and so it's really coming through the VMS,
25 the other thing that you had in your pocket that you showed
26 earlier. It's actually going to be checking, as that is affixed
27 to the vessel and the vessel moves, it's that unit that's
28 actually going to ping and not the handheld tablet that has to
29 be activated or it can be turned on and off, correct?

30
31 **MR. COLBY:** I haven't -- I should have dug deeper into that, but
32 that's a good question, because, right now, I can leave the dock
33 and I don't turn my tablet on until I'm ready to go home. I've
34 just got it in a bag in the bunkroom, because, right now, I am
35 leaving and my hail-out is whenever I get pinged. Then I come
36 back in, and I'm usually reporting three or four miles off the
37 beach.

38
39 That is when I turn this on and make the Wi-Fi connection and
40 then go and put in my time. I am estimating that I will get
41 there at 14:30 or something like that. I will say this
42 cautiously, and the CLS people, one of their techs, may answer
43 it better, but I believe, to get that special ping, that in the
44 morning that you would have to simply just turn the tablet on
45 and set it aside. You wouldn't have to go monkeying around with
46 it. Just turn it on so that it makes a Wi-Fi connection to the
47 transmitter. Thank you.

48

1 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Mike
2 Thierry, followed by Mr. Skipper Thierry.

3
4 **MR. MIKE THIERRY:** Thank you, all. I'm Captain Mike Thierry
5 from Dauphin Island, Alabama. I've been fishing, charter
6 fishing and headboat fishing and commercial fishing, for over
7 fifty years from Dauphin Island.

8
9 Charter and headboats want and need the electronic logbooks.
10 It's just time to do it, folks. We need this so that we can get
11 good and timely data, so we can better manage the for-hire
12 sector. Electronic logbooks will help make the for-hire sector
13 more accountable, which we all seem to want.

14
15 I have had no problems with my electronic logbook that I have
16 now, the CLS. It takes me, and I'm pretty slow, three to five
17 minutes to program in what my day was. So far, it has been
18 absolutely no problem. As a matter of a fact, I have enjoyed
19 looking back on what I've caught and keeping the records and
20 stuff like that.

21
22 No action on the king mackerel. I don't feel like there should
23 be any allocation shifts at this time and just status quo with
24 the king mackerel. There is too much uncertainty in it.

25
26 The triggerfish population has increased dramatically. I can't
27 answer why. They are just there. They're really a nuisance
28 now. It's time to reassess this triggerfish data as soon as
29 possible, so we will be able to catch some of these fish that
30 are out there.

31
32 You need to leave the red snapper commercial IFQ system alone.
33 It is working. It's great for the fishery and the fishermen
34 using this fishery who depend on it. If it's not broke, let's
35 don't try to fix something that's not. Let's not waste time on
36 this. It's valuable time that seems like it could be used
37 somewhere else that would go to a better use.

38
39 We need to move forward with Amendments 41 and 42 and include
40 multispecies in these amendments. The for-hire industry
41 desperately needs the amendments to move forward as quickly as
42 possible to get much-needed stability, both economically and
43 socially in the for-hire sector.

44
45 Folks, we make a living at this. This is how we pay our bills.
46 This is how we -- We have a substantial investment in our
47 business. We're proud of what we do. I don't know how that
48 enters into it, but this is how we pay our bills. It's how I

1 put my kids through school and how I'm able to do what I'm able
2 to do. The fish is great, but we're small business people that
3 make a living at this. Thank you, all.

4

5 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question for you
6 from Mr. Boyd.

7

8 **MR. BOYD:** Thank you, Mike. You're a commercial fisherman, and
9 you're dually-permitted, right?

10

11 **MR. M. THIERRY:** I have through the years, but, no, sir, not
12 now. I decided not to proceed with it, but, through the years,
13 I have done it.

14

15 **MR. BOYD:** Okay. I think you have insight though. You said
16 that you're not for Amendment 29, the shift in allocation for
17 mackerel, because of uncertainty.

18

19 **MR. M. THIERRY:** In the status of the stock, yes, sir.

20

21 **MR. BOYD:** All right. Do you have other reasons? I would like
22 to know if you have one or two other reasons that you're not for
23 it other than just the uncertainty in the stock.

24

25 **MR. M. THIERRY:** This year, mackerel wasn't as good as I feel
26 like what it should have been. We had some nasty water move in,
27 and that affects our mackerel fishing, but I am not so sure the
28 stock is where we think it's at.

29

30 **MR. BOYD:** Thank you.

31

32 **MR. M. THIERRY:** Yes, sir.

33

34 **CHAIRMAN BOSARGE:** Next, we have Mr. Skipper Thierry, followed
35 by Mr. Robert Spaeth.

36

37 **MR. SKIPPER THIERRY:** Good afternoon. I am Skipper Thierry, a
38 charter boat and headboat out of Dauphin Island, Alabama. I
39 don't support any reallocation of the mackerel either. The
40 mackerel in our area, and I can't speak to the whole Gulf, but,
41 in our area, they've been smaller and fewer each of the last few
42 years. The answer to that doesn't seem to be to catch more of
43 them commercially or recreationally. That doesn't seem like
44 that would be helpful.

45

46 I support the longline EFP. Allow fishermen to help solve their
47 own problems, especially when it's as well thought out as this
48 EFP seems to be. Also, if it's successful, incorporate it into

1 their management plan.
2
3 Use the headboat EFP as a model to move Amendments 41 and 42
4 forward. The only negative that I am aware of in the headboat
5 EFP was that it wasn't inclusive enough. More people wanted to
6 do it. The ones that weren't in it, or some, weren't happy
7 about that.
8
9 Please include the five species in 41. A multispecies approach
10 would be more effective for providing the most access to the
11 public. Focusing on red snapper does not meet the needs of the
12 charter or headboat fleets, and that is very glaringly obvious
13 from the multiple closures that we're going to have this year.
14
15 Please continue to explore the cyclical redistribution of fish
16 as it was presented at the joint AP meeting. The idea was well
17 received by almost everyone there and many people that I've
18 shared that idea with since then. Please reconvene the charter
19 and the headboat panels separately though, as soon as possible,
20 before everyone gets busy for the summer. Both panels still
21 have lots to work on.
22
23 Everybody has said it, and everybody knows it. Electronic
24 logbooks are long overdue. Please move forward with the ELBs
25 for all charter/for-hire. Daily reporting before you land your
26 fish seems to be the most accurate reporting method, and the
27 ELBs we used in the Headboat Collaborative just took a minute or
28 two a day and gave very little trouble.
29
30 Please don't focus your time on tearing down the commercial IFQ
31 program. I mean, a year-round, multispecies system that doesn't
32 overfish and is safer for the user and better for the fish and
33 the fishermen doesn't seem to need a whole lot of adjustment.
34 As a matter of a fact, I'm a little jealous of it. I would like
35 to see you all focus instead on solutions that will allow the
36 charter and the recreational sectors to have those same
37 opportunities. Thank you, all.
38
39 **CHAIRMAN BOSARGE:** Thank you, sir. Just a second, Skipper.
40 We've got a question for you from Dr. Crabtree.
41
42 **DR. CRABTREE:** Hi, Skipper. On the electronic logbook and the
43 positioning part of that, do you believe that it's important
44 that some portion of that be affixed to the vessel, to verify
45 where --
46
47 **MR. S. THIERRY:** I think it has to be affixed to the vessel, for
48 accuracy. Whether that's just the GPS or the VMS, and it

1 doesn't make any difference to me, but it's got to be there for
2 the accuracy, I believe.

3
4 **DR. CRABTREE:** Okay. Thank you.

5
6 **MR. S. THIERRY:** Thank you, all.

7
8 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Robert
9 Spaeth, followed by Mr. Bobby Kelly.

10
11 **MR. ROBERT SPAETH:** Thank you, council members. My name is Bob
12 Spaeth from the Southern Offshore Fishing Association, and I
13 want to talk a little bit about the VMS. There have been a lot
14 of positives that came from the VMS system, but, when we first
15 started it, I was one of the people that helped negotiate it,
16 and we were promised that it would be only used for enforcement
17 purposes only. A couple of times, we had issues with it, and we
18 have discussed it.

19
20 The other day, a newspaper article came out in the *St. Pete*
21 *Times*, and I want to read a little excerpt from it: Commercial
22 fishermen carry satellite trackers that show each hour of each
23 day where they are. The scientists will combine that data with
24 entries in the fishermen's logbooks showing where their catches
25 were landed, et cetera, et cetera.

26
27 Well, we understand that you all need good science and you're
28 using VMS data that you said that you weren't going to use, and
29 we can deal with it, but the big problem is that I've got a
30 document, and here it says "red grouper commercial hotspots" and
31 that concerns us, and my phone blew up.

32
33 What I think would be good is if we could figure out, and I know
34 that other people are looking at the VMS system, that you give
35 some real guidelines of what information is going to be used and
36 how it's going to be used, so that information that these people
37 have created over the years and years -- We used to have a LORAN
38 book that we carried around, and everything has gotten so
39 sophisticated now. Times change, but we would hope, as you move
40 forward, that you, council, would put up some guidelines,
41 possibly, to take that into account.

42
43 One of the other things that I will mention quickly is that
44 we're very concerned in the grouper fishery that you have
45 removed so much capacity, through different regulations. We've
46 got turtles and we have the IFQ program, et cetera. Now we
47 can't catch what we've been allocated. Then, yesterday, I heard
48 the use-it-or-lose-it, and that would even complicate things

1 further. If we couldn't catch it, what would happen? It brings
2 up all of those questions, and we hope that we come up with some
3 good solutions other than the use-it-or-lose-it. Thank you very
4 much.

5
6 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Bobby
7 Kelly, followed by Mr. Johnny Williams.

8
9 **MR. BOBBY KELLY:** Good afternoon, council. My name is Bobby
10 Kelly. I own and operate a dual-permitted vessel in Orange
11 Beach, Alabama. I charter boat in the summer and spring and
12 fall, and I commercial fish in the wintertime, to supplement my
13 income.

14
15 I want to first address Amendment 41 and 42. Henry Ford once
16 said that if we move forward together that success will take
17 care of itself. I would like to see 41 further developed, only
18 to be implemented at the same time as 42. We cannot leave the
19 largest majority of the fleet behind to satisfy just a few
20 businesses.

21
22 In doing so, in developing 41, I ask that you try and implement
23 the multispecies approach into it. I believe that's favorable
24 after this year that we've seen the closures on amberjack and
25 triggerfish.

26
27 I strongly support ELBs in any form. Whatever tool that the
28 council needs to make it palatable to the industry, I support
29 that. I also believe that there should be a part of the system
30 that is permanently affixed to the boat. There is no other way
31 around that. It has to be attached to the boat.

32
33 It takes just a few minutes to report your catch at the end of
34 the day, the end of the trip, and I personally have been asking
35 this council to count every fish, that I am willing to count
36 every fish, since my very first council meeting in July of 2013.

37
38 It's my understanding that this council is wanting to modify the
39 IFQ system. I started commercial fishing in December of 2015.
40 I received a CLS VMS and I leased a reef fish permit, and I
41 acquired allocation that I was allowed to pay for after I caught
42 it. Since then, I've been able to buy my own permit. I
43 actually paid for the \$5,000 worth of safety equipment that is
44 required for the commercial inspection, and I've purchased all
45 of the big commercial fish boxes, the bandit reels and
46 everything. I've got about \$25,000 wrapped up in this
47 investment just to commercial red snapper fish.

48

1 I lease fish. I wasn't around for the inception of the IFQ
2 system. I am not mad and I'm not bitter about it. That's just
3 the breaks. I am happy to have access to the fish that I do
4 right now, but, when you guys start talking about changing this
5 and use-it-or-lose-it, the first thing that's going to get cut
6 out is the little guy like me that just started.

7
8 I don't have history by leasing these fish. I lost fish this
9 year because of the shrinking fish. I wasn't able to get as
10 much as I was. I was happy to have what I did get, but I don't
11 think the council wants to put me out of business. I appreciate
12 you all addressing this and trying to make the system better, I
13 do, but there is other ways to do it.

14
15 The first thing is, if there's a way -- The Alaskans, they can
16 borrow money to purchase IFQ shares. Hey, I borrowed money to
17 start a charter business, and I don't mind borrowing money to
18 purchase shares. No big deal, but we've got to have it
19 federally backed. We can't federally back it as long as we're
20 talking about changing shares and reallocating this and
21 reallocating that.

22
23 I don't want any of their fish, of these shareholders' fish,
24 because, when I'm old and gray like half these guys are, I don't
25 want somebody coming after my fish that I've paid for. Most of
26 this stuff is done as an investment, either monetarily or blood,
27 sweat, and tears is how they got their shares. Other than that,
28 and there is also 14,000 pounds in inactivated accounts. If you
29 all want to help out the new guy like me, dole some of those
30 pounds out. Thanks.

31
32 **CHAIRMAN BOSARGE:** Thank you, sir. I believe we have a question
33 for you from Mr. Banks.

34
35 **MR. BANKS:** I appreciate your testimony. You're the first I've
36 heard of a new entrant.

37
38 **MR. BOBBY KELLY:** Yes, sir.

39
40 **MR. BANKS:** I have heard a lot about the current system doesn't
41 allow for new entrants, and so give me a little bit more
42 information on how you were able to make it work, so that I can
43 better understand whether --

44
45 **MR. BOBBY KELLY:** Permits are available, the commercial permits.
46 They're available and they're out there. You just go and
47 purchase one and put it on a boat, just like I did. I came into
48 it and I leased a permit to start with, and I took all the money

1 that I made in 2016 and reinvested it right back into my boat.
2 I didn't spend a dime of it on myself or personal. I bought a
3 \$10,000 permit and I paid my credit card bill for the life raft,
4 the flares, the EPIRB, and I was actually able to have a little
5 bank rollup to purchase allocation for 2017. January 1, 2016, I
6 shoved every penny I had into purchasing allocation so that I
7 could fish for 2016.

8
9 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Johnny
10 Williams, followed by Mr. Scott Hickman.

11
12 **MR. JOHNNY WILLIAMS:** I'm Johnny Williams from Williams
13 Partyboats, Incorporated, in Galveston, Texas. I'm a third-
14 generation partyboat operator out of Galveston. I would like to
15 urge the council to try to be expeditious and get 41 and 42
16 implemented as quickly as possible.

17
18 I urge 41 and 42 to be two separate documents. I was just at
19 the AP meeting and, as you all know, we had a consensus that
20 they should be operated as two separate documents, rather than
21 one document.

22
23 We're probably a little bit farther along on 41, but we're
24 willing to hold back and -- I'm sorry. We're a little bit
25 behind on 41 compared to 42, but we are willing to slow down a
26 little bit and wait for 41, but we don't want to wait long. We
27 want to get this in place as quickly as possible. We don't want
28 to drive the ball all the way down to the one-yard line and then
29 fumble.

30
31 We believe that 41 should have multispecies. I think that's
32 probably the best way to execute that fishery. We've got
33 multispecies in 42, and I think the participants in 41 desire
34 multispecies as well.

35
36 For these reasons, I think we need to move forward with 41 and
37 42. I think it would be a good idea to convene these panels
38 separately again to work out a couple of issues that were
39 brought up with the joint meeting. I think it was a very
40 productive meeting, and I think that we can iron out some of
41 these minor issues that we have in 42.

42
43 Like I say, it's probably going to be a little bit more of a
44 challenge to accomplish 41, but, the sooner we can convene these
45 things, the sooner we can get them ironed out and be on our way
46 with 41 and 42, which, as you all know, I've been a proponent of
47 for a long time. I thank you very much for the opportunity to
48 address you, and, if you have any questions, I will be happy to

1 accept them at this time.

2
3 **CHAIRMAN BOSARGE:** Mr. Williams, I believe we do have a question
4 for you from Mr. Sanchez.

5
6 **MR. SANCHEZ:** It's not a question, but I just want to say thank
7 you for coming always and testifying and for your willingness,
8 demonstrated willingness, to just come into the joint meeting
9 and everything with a true spirit of compromise. It was
10 something that I was impressed with, in watching everyone. The
11 first day was a little bit of a dustup. Then, the second day,
12 kind of everything coalesced, and I really appreciate that.

13
14 **MR. WILLIAMS:** Thank you, Mr. Sanchez. I appreciate that, sir.

15
16 **CHAIRMAN BOSARGE:** Thank you.

17
18 **MR. WILLIAMS:** Thank you very much, Leann.

19
20 **CHAIRMAN BOSARGE:** Next, we have Mr. Scott Hickman, followed by
21 Mr. Mike Rowell.

22
23 **MR. SCOTT HICKMAN:** Good afternoon, ladies and gentlemen of the
24 Gulf Council. Thanks for letting us speak today. I'm Captain
25 Scott Hickman from Galveston, Texas. I'm a new entrant in the
26 IFQ system. I have both a federally-permitted charter boat and
27 a commercial federal reef fish boat in Galveston, Texas.

28
29 I would like to see final action on the ELB amendment. I know
30 that sounds like a broken record. I've been up here for about
31 ten years saying that, and I can remember Harlon telling me that
32 we were going to get this done before he got off the council. I
33 am kind of thinking we will probably get final action when he's
34 in like an old folks' home or something.

35
36 Anyway, let's move forward with this. We are way past due to
37 get that done. I would like to see the council reconvene the
38 Headboat and Charter/For-Hire APs, so they can finish up their
39 programs, and I would like to see the council look at maybe
40 doing some type of split season on greater amberjacks. All of
41 our amberjacks are being caught in the eastern Gulf, before
42 folks in Texas can even get their boats out. Something has got
43 to be done on that.

44
45 I would like to add an allocation redistribution system in
46 Amendment 41. As far as Amendment 29, the kingfish whatever you
47 want to call it, move fish over to the commercial side, I was
48 just at the inauguration up in D.C., and the one thing that our

1 new President said was to put America first.

2
3 We import a lot of seafood in this country. A lot of it comes
4 from Indonesia, places that are not so friendly to this country.
5 We tried that with oil, and it didn't go real good for us. If
6 we can utilize natural resources that we have here currently
7 that are not being harvested that are usable, we need to be
8 doing that for the American people. That's putting America
9 first.

10
11 The Mexican lanchas, the nice presentation they gave us on that,
12 being somebody that operates all over the Texas coast, we've got
13 a huge, growing problem. It's not just all the illegal fish
14 that are being taken back to Mexico and sold back to us
15 illegally on the market. They're bringing drugs in and human
16 trafficking. It's being funded by the Gulf drug cartels. It's
17 a bad situation.

18
19 Texas Parks and Wildlife is doing a heck of a job trying to
20 fight that. They're doing it in boats that are 1980 model boats
21 on the stuff that can stay all night. They can't even stay out
22 there, except for day boats. When the JEA stuff starts going
23 again and you're looking at doing money, Texas needs a big boat
24 to be able to help this.

25
26 People in the eastern Gulf, your fish are coming from the
27 western Gulf. If they start beating them down on the west side,
28 you're not going to have as many fish coming to the east side,
29 so Florida and Alabama can continue to catch the numbers of fish
30 they've been catching, and so this Mexican illegal fishing thing
31 can grow to the point where it's going to affect everybody.
32 That's it. I appreciate it, and you all have a great day.

33
34 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Mike
35 Rowell, followed by Ms. Lisa Schmidt.

36
37 **MR. MIKE ROWELL:** I'm Mike Rowell from Orange Beach, Alabama.
38 I'm a charter boat operator and owner. I would like to see us,
39 like most everybody has said, go ahead with the VMS. We have
40 them on our boats, most everybody in Alabama does, and we have
41 had very little trouble. I am not going to reiterate most of
42 what everybody has already said, but I am in favor of that.

43
44 I am going to change the subject a little bit, since there's
45 been a lot of good things already said about most of these
46 issues today. I am still frustrated, as a fisherman, with the
47 lack or the lag time in the data and what we're actually seeing
48 out there in the fishery.

1
2 There is a lot of waste going on, and it makes me sick. We've
3 got zero triggerfish this year, and, yes, I would say that the
4 triggerfish population, in my opinion, from what I saw, was down
5 for a couple of years. Now, last year, all of a sudden, and I
6 can't tell you why, but they're everywhere.

7
8 Sometimes we can't catch snapper to get to the amberjack.
9 That's the way it used to be. We would say we would have to
10 beat the triggerfish down to get to the snapper, and it's
11 getting that way again now. There are so many triggers, and
12 they're huge.

13
14 We used to not see hardly any release mortality from
15 triggerfish. Now we're catching so many that we're having
16 release mortality, and so you can't -- It's almost like we have
17 a plan to make sure that we fail, because we are wasting fish.
18 We're just passing up the fish that are abundant and trying to
19 get to the fish that are not abundant, and it just doesn't make
20 sense.

21
22 I wish there was some kind of way that we could figure out a way
23 not to kill the fish that are plentiful to get to the fish that
24 are not plentiful. It just does not make any sense to me. I
25 would love to see some kind of way where we could keep the first
26 ten fish or whatever it is, five fish, some reasonable amount of
27 fish, and keep them and throw them in the boat.

28
29 If they're reef fish, once you get your limit of reef fish,
30 start trolling and do something else. The people would be
31 happy. I would be happy. We would take care of our resource.
32 We wouldn't burn as much fuel. I mean, it would just be better
33 for everybody, all the way around, but, now, we're struggling to
34 bring home a nice catch of fish, and we're watching fish float
35 off behind the boat dead. It makes no sense whatsoever, and I
36 am just as frustrated as I can be about it. That's all I have.
37 Thank you.

38
39 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Ms. Lisa
40 Schmidt, followed by Mr. Jim Clements.

41
42 **MS. LISA SCHMIDT:** Thank you for the opportunity to speak. My
43 name is Lisa Schmidt, and I am the owner of three commercial
44 vessels in Madeira Beach, and this is only the second time to
45 give testimony. Last year, in Clearwater, was my first time,
46 and it's only slightly less terrifying. Besides, I would much
47 rather be packing fish down at the docks than standing up here,
48 but I would like to weigh in on three things that you're

1 discussing this week.
2
3 Amendment 36B, based on what I've heard this week and read
4 online, this amendment doesn't seem to have a clear goal in
5 mind. If the goal is to improve the performance of the red
6 snapper program, there needs to be an explanation of how the
7 proposed ideas will actually do that. Most, if not all, of what
8 I've read seems to be restricting and not improving the program.
9
10 I hope that you spend some time at this meeting and the next one
11 really trying to figure out what it is that you want to do
12 before you dive right in and put the cart before the horse and
13 start to destabilize this fishery.
14
15 Corals, this is a touchy one, but an important one to talk
16 about, and I'm a very avid scuba diver and spear fisherwoman,
17 and I do appreciate the value and the beauty of corals, but I
18 don't think that closing off areas of the ocean is the only way
19 to do this. These are historical fishing grounds, where
20 fishermen have historically done a good job of avoiding corals.
21 Let's find a way to make sure that responsible and selective
22 fishing can continue to take place here in a way that protects
23 these important areas.
24
25 The Shareholders' Alliance EFP, I have been working with Mote
26 Marine Laboratory for over a year now testing cameras on my
27 boats, and I plan to be a part of this EFP. We have worked a
28 lot of the bugs out of the system, and we're still doing it, and
29 data collection protocols, and we're operating pretty smoothly
30 right now.
31
32 This EFP is going to build on the work that my captains and I
33 have done, and I think it's going to be really successful. This
34 is a voluntary program, so that the guys that join are the ones
35 that really want to find a way to catch more of the red grouper
36 we're allowed to, while at the same time avoiding running into
37 sea turtles. I hope you will keep an open mind and recommend to
38 National Marine Fisheries that they work with us to implement
39 this program this summer. Thank you.
40
41 **CHAIRMAN BOSARGE:** Thank you very much, Ms. Schmidt. Next, we
42 have Mr. Jim Clements, followed by Mr. Greg Abrams.
43
44 **MR. JIM CLEMENTS:** Hello. My name is Jim Clements, and I'm a
45 commercial fisherman from Carrabelle, Florida. I would like to
46 address all my comments to Amendment 36B. There is nothing in
47 this amendment that meets the purpose and need or that improves
48 the IFQ program. In fact, most of the options hurt it.

1
2 Mr. Walker asked repeatedly yesterday what problems each option
3 would solve, and not one council member could give an
4 explanation. I have leased 65,000 pounds of red grouper each
5 year since the beginning of the IFQ program. Everyone who needs
6 allocation has arrangements with people who do not fish their
7 allocation.

8
9 If you require shareholders to have a permit, if they can find
10 one, and that's a big if, they would have to buy a boat, a VMS,
11 and they will fish their allocation, and the 65,000 pounds of
12 red grouper allocation won't be available to me, my captain, or
13 my crew. With only the shares that I own, we can't operate, and
14 we will be put out of business.

15
16 I also lease 10,000 pounds of red snapper allocation, which
17 won't be available to me, because they will fish this, too. The
18 10,000 pounds of red snapper that I will incidentally catch will
19 go back in the water dead, and that means that 20,000 pounds of
20 red snapper will be killed and only half will be available to
21 the public. Is this conservation?

22
23 There is a big elephant in this room, and you council members
24 don't want to talk about it, and don't even want to admit that
25 it's here. The name of that elephant is Jealousy. Opponents of
26 the IFQ program are jealous that it works for the benefit of the
27 commercial fishermen, that it provides real-time reporting, that
28 it prevents quota overages, and that it enables commercial
29 fishermen to make a little money. This council should
30 concentrate on things that conserve the fish and protect the
31 fishermen and not destroy them. Thank you.

32
33 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Greg
34 Abrams, followed by Mr. David Krebs.

35
36 **MR. GREG ABRAMS:** I'm Greg Abrams from Greg Abrams Seafood.
37 Roy, you have worked for the government for a long time, and you
38 make a pretty good salary, but you've got a great retirement
39 coming. I lease a lot of fish from fishermen that have retired
40 for independent boats that is young, that is catching pinks and
41 amberjack and b-liners that need that, and I lease fish from
42 some widows that their husbands died and left it to them for
43 retirement.

44
45 The leasing program has worked. There is some young people that
46 is getting into the business in Panama City, and it's enabled
47 them to fish, and we need the leasing program. It's essential,
48 because a lot of them don't have the finances, and so we have to

1 lease them for them and give them 250 to 500 pounds per trip.
2
3 It's a good program. It has worked. Five years ago, when you
4 all made it to the public and anybody could buy them, nobody
5 bought them. Everybody was scared. We didn't want it. You all
6 wanted it, but we didn't want it. The CCA wanted it, but nobody
7 -- We were scared that the environmental groups were going to
8 buy them up and sit on them and tie them up, but it didn't
9 happen, and so nothing has changed. There is no problem, and I
10 don't know who is trying to create this problem, but please
11 continue to work on the leasing program. It's working.

12
13 Next, we've been working on amberjack for ten years here, and it
14 ain't changed. January and February and March, it closes. Then
15 in May and June -- It opens up in June for one month and it's
16 closed. We are derby fishing amberjack, small boats catching
17 1,500 pounds and running in and out. Restaurants won't put it
18 on the menu, because it's not consistent. We've got amberjacks
19 that is getting too big. Seventy or eighty or ninety-pound
20 amberjack, they're everywhere.

21
22 Triggerfish, twelve per boat on an average commercial boat,
23 went, for me, from seventy pounds to a hundred pounds, twelve
24 fish, and not high-grading, not high-grading. That there, you
25 need to work on amberjack and to get it back on the menu, so we
26 don't have to buy them off of the east coast and from Mexico.

27
28 Next, on the grouper, you know a lot of people ain't been here
29 long. Fifteen years ago, we had over 200 longline vessels in
30 the Gulf of Mexico, mostly on the eastern Gulf. 200, and we're
31 down to sixty-four or sixty-seven permits. You all know in June
32 and July and August where the red grouper are at. They're
33 inside of thirty-five fathoms. They're in twenty fathoms, or
34 eighteen to twenty.

35
36 Open it back up, like you do snapper. Go catch your quota where
37 you catch them. It doesn't need to be closed. I don't know why
38 we closed it. I know why we closed it when we put a lot of
39 boats out of business, but now we've got it down to sixty-seven.
40 We could catch the fish, but we've got to go inside to catch
41 them. In the pilot program, if it's there, try and get it to
42 work. Thank you.

43
44 **CHAIRMAN BOSARGE:** Just a second, Mr. Abrams. We have a couple
45 of questions for you. Dr. Dana.

46
47 **DR. DANA:** Thank you, Greg, for your testimony. You have
48 longline operations out of Panama City. Have you had a chance

1 to look over the exempted fishing permit? What it does is, if
2 it goes through, it would allow eight longliners out of Madeira
3 Beach only to test out an electronic video system that would go
4 into that closed area that is partially what you were referring
5 to.

6
7 It would enable those pilot boats to catch or longline fish for
8 the red grouper, but this system, this video system, would be
9 able to survey where the turtles were and hopefully not -- It
10 would be an effort not to impact the turtles, catch the turtles,
11 and do you -- What's your thinking on it, because you've been
12 doing this for a long time.

13
14 **MR. ABRAMS:** I've cameras on my tuna boats, and you've got pros
15 and cons, as far as working. I just want to see the program
16 enacted, because we fished there for so many years, where we
17 caught our quota, and we should be fishing there now, and so if
18 it takes it -- I think everybody should get a chance, a lottery
19 system, to get a chance, because he's in there fishing and
20 you're outside fishing and you're not catching and he is
21 catching, it's going to -- That's the way it bounces, but I
22 think it should be equal, a few boats in the Panhandle and a few
23 boats in south Florida, and mix it up.

24
25 I try to tuna fish in the months that we're pushed outside, but
26 we need to get inside, and the science is there, and the
27 scientists know it's there, but they just don't want us in there
28 for some reason, but you all need to get this program working.
29 It will prove the point, and we will catch our quota then. We
30 won't have so much fish left on the table. We will catch our
31 quota.

32
33 **CHAIRMAN BOSARGE:** Mr. Walker has a question for you too, I
34 believe, sir.

35
36 **MR. WALKER:** Thank you, Greg. I have two questions. About the
37 gag, twenty-two or twenty-four inches?

38
39 **MR. ABRAMS:** Me in the Panhandle, we had a great year, and I'm
40 twenty-two. That way -- If you go to twenty-four and you've got
41 to throw him back, he's not going to make it back. You can vent
42 him, and he won't make it. He will go back belly-up. Then
43 you've got discards, and that's not what we're trying to achieve
44 here, and so I'm twenty-two. We came close to this year to
45 filling the quota.

46
47 **MR. WALKER:** Also, on king mackerel, do you have any comments on
48 the king mackerel?

1
2 **MR. ABRAMS:** Yes. The eastern Gulf got treated like the red-
3 headed stepchild. We ain't -- By the time the king gets here,
4 and they just get here, and the season is closed and we haven't
5 got our quota yet, and we got it taken away like seven or eight
6 years ago, and there is plenty of king mackerel.

7
8 I think, in Monroe County, they keep their kings and the
9 fishermen in the Gulf keep their kings and no swapping. You
10 don't need to swap fish. That causes chaos and a lot of
11 paperwork. Leave it like it is, but the eastern Gulf needs
12 their fair share of king mackerel. It will take the pressure
13 off of other species, because there is plenty of king mackerel.
14 Thank you.

15
16 **CHAIRMAN BOSARGE:** Thank you. Next, we have Mr. David Krebs,
17 followed by Mr. Richard Fischer.

18
19 **MR. DAVID KREBS:** Thank you, Madam Chair and council. My name
20 is David Krebs. I own Ariel Seafoods in Destin, Florida, and I
21 also have a fish house in Sebastian, Florida, on the east coast.
22 I buy king mackerel on the west coast, the east coast, the
23 western Gulf, and the Panhandle of the Gulf.

24
25 I am going to start my comments today, and I hope that I can
26 read through this. My good friend, Steve Rash, sent you all an
27 email. He owns Water Street Seafoods, and he asked me to read
28 his statement. He wanted to come over here, and he has promised
29 to be more involved in the future. Here it goes.

30
31 My name is Steven Rash, and I owned and operated Water Street
32 Seafood in Apalachicola for over thirty years. Water Street
33 Seafood employs sixty people and processes and distributes
34 seafood to customers all over the country.

35
36 One of our main markets is the Gulf Coast. Water Street Seafood
37 buys fish from over twenty boats and from many other fish
38 dealers on the Gulf Coast to distribute to the restaurants on
39 the Gulf Coast. Of these, locally-harvested grouper and red
40 snapper are the two most popular products. Tourists and
41 visitors come to the Gulf Coast to enjoy our local seafood, and
42 snapper and grouper are the top two items that the restaurants
43 need to offer to our visitors.

44
45 The IFQ programs implemented in the red snapper and
46 grouper/tilefish fisheries have stabilized our supply and access
47 to these fish. Water Street Seafood has invested millions of
48 dollars to ensure that we have quotas for our boats. Any

1 restriction on use of the shares and allocations would have a
2 disastrous effect on Water Street Seafood.

3
4 The system is working, and there is no need to change it now.
5 Market price for shares and allocations have been established.
6 If restrictions are imposed on the use and transfers of shares
7 and/or allocations, Water Street Seafood itself stands to lose
8 millions of dollars and dozens of jobs.

9
10 In addition, our fishermen will lose millions of dollars in
11 quota value, as well as many other jobs. Hundreds of jobs are
12 at risk in the restaurants and markets that depend on the
13 commercial fishermen and the snapper and grouper they produce.
14 Steve just wanted me to convey that the IFQ is working and happy
15 tenth birthday to the red snapper IFQ. It's been the most
16 successful fishery plan that I have seen in my forty years of
17 being associated with this industry.

18
19 Real quickly, on king mackerel, I support what Mr. Haddad said.
20 This is not the time to discuss allocation sharing in this
21 fishery. We've got major changes this year that are going to
22 take effect, if ever approved with Ms. Sue, and we're going to
23 have extra fish in the Panhandle, 300,000 pounds of that fish
24 that's produced in late fall, right before Christmas, before
25 those fish leave to head to the Keys, and the western Gulf is
26 going to get a bump too, and so we don't -- The recreational
27 harvest has changed. We don't know what consequences are going
28 to come from this additional harvest of these migratory fish as
29 they're moving because of the historical spawn. Thank you.

30
31 **CHAIRMAN BOSARGE:** Thank you, sir. We have a couple of
32 questions for you. Dr. Crabtree.

33
34 **DR. CRABTREE:** Hi, David. I know there are a lot of dealers who
35 are shareholders. Are there a lot of dealers who are
36 shareholders but don't own vessels or have permits or do most
37 dealers who are shareholders also have some ownership interest
38 in a vessel and a permit?

39
40 **MR. KREBS:** I think the evolution has been most of the dealers
41 had boats at one point or time, and a lot of dealers have looked
42 at the liability side of it. I had eight boats at one time, and
43 now I have three and I'm fishing two. One thing is we
44 consolidated, and so all the boats I had are attached to Class 1
45 licenses, but when the IFQ came out, because of the formula, I
46 didn't end up with a third of the fish that I had that I could
47 catch under the Class 1 licenses, and so I think that changed a
48 lot of the dynamics of who kept boats.

1
2 In the case of Steve Rash at Water Street, he leases a lot of
3 snapper from me, and I think from the Shareholders' Alliance, to
4 cover bycatch for his grouper boats, because he's predominantly
5 in the Apalachicola grouper fishery. I think that the dealers
6 that are left have some shares. I don't think any dealer that's
7 left has enough shares.

8
9 **DR. CRABTREE:** Right, but are there any dealers who have shares
10 and don't own any boats at all?

11
12 **MR. KREBS:** I can't speak for that. I have boats, and so we're
13 a dealer.

14
15 **CHAIRMAN BOSARGE:** Mr. Walker has a question for you.

16
17 **MR. WALKER:** David, I would like to hear some comments on your
18 size limit of gag grouper from twenty-two versus twenty-four.

19
20 **MR. KREBS:** I was on the Reef Fish AP, and I'm also on your
21 Mackerel AP, and the AP on mackerel was unanimously against any
22 allocation sharing. Then, to the grouper point, last year was
23 the closest we had been to filling the gag quota on the
24 commercial side in years, and that was on the twenty-two-inch
25 size limit.

26
27 The discussion at the AP level was that the biggest reason to go
28 to twenty-four was that it would take the pressure off of the
29 difference between recreational fishermen and commercial
30 fishermen at a dock that was complaining that it was unfair that
31 the commercial industry had a two-inch advantage, and so I think
32 the thing is we have a resource that we need to catch. We don't
33 need to encourage discards.

34
35 We're no different than red snapper. We fish on a different
36 size limit for different reasons on red snapper. We don't want
37 to have discards in our fishery. We don't want to catch,
38 necessarily, the trophy fish. We want to leave fish in the
39 ocean and keep moving forward, and so I think, from the
40 commercial perspective, catching the harvest with minimal
41 discards is to the benefit of the resource for us. Thank you.

42
43 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Richard
44 Fischer, followed by Mr. Ed Walker.

45
46 **MR. RICHARD FISCHER:** Hello, council and Madam Chairwoman.
47 Thanks for having me here today and letting me speak for a few
48 minutes. I am here representing the Louisiana Charter Boat

1 Association, and I will keep my comments today strictly on the
2 electronic logbooks discussion.

3
4 As for VMS, from talking to the majority of our captains, they
5 are staunchly opposed to VMS. They do not want to be tracked
6 real time. They would much prefer a less stringent system that
7 doesn't track them real time.

8
9 The council's technical committee agrees, as we heard at
10 previous meetings, and so hope that this is something that you
11 all are going to consider, minimum archived GPS, and that should
12 be just fine. We have had some of our captains be able to kind
13 of look at some prototypes of different types of devices, and
14 one thing that a lot of them think is pretty cool is this kind
15 of map to where they can have different general regions and kind
16 of click a little bit and click on each region and generally say
17 where they are, as opposed to being tracked with a VMS/GPS
18 device.

19
20 As for it being affixed to the vessel, that is also something
21 that, from talking to the majority of our captains, that they
22 are opposed to. They would much rather have a less cumbersome
23 device, one that they can take with them, and so we hope that
24 that's something that can maybe be looked at, and we know that,
25 with kind of the wording in the amendment, "National Marine
26 Fisheries approved hardware/software", that might be a little
27 bit more difficult to get around, but it's something that is our
28 captains' wishes, and it's something that we hope that it's
29 something that you all will also consider whenever you vote
30 tomorrow.

31
32 Finally, when discussing daily reporting or weekly reporting,
33 our captains would be in favor of weekly reporting as to daily
34 reporting, and we want to thank you all for having a discussion
35 on that on Monday. However, it kind of didn't really look like
36 there was much steam on weekly reporting, and so, if daily is
37 the way we're going, we would like it if the council would
38 consider it being due by noon the next day, as opposed to having
39 to report on the way into the dock.

40
41 In Louisiana, we've got several center console six-pack boats
42 that just aren't as big as a lot of these boats that you see in
43 other parts of the Gulf, and so it's a much more cumbersome
44 process for our captains to have to report while driving on in
45 and navigating tough waters. There is plenty of logs in the
46 Mississippi River at various times of the year, and it's much
47 more treacherous terrain in not quite as luxurious boats in
48 Louisiana, and so it's something that we hope that you all would

1 consider looking at also.

2
3 With the discussion earlier this week about in the South
4 Atlantic and about how they have a headboat survey, which is
5 weekly, and so they're going to go ahead and make the six-pack
6 charter boat survey weekly also, I know it's daily reporting,
7 but we submit weekly for the Beaufort Survey here in Louisiana
8 and as well as the rest of the Gulf, and so, in a lot of ways,
9 the same argument could be used there. I am past my time, and
10 thank you all so much. Any questions?

11
12 **CHAIRMAN BOSARGE:** Thank you, sir. We have one question from
13 Dr. Crabtree.

14
15 **DR. CRABTREE:** You've been in here and heard the testimony. A
16 lot of these guys who already have the logbooks, almost everyone
17 has testified, said it takes two or three minutes to fill out
18 your report and submit it. Why is that so cumbersome or
19 difficult? I am having a hard time understanding that.

20
21 **MR. R. FISCHER:** It's because of the terrain that our captains
22 have to traverse through, as opposed to some of the other
23 captains across the Gulf, as well as the type of boats that we
24 have compared to -- When you look at it from a percentage
25 standpoint, we're almost entirely small vessels here in
26 Louisiana, and so feel like a lot of those opinions that you're
27 given come from much bigger boats. Some have enclosed areas
28 where the captains operate their vessels, and so it seems like
29 an argument could be made that it would be an easier process for
30 them, as opposed to the captains from Louisiana.

31
32 **DR. CRABTREE:** Where your guys are fishing, when they're running
33 in, there is no point on the whole trip where they could stop
34 for two or three minutes and submit a logbook?

35
36 **MR. R. FISCHER:** I didn't say it was impossible. I said it was
37 difficult, more difficult.

38
39 **DR. CRABTREE:** Thanks.

40
41 **MR. R. FISCHER:** Thank you, Dr. Crabtree. Anyone else?

42
43 **CHAIRMAN BOSARGE:** I think we have a question from Mr. Walker.

44
45 **MR. WALKER:** Thank you, Richard. You said that the majority,
46 and so I guess you have some members who are not opposed to have
47 a fixed antenna, where you could still have a device that you
48 could carry with you, but the antenna would remain on the

1 vessel. There are some people that would still support that?
2 The devices still could be portable.

3
4 **MR. R. FISCHER:** Right, and I think that would be something that
5 they would be much more open to, yes.

6
7 **CHAIRMAN BOSARGE:** Thank you, sir.

8
9 **MR. R. FISCHER:** All right. Thank you, all.

10
11 **CHAIRMAN BOSARGE:** Next, we have Mr. Ed Walker, followed by Mr.
12 Jason Delacruz.

13
14 **MR. ED WALKER:** Thank you very much. My name is Ed Walker, and
15 I'm from Tarpon Springs, Florida. I am on the Mackerel AP. I'm
16 a commercial king fisherman, I'm a recreational king fishermen,
17 and I'm a charterboat king fisherman, and so I'm a little bit of
18 everything when it comes to kingfish.

19
20 I didn't have a really strong opinion about Amendment 29 at
21 first, but I thought about it a lot, and I've read all the
22 material that they gave us at the APs, and I don't believe that
23 this is the way to go, the allocation sharing from the
24 recreational side to the commercial side, and I can tell you --
25 As Mr. Boyd asked earlier, of can you give me some specific
26 reasons, and I have a list of reasons. Actually, I have emailed
27 them all to you, but it wasn't very long ago, and so they're
28 probably in your file somewhere.

29
30 The first reason against quota sharing from king mackerel from
31 the recreational to the commercial side is that the AP has voted
32 it down three times, and the AP is made up of people from a
33 variety of regions and a variety of backgrounds. We've got
34 tournament kingfish guys in there and we've got David Krebs, who
35 buys all the kingfish in the whole Gulf of Mexico, and all of
36 them keep saying the same thing.

37
38 Look, we've thought about this, and it's a really good AP.
39 There's a lot of smart guys in there, and it's been kicked
40 around this way and that way, and we keep coming back to the
41 same thing, that we don't feel like it's the right thing to do,
42 and I agree with them.

43
44 Number two is the unexplained anomaly in the recreational
45 landings that we don't really know where that came from, and
46 that could cause a problem if that does that again. I mean, I
47 know there is some safety valves built into the idea, but it
48 would be a tragedy if the recreational guys ended up getting

1 closed by some oversight when they were handing something off
2 the other way.

3
4 The increased bag limits for the recreational side, going to
5 three, we don't know what that's going to do to the landings.
6 Along those same lines, a likely effort shift, now that
7 amberjack is going to be closed and triggerfish is closed and
8 red snapper closed, and kingfish is going to become a bigger
9 thing for charter boat guys. You've got to be able to bring
10 something back to book a charter, and so I would expect some
11 charter guys to be marketing kingfish a little more than they
12 did in the past, because that's how they're going to put people
13 on their boat. Hey, come on out and kingfish is open.

14
15 You're going to get an effort shift on the recreational/charter
16 side. How big, we don't know yet, but I would be cautious about
17 that. We're getting an increase Gulf-wide on king mackerel
18 commercially anyway. Amendment 26 has, I believe, already
19 passed, and so most of the zones are already getting an
20 increase.

21
22 Probably the thing that pushed me over the top was what I call
23 decreasing recreational or charter opportunity. If you take
24 900,000 pounds of fish out of the Gulf, statistically speaking,
25 the fishing for kingfish isn't as good as it was before that,
26 and it could be argued that recreational quota is best allocated
27 when it provides a robust fishing opportunity for recreational
28 fishermen rather than transferred to a handful of commercial
29 guys to sell for two-dollars a pound. There might be a market
30 crash, or maybe not a crash, but a reduction in value of
31 kingfish if this transfer takes place.

32
33 **CHAIRMAN BOSARGE:** Mr. Walker, you're out of time, but I would
34 like to hear the rest of your reasons. If you will just keep
35 going, I would appreciate it.

36
37 **MR. WALKER:** Thank you, ma'am. Reason Number 8 of 10 is the
38 vast majority of stakeholders don't want it. Look around the
39 room. None of the recreational guys want it and some of the
40 commercial guys want it. I don't, and some of the other guys
41 don't. The AP doesn't want it, and so where is the need for
42 this?

43
44 A couple of commercial guys would like to have some increased
45 allocation, and I understand that, but I don't really see a
46 pressing need to go forward with it, and then there is the small
47 fish thing. There is the strange small fish thing going on in
48 the Gulf right now, and nobody seems to really have a good

1 answer for it. It could be cause for some concern. I'm not
2 sure, but, off the top of my head, that's ten reasons.

3

4 **CHAIRMAN BOSARGE:** Thank you, sire. We appreciate it.

5

6 **MR. WALKER:** You're welcome.

7

8 **CHAIRMAN BOSARGE:** Next, we have Mr. Jason Delacruz, followed by
9 Mr. Shane Cantrell.

10

11 **MR. DELACRUZ:** Thank you, everybody. I will try to be real
12 quick. On Amendment 36A, one of the biggest things that I think
13 that I support is three-hour notice for all reef fish trips. I
14 think that is at least the beginning of plugging up some of the
15 loopholes in our system.

16

17 36B, I am literally scratching my head, but I understand the
18 reason the agency wants to go through this exercise, because
19 there is so much heat, so many people that want to complain
20 about this or that, even though we don't, but I kind of feel
21 like, unfortunately, we're in that movie *Backdraft*, where we're
22 going in and setting the fire. Then it catches fire and then we
23 come in with a fire extinguisher, and we're the ones that set
24 the damn fire.

25

26 I don't know that we have a problem, but I see the value, I
27 guess, in the exercise, that we can go through it and talk about
28 it, and I really hope that, at the very least in this amendment,
29 is that we put a lot of very specific, concerted time in talking
30 about it and you guys take the time to ask the questions of us,
31 so that we can explain to you things, because, really, the only
32 thing I think you're doing, in the long run, is you're going to
33 actually consolidate more, because any people that are small
34 shareholders, that are on the fringe that are just leasing a
35 little bit of quota here and there, like they've got a couple
36 thousand pounds, those guys are going to divest, and it's going
37 to consolidate into more big guys' hands, which you don't want,
38 which doesn't seem to be like you discussed that you want.

39

40 I don't know whether that's the smart play or the bad play, but
41 it seems like it's going in the wrong direction completely. Just
42 really, really spend time and energy on that.

43

44 Also, personally, I would like to thank you guys for the
45 questions with the EFP and thinking a lot about it, and we tried
46 really hard, and I think this is one of the things that I really
47 believe in, which is putting really good thought into solving
48 our problems with technology and things that are coming down the

1 pipe, so that we can actually have more robust fisheries.

2
3 I understand that there is worry, and there is worry on my side,
4 too, trust me. My entire business is predicated on the landings
5 of red grouper. I am one of the top guys these days, and I
6 don't want to hurt myself, but, on the same token, I think this
7 makes complete sense. I think all the reasons in the world are
8 to get in there and do it and to use the cameras the right way,
9 and we have put a lot of energy in these cameras, getting out
10 there and testing them to make sure that we can do this the best
11 way we can. Thank you.

12
13 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Shane
14 Cantrell, followed by Mr. Jason Klosterman.

15
16 **MR. SHANE CANTRELL:** Hello. I'm Shane Cantrell. I'm the
17 Executive Director of the Charter Fishermen's Association.
18 We're the largest federally-permitted fishing for-hire
19 association in the region.

20
21 The CFA is committed to working constructively with the council
22 to address the issues facing professional fishing businesses.
23 We have submitted written comments to the council outlining a
24 broad suite of things facing our federally-permitted businesses.
25 I want to touch on a couple of them and some other ones as well.

26
27 This council needs to support improving management for
28 professional fishermen, commercial and charter boats. Ill-
29 defined attempts to weaken the commercial management system
30 should be supplanted by a focus on working towards solutions in
31 the charter boat and private angler portions of the fishery.
32 That is where we have problems in accountability, that's where
33 we have problems in overages, and let's fix them. That's what
34 we need to be here to do.

35
36 Amendment 36B, without defined goals and intent, is a
37 distraction on the progress of the charter/for-hire and private
38 angler segments of the fishery. This council is tasked with a
39 difficult issue facing every segment of this fishery, and each
40 of you were nominated and entrusted by your governors and the
41 Secretary of Commerce to face these problems.

42
43 There is a lot of them, and they're difficult, but that's what
44 you've been entrusted to do. Identifying that they're hard
45 isn't going to find a solution. We know that they're hard.
46 We're the ones that are living them, and there is nothing harder
47 than trying to run a business in a closed season. It just
48 doesn't work. We need to get those fixed.

1
2 Considering the preliminary landings of the recreational sector
3 for 2016, I would like to highlight an opportunity for this
4 council to address subsector-specific accountability measures
5 within the recreational fishery.

6
7 We've got a significant overage on the private angler component,
8 and we've got a significant underage in the charter/for-hire
9 component. This is de facto reallocation, and this is a
10 problem, and we need to get that addressed. We've got an
11 opportunity to further charter/for-hire management under
12 Amendment 41, with the multispecies comprehensive charter/for-
13 hire management plan. We could add cyclical redistribution to
14 that. It seems like it holds a lot of promise.

15
16 The difficulties identified in developing a stable and flexible
17 business plan are not nearly as difficult as trying to run a
18 business in these closed seasons. Amberjack is likely going to
19 close, triggerfish is already closed, and red snapper is going
20 to have some type of a season, and that makes it really
21 difficult.

22
23 Electronic logbooks, the opportunity for more accurate and more
24 timely data is finally here, and we've got the opportunity to
25 get this council to do it. Let's approve it with the preferred
26 alternatives and move it forward.

27
28 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Jason
29 Klosterman, followed by Mr. Mike Jennings.

30
31 **MR. JASON KLOSTERMAN:** Good afternoon, council and Madam Chair.
32 Thank you for the opportunity to speak today. My name is Jason
33 Klosterman, and I'm a second-generation charter fisherman from
34 Destin, Florida.

35
36 Today, I would like to see the council pass the electronic
37 logbook amendment allowing the for-hire/charter sector to
38 utilize more accurate and timely data collection in a
39 multispecies facet.

40
41 This will allow the fishery to better understand not only how
42 much red snapper each region is harvesting, but other highly-
43 targeted species as well. ELBs will bring to light many permits
44 that are active versus inactive, as well as historical captains'
45 licenses, and I believe this is a necessary tool and this is an
46 issue that we need to bring to light.

47
48 Recently, I attended the Headboat and Charter/For-Hire AP

1 meeting. I believe this was a very productive meeting that left
2 with me with the conclusion that Amendment 41 and 42 are complex
3 issues that we need to continue working toward a multispecies
4 program. Adding cyclical redistribution in Amendment 41 will
5 allow a fair and efficient transition of data from active
6 participants.

7
8 Something else that I would like the council to keep in mind
9 when we talk about costs with permits is I'm twenty-nine years
10 old, and, like I said, I'm a second-generation fisherman. For
11 me, getting in right now, I operate vessels under other owners,
12 but, before the next time we convene, I will be acquiring a
13 vessel and permits, and the cost right now -- I would say that I
14 see, on average, between \$15,000 and \$20,000 for a charter/for-
15 hire reef and pelagic packaged together and about the same price
16 for a commercial reef fish permit.

17
18 Now, if you look back, prior to 2004, when we implemented the
19 moratorium on charter reef permits, guys didn't have to go pay
20 \$20,000 to get a reef fish permit. My father didn't, but what I
21 will say is that I'm willing to pay this cost if this gives me
22 some added security in my investment in the long run, the same
23 way that you hear guys stand up right now and talk about how
24 allocation and leasing benefits their retirement.

25
26 Well, to me, personally, if I have to put more into my business
27 right now, so that when I get to some of these other gentlemen
28 and ladies age, where I want to retire, if that's going to be
29 there, then that's certainly worth it, to me at least, to pay
30 that extra cost now so that I can benefit from that in the
31 future. Thank you.

32
33 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Mike
34 Jennings, followed by Mr. Clark Trosclair.

35
36 **MR. MIKE JENNINGS:** Hello. I am Mike Jennings. Council and
37 Madam Chair, I appreciate you all letting me speak today. I am
38 the President of the Charter Fishermen's Association, and I own
39 two federally-permitted charter boats. My company operates
40 three, and, like I need another job, I'm now the managing
41 partner for Gulf Coast Marina in Freeport, Texas.

42
43 As an association, we support the white paper. We would like to
44 see the council staff and what they come up with and help us
45 look at the possibility or the ability to move 41 forward as a
46 multispecies. We think that's necessary to make those two
47 amendments more palatable to the industry, and we support adding
48 the cyclical redistribution to 41, and it seems like a pretty

1 ingenious way of equaling things out over time.

2
3 Mainly, today, I want to focus on the electronic reporting and
4 the electronic logbooks. We would ask you to move forward with
5 this. We have asked, for years now, that we move forward with
6 some kind of electronic reporting, and we support the current
7 preferred alternatives that the council has chosen at the
8 moment.

9
10 When it comes to the electronic reporting, I think that you need
11 to take into consideration the people who have actual experience
12 with what's being used. I personally was involved in Dr.
13 Stunz's iSnapper program. I did it one year on an iPad and then
14 I moved it to the iPhone. I wanted to see it on both formats,
15 and I used for one year and one the next and one the next, and
16 it was actually very simple. There were some little bugs early
17 on, but they were really fast to fix those, and I also
18 volunteered for the recent CLS ELB.

19
20 I did it simply -- Regardless of what the outcome was, I wanted
21 to personally have that thing on my boat, in my hands, and see
22 what it was like and have that personal experience, rather than
23 standing up here falling victim to the word "VMS" being
24 demonized and used as profanity in some circles, and I think
25 that it's become evident to me that it was really simply to use
26 and really easy and not intrusive, and we've used them
27 everywhere from -- You had Shane Cantrell up here a few minutes
28 ago, and he's got a twenty-seven-foot Contender, and it's been
29 almost flawless on his boat. I've got it on a larger boat,
30 where I can keep it dry, and so I don't have those types of
31 issues.

32
33 Anyway, there is a lot of testimony out there to the difficulty
34 of this thing, and it's just not that difficult. That's why I
35 put myself in these pilots and volunteered for them, so that I
36 can stand up here and speak from experience rather than
37 speculation. Anyway, my time is about up, and I appreciate you
38 all listening to me. Thank you.

39
40 **CHAIRMAN BOSARGE:** I think we have a question for you from Dr.
41 Crabtree.

42
43 **DR. CRABTREE:** Mike, on the issue of having some portion of the
44 GPS part of it affixed to the vessel, what is your view on that?

45
46 **MR. JENNINGS:** I think it's fine. We all understand, or I think
47 most of us do anyway, that we have to have the ability to track
48 that boat and what brings to the validation of what we're doing

1 here. The being able to carry it home or carry it with them, I
2 don't see the purpose for that. It needs to be on the boat.
3 The boat is what is going fishing. It's not my pickup between
4 the dock and the -- I made a comment about the VMS, and I know
5 it's not the preferred, and we've spent a lot of time on that
6 today, but something simple affixed to the boat that is as cost
7 effective as we can make it I think is acceptable with this.

8
9 **DR. CRABTREE:** With all the units I've seen, and so tell me if
10 this is true with the one that you used, the pad that you enter
11 in, you can take that home. It's just that little box.

12
13 **MR. JENNINGS:** You can, but the actual unit that transmits and
14 sends the ping and tells them where the boat is -- I can carry
15 the pad home. You can still tell that my boat is sitting at
16 that dock or my boat moved.

17
18 **DR. CRABTREE:** Thanks, Mike.

19
20 **CHAIRMAN BOSARGE:** We have another question from Mr. Swindell.

21
22 **MR. SWINDELL:** What size boats do your association have?

23
24 **MR. JENNINGS:** In our association, we have everything from
25 sixty-some-odd feet down to twenty-five-foot center consoles. A
26 lot of our western Gulf fleet are center consoles. I spent a
27 lot of years in one myself, and one of the issues that we're
28 having with the center consoles is the issue of the thought that
29 it's going to be difficult to handle or difficult to use.

30
31 Because it's a smaller boat, you're not as comfortable in it and
32 you can't just lean back and you're not making a fifteen-knot
33 cruise with the autopilot on, but, by the same token, you take
34 these same individuals that are saying that and you can watch
35 the hours upon hours of Facebook Live videos on their Facebook
36 page, hours of them.

37
38 I can tell you, from experience, that I literally -- I don't run
39 a center console anymore, because I'm too old and fat and I'm
40 tired of getting beat up, but I can tell you from experience
41 that I can sit on a leaning post, and I think I said this
42 before. I can sit on a leaning post and drive with my feet and
43 turn the radio down and text, once I get a phone signal.

44
45 When the navigation becomes difficult or our river is up --
46 We've got a big river in the western Gulf of Mexico that dumps a
47 lot of logs and refrigerators and dead cattle and everything
48 else into the Gulf of Mexico, and I slow down, and I make it

1 safe. We slow down for everybody to grab a beer or to make it
2 to the restroom safely and back, and so it's not something that
3 eats up massive parts of your day. Thank you.

4
5 **CHAIRMAN BOSARGE:** We have a question from Mr. Walker.

6
7 **MR. WALKER:** Thank you, Mike. I would just like to ask you what
8 you think about the cost of this versus the net benefits.

9
10 **MR. JENNINGS:** If the benefit is -- Some of these are anywhere
11 from twenty to -- Depending on the units, you're hearing
12 anywhere from twenty-dollars a month to where I'm paying about
13 seventy-five right now for the one that I've got on my boat.
14 The benefit to having email when I'm seventy-miles offshore is
15 pretty nice.

16
17 If the benefit is one more fishing trip, I can cover the cost.
18 It doesn't take many fishing trips at about a 40 percent profit,
19 which is pretty average within this industry, of the major
20 operators, and it doesn't take very many fishing trips to pay
21 for a twenty-dollar-a-month fee, if you can see that benefit,
22 over the long run, to your fishery and lengthening those seasons
23 and understanding it.

24
25 You know, we all talk about -- Whether you read a blog or you
26 stand up here and you listen to the people that speak every day,
27 but we talk about they need to fix this fatally flawed data,
28 they, they, they, they. They need to do something, but, when
29 it's put back on us to be a part of that fix, we don't want to
30 be a part of that. It might be difficult. It might be hard. I
31 might have to slow down for about thirty seconds and enter a few
32 numbers.

33
34 I want the best data collection system that we can get that
35 meets what the agency needs to get us to a point of where we
36 understand what we're catching and what this effort is like. If
37 it takes me slowing down a couple of minutes a day or paying
38 twenty-dollars a month and it's a benefit to my business in the
39 long run, I think it's pretty cost effective at anything under a
40 hundred dollars a month.

41
42 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Clark
43 Trosclair, followed by Kevin Beach.

44
45 **MR. CLARK TROSCLAIR:** Thank you, all, for being here and thank
46 you, all, for giving me the opportunity to speak. I own my own
47 business, a charter boat for-hire. I'm against the VMS. I
48 would prefer -- I would rather use a cellphone. We already pay

1 that coverage. Why have to pay more?

2
3 I am against the fixed vessel for the National Marine Fisheries.
4 I would like them to remove the words "National Marine
5 Fisheries" from the approved device. I am in favor of weekly
6 submitting. All these guys talking about not being able to
7 remember what they did two days ago, in my day and age, we would
8 take pictures of all of that. You can't tell me that we can't
9 take a picture of something and remember what we did that day.
10 It's documented time and date.

11
12 I am in favor of the council giving long-term harvest,
13 historical, greater credence to the recent harvest history in
14 the allocation formula. I will make this fairly brief.

15
16 I am in favor of assigning the allocation to the captain's
17 permit and not to the captain himself. I believe that the owner
18 of the vessel permit must fish for the quota allocated and it's
19 not fair that large environmental non-profit groups and
20 corporations buy and lease shares, thereby running small
21 businesses out of business. Thank you, all, for your time.

22
23 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Kevin
24 Beach, followed by Mr. Wade Wells.

25
26 **MR. KEVIN BEACH:** Hello. My name is Kevin Beach. I've been
27 working on the water for the last twenty years and full-time for
28 eighteen, charter fishing. I am co-owner of the Mexican Gulf
29 Fishing Company. We fish out of Venice, Louisiana, running
30 eight boats.

31
32 I would be willing to say that I'm in the extreme minority of
33 charter fishermen who has a fifty-five-mile-an-hour cruise on
34 his boat. That is where my big issue is with these logbooks
35 before you get back to the dock.

36
37 Yes, there is fog, and we've got logs. You might have it in
38 other places, but I don't have an enclosed bridge for just the
39 captain to go up there, where you can take your time doing
40 twelve knots and go ahead and put in your catch data, and I'm
41 all for the fishery, number one.

42
43 Is it going to be a problem if I do it after I tie the boat up
44 or after I clean the fish and get paid and the people leave? I
45 take pictures of everything. I mean, if you're charter fishing
46 and you don't take any pictures of anything you catch, you might
47 want to go take a marketing class. That's just -- I don't get
48 that.

1
2 Tonight, while you're sitting and watching TV or listening to
3 the radio, there is 7,000 commercials that you're going to hear
4 of don't text and drive, don't text and drive, and you're going
5 to mandate us to basically text and drive a boat. I am very
6 anti that, and there is other options besides just the VMS.

7
8 There is the obvious additional cost in there, but there is AIS
9 and a mobile app. If you need something fixed to the boat, I
10 have AIS on mine, because there is days that we're fishing that
11 all day long I will be fishing by radar and radar only. It's
12 safety first, and I'm all over it. I've never had a ticket or
13 an issue. Thank you, all, for hearing me.

14
15 **CHAIRMAN BOSARGE:** Dr. Ponwith.

16
17 **DR. PONWITH:** Just to ask again, but how big did you say your
18 boat was?

19
20 **MR. BEACH:** It's thirty-seven feet.

21
22 **CHAIRMAN BOSARGE:** Mr. Riechers.

23
24 **MR. RIECHERS:** Kevin, I certainly appreciate you being here and
25 testifying. You've heard a lot of the testimony, and you may
26 have heard me ask Mr. Colby this earlier, but I am not hearing
27 that you all don't want the VMS or a transitional device that
28 tells where you are. I am not hearing that you don't want to
29 report electronically. I am hearing that it's just a question
30 about how you do that, when you do that, and you're saying you
31 want to do it, but it's just a matter of what is the best time
32 to do that.

33
34 **MR. BEACH:** I want whatever is best for the fishery, number one.
35 I mean, I do not want the additional cost, where, like I said,
36 there's an app on your phone that logs everything for you, where
37 you can do it simply and, for us, safely. That's number one.

38
39 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Wade
40 Wells, followed by Mr. Colin Byrd.

41
42 **MR. WADE WELLS:** Hi, council. Thanks for having me. I work for
43 Mexican Gulf Fishing Company, charter boat/for-hire. We are for
44 the daily logbook. We would love to have at least a day-and-a-
45 half. It's very treacherous. Our climate changes every day.
46 When it's a south wind, we're socked in fog, sometimes forty or
47 fifty miles offshore. You fish all day with ten foot of
48 visibility.

1
2 Also, you have the logs, and we're navigating the International
3 Waterway, and so you're dodging tankers and this and that and
4 the other fishing vessels. Other than that, really just a
5 convenient way. We have people coming in, six customers, and we
6 don't want to be putting their life in danger every day, another
7 six people, and we don't want to put their lives in danger.

8
9 Other than that, coming up with some kind of tracking device,
10 like you were saying, but, really, that's about it. At least a
11 day-and-a-half. It's all about the safety and then the next
12 generation. We're all about protecting the fish and stuff like
13 that. There is multiple days where we don't catch our limit.
14 We could, but we don't. We are more than happy to log our
15 catch.

16
17 **CHAIRMAN BOSARGE:** Thank you, sir. I think we have a question
18 from Dr. Crabtree.

19
20 **DR. CRABTREE:** Thanks for being here. Where do you fish out of?

21
22 **MR. W. WELLS:** Venice, Louisiana.

23
24 **DR. CRABTREE:** Venice, and so you come -- You run up the river
25 and then come off the river and get into your marina?

26
27 **MR. W. WELLS:** We run about -- Each pass is different. South
28 Pass is about twenty miles from the dock until you get in the
29 open water. That's twenty miles, and about five miles of it is
30 in the Mississippi River. Then you branch off of that, and
31 those get really dangerous, those shoals. They're always
32 changing, and you have to be watching.

33
34 **DR. CRABTREE:** When you get off the river though and you're
35 outside your marina, before you've tied up, could you fill out
36 your logbook and submit it then, before you come in and tie up?

37
38 **MR. W. WELLS:** No. In our marina, we have all these oilfield
39 companies. You have this other boat traffic, and sometimes, by
40 the time you untie your boat, it's fog from then to the time you
41 go to where you're fishing and by the time you get back, and I
42 can literally barely read the writing on the front of the boat.

43
44 **DR. CRABTREE:** Because of fog?

45
46 **MR. W. WELLS:** Yes, just because of fog. Other than that, there
47 is the logs and the trash in the river and stuff like that.

48

1 **DR. CRABTREE:** Yes, but I'm talking about after you get off the
2 river and you're at the entrance to your marina.
3
4 **MR. W. WELLS:** It's still foggy, and, after you're off the
5 river, that's where all the oilfield companies are. We're going
6 through that.
7
8 **DR. CRABTREE:** Okay. Thank you.
9
10 **CHAIRMAN BOSARGE:** Thank you, sir. Next ,we have Mr. Colin
11 Byrd, followed by Mr. Billy Wells.
12
13 **MR. COLIN BYRD:** Hi. How are you all this afternoon? I just
14 want to touch on a couple of things about the VMS and the
15 reporting of the catch. I am all for reporting, in some way,
16 shape, or form. I understand there's got to be numerous
17 different options that we can figure out how to report. From
18 what I'm gathering, the South Atlantic just approved a weekly
19 reporting, with an interactive map and not an actual fixed unit
20 that is on the vessel.
21
22 I feel like that would be best for us. Some of these other guys
23 here behind me, they're larger vessels, and we've been talking
24 about they have the option of sitting in an enclosed wheelhouse
25 or taking five minutes at the dock. They might have crew, extra
26 crew, and staff to help accommodate the clients or customers or
27 people, whatever it may be on the boat, and so they are
28 comfortable.
29
30 A lot of us in south Louisiana fish solo. I am by myself. A
31 couple of the guys with me, we all fish by ourselves, and so, in
32 order to enter a daily log and deal with customers and get fuel
33 and re-spool reels and change oil every ten days, it's just a
34 little excessive.
35
36 Again, I feel like there is options available to be presented to
37 us. This fixed system, there is a gentleman behind me that was
38 six weeks out of work. I mean, I'm sure -- Most people here
39 might be salary, but for me to lose a day of work is tough. Two
40 days of work is really tough. Six weeks? That would crush me
41 for my entire year.
42
43 My whole season would be flopped, and so it would be nice to
44 have a couple of days off to assess the damage and fix what it
45 may be, but there's got to be another option, as far as
46 restricting a vessel from leaving port and as far as having
47 their system fail, and so that's something I feel like we have
48 another option somewhere, paper logbooks or whatever it may be.

1
2 The big deal is I agree that we do have to document what we are
3 catching and what we're pulling out of our Gulf. There is no
4 way that we can tell what we have without actually reporting it,
5 and so I'm good for it. I think it's great and that it will
6 benefit our fishery for years to come, but reporting prior to
7 arriving at the dock is nearly impossible when you have
8 inclement weather.

9
10 Most of you all, I'm sure, are from the south somewhere, and so
11 rain is a huge deal and lightning and thunder and pulling up to
12 the dock and rushing people off the boat to get them to safety
13 underneath the marina is a big part of what we do. We take care
14 of these customers. We are not here to harm them or put them in
15 potential danger. I feel that prior to the dock is just not an
16 option. Maybe before noon the next day. That would be perfect.

17
18 Then also a remote unit and not having the affixed unit. Some
19 of these other vessels, it works for them, but I think there
20 ought to be two different options. If you have a fixed unit
21 that you like and it works, great, but we ought to be able to
22 choose and select if we want to do a remote location from our
23 camp at the end of the afternoon, after we shower.

24
25 After a long and hot and sweaty and nasty and sticky and fishy
26 day, we want to have that option of going to our phone that is
27 coordinating with our permits and our vessel and, in our own
28 peace, sit and be able to log what we did for the day. That's
29 what I feel. Any questions?

30
31 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Billy
32 Wells, followed by Mr. Chris Moran.

33
34 **MR. BILLY WELLS:** Hello. Thank you for having me. I work out
35 of Venice as well for the Mexican Gulf Fishing Company. I have
36 been fishing in Venice for twenty years, and I think there seems
37 to be a bit of a theme here going. You might think that nobody
38 in Venice wants to report what we're catching, and that's not
39 the case.

40
41 We are all for sustainable fisheries. We all want to continue
42 to do what we love to do, and that's why we're doing it, and so
43 reporting fish seems to be something that needs to be done, but
44 it just doesn't seem, to me, that it needs to be done before you
45 hit the dock.

46
47 If weekly reporting is good enough for the South Atlantic, then
48 why is it not good enough for the Gulf? If you can't remember

1 what you caught five days ago -- If you have five seconds to log
2 your catch, why don't have you have five seconds to write it
3 down?
4

5 I am not saying that, if I had weekly, that I would wait until
6 the end of the week to report it. I think you should be able to
7 report every day as well, but I am sure everybody here has had a
8 day where you get done with work and you sit down and, the next
9 thing you know, it's four o'clock in the morning and the day is
10 over, because you just wanted to sit down and take a breath and
11 decompress for two seconds before you did anything else, and now
12 you've missed your deadline. Well, if you give us, at the very
13 least, until noon the next day, you can log your catch in the
14 morning before you leave the dock again.
15

16 We have short seasons. Last year, there were forty days or
17 something like that for snapper, and you have to fish every
18 single one of them that you can. If you have a VMS affixed to
19 your vessel, as Wayne said, and it goes down for six weeks -- I
20 mean, if I have a VMS on my boat and I'm not allowed to fish if
21 it breaks, and it breaks June 1 and I'm out of work from June 1
22 to the middle of July, I'm sunk. I'm done. That's it. There
23 is no recovering from that.
24

25 Venice is a little bit different. We're an hour-and-forty-five-
26 minutes from New Orleans, from support. If you have something
27 broken, it's not like you can wait until someone opens at seven
28 o'clock or eight o'clock in the morning and get a part to fix it
29 or have someone come to your boat and fix it and still have the
30 trip run off without a hitch. It's just impossible. I mean, it
31 can't work that way. I am against a fixed VMS. As Colin said,
32 if people have fixed VMSs and they're happy with it, then great,
33 but it just seems, to me, like there should be options.
34

35 **CHAIRMAN BOSARGE:** Thank you, sir. Dr. Crabtree has a question
36 for you.
37

38 **DR. CRABTREE:** What kind of electronics do you have on your
39 boat?
40

41 **MR. B. WELLS:** I have all the latest and greatest and all the
42 safety equipment. I have AIS and GPS and radar and VHF.
43

44 **DR. CRABTREE:** How often does that stuff break down?
45

46 **MR. B. WELLS:** Often enough to where --
47

48 **DR. CRABTREE:** What do you do when have that break down?

1
2 **MR. B. WELLS:** I am very redundant. I have three screens for my
3 radar and my GPS. I have three VHF radios. I mean, it's very
4 redundant.

5
6 **DR. CRABTREE:** Thanks.

7
8 **CHAIRMAN BOSARGE:** We have another question from Mr. Walker.

9
10 **MR. WALKER:** I was just going to mention that I think what Wayne
11 was trying to mention was to have some type of back-up system.
12 I've had problems with my CLS system one time, and I asked them
13 to overnight it to me, and I had it the next day and we were
14 right back in business, but I think what he was mentioning was
15 maybe some type of back-up, in case it didn't work.

16
17 **MR. B. WELLS:** Absolutely.

18
19 **MR. WALKER:** And they're easy. I have fished out of Venice, out
20 of Tiger Pass, and I have fished in the fog. We've got radar
21 and we've got single sideband and we've got plotters and we've
22 got autopilots and we've got all kinds of -- I know what you're
23 talking about.

24
25 When you get used to these tablets, and it doesn't take you very
26 long, just a minute or so, and you just touch the -- You take
27 your finger across the screen and you tap a button and tap it
28 and tap it and you're done, and so I don't think it's very hard.

29
30 Of course, there is other -- I think there could be other
31 potential systems too, but the main thing is it's portable. You
32 can take this device with you, but there's a lot of things --
33 Like you said, you would like to have better data, and I like
34 that you like that too, because I think it's important for you
35 guys to have better data, because it gives you better science.
36 It will give you, hopefully, more access to your fishery, a
37 better, longer fishing season.

38
39 **MR. B. WELLS:** Yes, but it definitely seems like there should be
40 options. I mean, if you think about it -- Put it this way. Say
41 you're from North Dakota and you get five of your friends from
42 college, fraternity buddies, from New York and California, six
43 different parts all over the country, and you plan this trip ten
44 months in advance, because that's how long it takes everyone to
45 coordinate their work schedules.

46
47 You buy airfare and you've got hotel rooms and rental cars. I
48 mean, you are just completely set up. You get all the way to

1 Venice, after a full day of travel time, to fish for one day and
2 you wake up in the morning and the captain gets on the boat and
3 says that my VMS isn't working this morning.

4
5 Everything else on the boat is completely fine, ready to roll.
6 The engines are running and the electronics are on and the fish
7 are biting and it's time to go. You got to the dock early and
8 watched all the boats come in and you're pumped up and the
9 captain says, well, this little piece of computer right here
10 that tracks me says it's broken and so we can't go. Put
11 yourself in his situation. Would you come back? I would lose a
12 customer for life.

13
14 **MR. WALKER:** But if you had some type of back-up system to --

15
16 **MR. B. WELLS:** That's what I'm saying, is there needs to be
17 options. Anyone else?

18
19 **CHAIRMAN BOSARGE:** I think that's it, sir. Thank you. Next, we
20 have Mr. Chris Moran, followed by Mr. Buddy Guindon.

21
22 **MR. CHRIS MORAN:** My name is Chris Moran. I'm the owner and
23 operator of Port Fourchon Marina, Moran's Marina, in Fourchon,
24 Louisiana. I also own Cajun Made Charters. I am just going to
25 read straight off my phone. I can see the need for
26 accountability in our fisheries management, and I am good to
27 embrace some form of electronic logbooks. The following
28 provisions should be considered.

29
30 In Action 1, Alternative 3, allowing daily reporting by noon the
31 following day. That would allow me to train someone to take on
32 that duty. Every night, I could pass -- We have a system for
33 the invoices for our charter business. We drop them in a safe,
34 and they're picked up every morning. We record all of our
35 catch, pounds and species and everything, the count, on the
36 tickets. We've been doing this since 1999. Anyway, to take on
37 this duty, so that I could continue on the next morning, me or
38 any of the other guys.

39
40 The vessel is rarely -- When we're on our vessel, on these open
41 vessels, and we run all center consoles. There rarely is a
42 barrier between me and my customers. My customers are right
43 here and right here. We talk about kids and birthdays and what
44 color fishing line and why are the hooks like that, and it never
45 stops, not allowing me the chance to break free to do any of
46 this, and I wouldn't put their safety at risk.

47
48 On outboards, which is predominantly what Louisiana consists of,

1 like I said, there is no barriers, and we entertain right up
2 until the end. It would be much easier for me to record
3 everything, as I always have done, on my invoices and delegate
4 it on. The reason we've done this since the beginning is we
5 charge for fish cleaning. Therefore, we count every fish and
6 record the weights of every category.

7
8 Action 3, I could also live with Alternative 3b for charter
9 vessels, where we hail-out. I don't see the point in the hail-
10 in, given that I would like to have that time until the next
11 day, and, furthermore, our local Department of Wildlife and
12 Fisheries -- At my dock, I have a dockside survey person there
13 every day. They cover -- There is not many docks in Louisiana,
14 and, actually, what I've got to give to our Wildlife and
15 Fisheries is they cover it well, unlike in Florida and other
16 places, where I understand there is multiple outlets. We really
17 don't have a lot of outlets in Louisiana. I don't really feel
18 like the hail-in is that necessary, given that we want to carry
19 it on to the next day.

20
21 Action 4, preferred, the two -- Some type of archived GPS and/or
22 notebook combination. You know, it's much more nominal in cost,
23 and I saw a sample of it, and it seemed like it worked well. It
24 can be run with our current electronics or some type of phone
25 app and no VMS.

26
27 I do have some experience with VMS, and I'm not just talking
28 about some outboard guy that has never even seen it. I actually
29 have a live bait operation at Moran's Marina. On numerous
30 occasions, our VMS has given us problems and it prevents us from
31 being able to catch bait at night.

32
33 Anyway, I am going to go ahead and close up. One other issue is
34 the power down on the outboards. That's something to consider,
35 how would you do that, and, by all means, I want what's best for
36 the fishery. I am very invested in this, a lot of money, and I
37 want to see us get to a place where we can continue to manage
38 our fishery. That's it.

39
40 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question from Mr.
41 Matens.

42
43 **MR. MATENS:** Chris, I really want to tell you that you've got a
44 Louisiana delegation here, and it's been so hard to get
45 Louisiana people here. I understand these guys from Florida and
46 the other states, and I understand. It's hard to make the point
47 that we have different problems, and I am really pleased to have
48 you here and that other bunch that you brought. God bless you.

1
2 **MR. MORAN:** The structure of Louisiana, our coastline is totally
3 different. We don't have -- I mean, I just flew in from West
4 Palm Beach and landed at 2:15. Believe me, I love the place. I
5 love going there, but we don't have the condos and we don't have
6 all of that.

7
8 We've got one opportunity with some halfway motels and homemade
9 family camps that we convert over to entertain people, and we've
10 got to take it to another level, because all we have to sell is
11 our fishing, because everything is not like what it is in
12 Florida. We don't have those condos and all of that. Our
13 fishing is all we have to sell, and we've got a lot of fish.
14 Any other questions?

15
16 **CHAIRMAN BOSARGE:** I think that's it. Thank you, sir. Next, we
17 have Mr. Buddy Guindon, followed by Mr. John Coulon.

18
19 **MR. BUDDY GUINDON:** Buddy Guindon, Gulf of Mexico Reef Fish
20 Shareholders' Alliance. The use-it-or-lose-it has no use in our
21 fishery, and, if it does, we will let you know. Amendment 36B
22 puts restrictions on a market-based system. When you restrict a
23 market-based system, it's like sticking a banana in your
24 tailpipe. It won't run very well. It will cause economic harm.

25
26 We don't need anything in Amendment 36B. When we need
27 something, we will bring it to the council. The people in this
28 fishery are doing very well, and let's just leave it alone.
29 We're not going to accomplish any of the goals. You're not
30 going to change any of the things that were set out that we
31 wanted to accomplish when we implemented the IFQ system, and so
32 it needs to be left alone.

33
34 I am still going to ask you to put the rest of the reef fish in
35 an IFQ. Allowing amberjacks to be caught and killed when it's
36 not necessary, and those guys that have amberjacks that go out
37 and catch 1,500 pounds at a time or 2,000 pounds at a time,
38 whatever they do, they should sit at home and let other people
39 give them money, and we can harvest them for them and then there
40 won't be waste. There will be more for the recreational and the
41 commercial fishermen that way. We will create more access to
42 the fishery.

43
44 The co-op presentation, I am wondering if some of the things
45 that were said in that presentation were opinions or facts, and
46 I hope they were facts. We have been longlining in the Gulf of
47 Mexico since the 1950s. There is less people longlining now
48 than there ever was, and we have pristine coral reefs. We need

1 to allow access by fishermen to these reefs.

2
3 We need a federal loan program or a federal register, where we
4 can go into the private sector and get this money that we need
5 to pass this fishery on to the next generation. They are
6 begging for it. A lot of the older guys are having to finance
7 it through, and hopefully they live long enough to get it done
8 so the guys don't lose their businesses.

9
10 When it comes to king mackerel, putting fish in and then taking
11 them out creates instability in that market and creates economic
12 harm, and I know we don't want to create economic harm.

13
14 When we talk about Amendments 41 and 42, it's really time, guys.
15 We need to move that along and get those people in a fishery
16 management plan that's accountable and that brings more
17 sustainability. It brings the level of harvest up, because we
18 will have better data to do better stock assessments.

19
20 I want to talk about the focus group. I am a little
21 disappointed that they're not going to meet anymore. I thought
22 this was going to be the end-all for the recreational fishery,
23 to bring them into a management system that will be accountable
24 and sustainable.

25
26 With that said, they wasted a lot of our time in saying wait for
27 us to build this, wait for us to build this. The council did it
28 many times. They waited. Let's not wait anymore. Let's
29 empanel that advisory panel and put them to work in getting a
30 fishery management plan for the recreational fishermen that will
31 work for them. I want to respect our new leader and stop
32 talking, if somebody will ask me about gags.

33
34 **CHAIRMAN BOSARGE:** I believe we have a question for you, Mr.
35 Guindon. Hang on. Mr. Sanchez.

36
37 **MR. SANCHEZ:** Tell me about gags.

38
39 **MR. GUINDON:** You've heard a lot about the twenty-two and
40 twenty-four-inch size limits, and I am taking my hat off for the
41 Shareholders' Alliance, because I can't speak for them. I am
42 speaking for myself.

43
44 In the red snapper fishery, we kept raising the size limit and
45 we kept reducing our ability to harvest and kept increasing our
46 ability to kill our own fish. A pound of fish is a pound of
47 fish, whether it's one pound or whether it's twenty-five pounds.

48

1 I don't like waste. I have asked you many times to let's put in
2 and implement a 100 percent retention fishery. I think that's
3 what needs to happen here, but it is my own personal opinion
4 that the stock will do better if you keep the fish you catch and
5 let the rest of them grow up to spawn and be mature, but that is
6 my personal opinion.

7
8 The reason the Shareholders' Alliance went with the twenty-four
9 inches is because that's what the science says and that's what
10 we say in our plan. Our dedication to this fishery is that
11 we're going to follow the science, even if it's wrong. Thank
12 you. Any other questions?

13
14 **CHAIRMAN BOSARGE:** Dr. Dana has a question for you.

15
16 **DR. DANA:** Not a question, but just a follow-up. When you said
17 about the private recreational AP and the council bringing them
18 together, there have been sent out notifications to call a
19 meeting, and so that's moving forward.

20
21 **MR. GUINDON:** Just stomp on the gas and hold it there until
22 they're done, will you? Thank you.

23
24 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. John
25 Coulon, followed by Mr. Michael Kelly.

26
27 **MR. JOHN COULON:** Council, how are you guys? Good evening. My
28 name is John Coulon, and I operate a twenty-passenger charter
29 recreational fishing vessel out of Venice Marina, the fishing
30 capital of the world, and rightfully named so. That's their
31 motto.

32
33 I call Empire home. It's a little town twenty-five miles north
34 before you get to Venice, and I remember calling Empire home
35 before Venice was even known or recognized as a sport town.
36 Now, between Cyprus Cove and Venice Marina, it gets the majority
37 of the business in the parish.

38
39 Where we live, we have the Gulf of Mexico as the -- It's almost
40 like a farmland. It's an area. We've got an unlimited amount
41 of opportunities inland and offshore. The twenty-passenger
42 recreational boat I run, without being biased, because I have no
43 commercial permits, the need for it, I think is overlooked.
44 Nowadays, the charter boats have evolved into center consoles.
45 We have no more headboats.

46
47 At some point, we were labeled charter/headboat, and we're
48 actually a partyboat, and that's for parties, family reunions

1 and larger groups, company functions, or just our immediate
2 family, whatever it be. There is a need and there is a demand
3 for a boat in our classification. I think we should be, without
4 being biased, there again, I think we should be on the top of
5 the endangered species list, simply because, when my dad started
6 this business back in the mid-1960s, it was about the time my
7 grandfather retired as the captain on the Canal Street Ferry
8 Boat right here, just a couple of blocks away.

9
10 My dad wanted to go fishing when he was a young man. He wanted
11 to charter a boat out of Empire, Louisiana, was the place,
12 because Grand Isle was too far away. He was put on a waiting
13 list for too long to satisfy his want to fishing. At that time,
14 a charter boat consisted of a shrimp boat or an oyster boat out
15 of season that might have did this in the off season.

16
17 They ran people to the Gulf and fished, and I'm sure it wasn't
18 but a few miles offshore. They could catch many different
19 species that we don't even recognize. Half the people in this
20 room wouldn't remember them, right along with the reporting that
21 we've done in the past. The majority of reporting, I would be
22 willing to bet, on the recreational sector has been done from
23 the partyboats, back when it was a voluntary thing, as far as
24 the reporting goes.

25
26 **CHAIRMAN BOSARGE:** Mr. Coulon, can you bring your comments to a
27 close fairly quickly, please?

28
29 **MR. COULON:** Yes, ma'am. I would love to give you my whole
30 fifty-year testimony one day when you have time. I would like
31 to sit in with all of you guys, and I could almost take all of
32 you on my boat, at least in two days, one weekend, reserved for
33 you at a time you would like it.

34
35 Anyway, long story short, I am against daily reporting. I have
36 been weekly reporting for a couple of years now, and it works
37 for me. Mr. Ken Brennan that heads the reporting, the federal,
38 he's got a lot of patience with me, because I'm a fisherman by
39 trade, for the last fifty years that I remember, and I am not
40 computer literate. I am not the greatest speaker, but I would
41 love to sit in with you guys and give you, like I said, my
42 fifty-year testimony on the whole thought. Thank you for your
43 time.

44
45 **CHAIRMAN BOSARGE:** Well, we would love to hear it, and we will
46 be here, and so you come see us.

47
48 **MR. COULON:** I will follow you wherever you go. You come to

1 Louisiana once a year. Come and see us, please.

2
3 **CHAIRMAN BOSARGE:** Thank you, sir.

4
5 **MR. COULON:** Thank you.

6
7 **CHAIRMAN BOSARGE:** Next, we have Mr. Michael Kelly.

8
9 **MR. MICHAEL KELLY:** Madam Chair and council, my name is Michael
10 Kelly from CLS America. Our company has made a commitment to
11 supporting fisheries science and fisheries management here in
12 the Gulf, and I wanted to clarify a statement that was made from
13 Monday in Dr. Lynn Stokes's presentation about matching data
14 with a trip.

15
16 It's actually easy, within the technology that exists, to do
17 that. It wasn't part of the specifications for the existing
18 Gulf of Mexico charter pilot project, but it is something that
19 is implemented in other parts of the U.S. right now, so that as
20 soon as a vessel crosses a line or enters into or out of a zone,
21 it changes the frequency of reporting automatically, so the
22 captain doesn't have to do anything.

23
24 We've done our best to make the application that the captains
25 use in the charter pilot project and in other fisheries very,
26 very user friendly and simple and quick. We are always working
27 to improve that, and so I just wanted to clarify that point.

28
29 **CHAIRMAN BOSARGE:** Thank you, sir. We have a couple of
30 questions for you. Mr. Anson.

31
32 **MR. ANSON:** Thank you. I asked Mike Colby and kind of put him
33 on the spot earlier, when he was providing testimony, and I just
34 wanted to get a confirmation. Which portion of the hardware is
35 actually sending that signal? He had two pieces of hardware.
36 He had the one that was affixed, permanently affixed, to the
37 vessel and the other was the iPad thing, and which one is it,
38 because a captain could not turn on the iPad, but he's going to
39 need the vessel, and so where is that signal coming from?

40
41 **MR. M. KELLY:** Sure. NOAA has published very strict standards
42 for vessel tracking in the VMS program, and the companies that
43 are able to meet the type approval standards and get certified
44 in those fisheries have to meet those standards, and they have
45 to do with things like that, with data security and with data
46 timeliness, even customer service on the part of the provider.
47 You have to meet a lot of hurdles.

1 In Mike Colby's case, the signal is actually coming from the
2 equipment that's mounted on the vessel. The only thing that's
3 coming from the tablet, that's coming through the tablet, is the
4 input that the captain provides in the form. Everything else
5 goes directly through that unit that's hard-wired on the vessel.
6

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

9 **CHAIRMAN BOSARGE:** Dr. Ponwith.
10

11 **DR. PONWITH:** Thank you, Madam Chair. Michael, I can understand
12 that there would be a technical solution to the matching
13 problem. The matching problem is vexing. It takes wonderful
14 data, if you can't match, and forces you to use averages or
15 erroneous matches, and that wreaks havoc on your precision. My
16 question is, is Dr. Stokes still working on the program? If so,
17 is it possible to rerun some of those statistics tables on
18 projected precision, assuming 100 percent matching?
19

20 **MR. M. KELLY:** The answer is yes. Dr. Stokes will be working on
21 the project throughout 2017, on all the data that we collect in
22 2017. Our goal in 2017 is twofold. One is to make revisions to
23 the existing electronic form and the app that's inside that
24 tablet, so that it can do extra things like that, data log more
25 positions and report more frequently when it gets close to shore
26 and things like that, add more species. We're going to make
27 those changes to the application for year two, and Lynn Stokes
28 might be here a year from now with a completely different
29 conclusion.
30

31 **DR. PONWITH:** Whether or not you're able to implement that
32 frequency change that would give you the 100 percent matching,
33 that would be a statistic in sort of your contingency tables
34 that would be a valuable statistic to have of what your
35 precision would look like with assumed 100 percent matching.
36 That would be a valuable statistic.
37

38 **CHAIRMAN BOSARGE:** I think we have one last question from Dr.
39 Stunz for you.
40

41 **DR. STUNZ:** Just a quick question, Michael. For a vessel that
42 doesn't have anything right now, the iPad to connect to the
43 junction box that stays on the boat, what is the cost again to a
44 captain to outfit his boat?
45

46 **MR. M. KELLY:** That depends. The reimbursable price for vessels
47 that are in the reimbursement program for NOAA is up to \$3,100
48 for a type-approved VMS with an input device. Ours, we have

1 sold to NOAA for part of the project for just \$1,999 and so we
2 cut it to discounted price to work within kind of the framework
3 of what was needed for the program, and so \$1,999 is the price
4 for the hardware, and that includes everything. Then the
5 service, the ongoing service, goes between forty-five and sixty-
6 nine dollars a month, depending on what plan they choose.

7
8 **DR. STUNZ:** Just so I'm real clear, for the 1,300 or whatever
9 number of charter boats that would be required to do something
10 like this, if that's the direction the council goes, you would
11 change them only nineteen-dollars per unit or -- I am not
12 talking about the VMS program. I am talking about what Mike
13 Colby showed us today.

14
15 **MR. M. KELLY:** The equipment itself would cost \$1,999 for the
16 hardware that would get installed on the vessel. The ongoing
17 monthly service, satellite service cost, would range between
18 forty-five dollars a month and sixty-nine dollars a month,
19 depending on what other features the captain chose to use,
20 satellite email and satellite weather and other things like
21 that.

22
23 **CHAIRMAN BOSARGE:** Thank you, sir. That concludes our public
24 testimony for the evening. We don't have anyone left on the
25 list. Tomorrow is Thursday. We are going to start at eight
26 o'clock in the morning tomorrow, and so I will see you all
27 bright and early, at eight o'clock. Thank you.

28
29 (Whereupon, the meeting recessed on February 1, 2017.)

30
31 - - -

32
33 February 2, 2017

34
35 THURSDAY MORNING SESSION

36
37 - - -

38
39 The Full Council of the Gulf of Mexico Fishery Management
40 Council reconvened at the Astor Crown Plaza, New Orleans,
41 Louisiana, Thursday morning, February 2, 2017, and was called to
42 order by Chairman Leann Bosarge.

43
44 **CHAIRMAN BOSARGE:** This morning, we are going to start with our
45 committee reports, and we're going to adjust that agenda
46 schedule a little bit, the way that Mr. Boyd had talked about.
47 First, we are going to get started with Data Collection, as
48 scheduled. Dr. Stunz, if you're ready, I will turn it over to

1 you, sir.

2
3 **COMMITTEE REPORTS (CONTINUED)**
4 **DATA COLLECTION COMMITTEE REPORT**
5

6 **DR. STUNZ:** Thank you, Madam Chair. The Data Collection
7 Committee met on January 30, 2017. First, was the CLS America
8 Pilot Report. Dr. Stokes gave a presentation on Tab F, Number
9 4, summarizing the CLS America electronic reporting pilot
10 project.

11
12 She summarized preliminary results of their research,
13 highlighting the need for improved matching of trips between
14 reports and dockside intercepts. She also showed that variance
15 estimates of catch are currently higher than comparable
16 estimates from the APAIS. She indicated that research is
17 ongoing to improve trip matching that may be necessary to
18 improve results.

19
20 Based on the current matching rates, she provided estimates of
21 the sampling increases necessary to achieve estimates of
22 variance that are comparable to the APAIS estimates. She
23 proposed several methods to reduce variance that could be
24 considered when developing the electronic reporting program for
25 federally-permitted for-hire vessels in the Gulf.

26
27 Next, we discussed the South Atlantic Generic For-Hire Reporting
28 Amendment. The committee reviewed the South Atlantic Council's
29 Generic Amendment that would modify charter vessel and headboat
30 reporting requirements, Tab F, Number 6a, that was approved at
31 their December 2016 meeting.

32
33 Staff highlighted the revised text in the document that
34 clarified that vessels possessing federal permits in both the
35 South Atlantic and Gulf will be required to report by the more
36 stringent Gulf reporting requirements whether the vessel is
37 fishing in South Atlantic or Gulf waters.

38
39 This amendment would require federally-permitted South Atlantic
40 for-hire vessels to report all fish harvested and discarded on
41 all trips, regardless of where the fish were caught, weekly by
42 Tuesday following each fishing week. They are also requiring
43 federally-permitted charter vessels to report location fished
44 electronically by manually entering latitude and longitude, in
45 degrees and minutes, or by clicking on an electronic chart.

46
47 Mr. Brown, a council member on the South Atlantic Council,
48 stated that this requirement is already in place for headboats.

1 However, their council is currently working on updating this
2 application for charters vessels, so that fishermen can download
3 trip location track information.

4
5 **The committee recommends, and I so move, to accept all the**
6 **preferred selections within the South Atlantic Electronic**
7 **Reporting Amendment to the Full Council. I will stop there for**
8 now.

9
10 **CHAIRMAN BOSARGE:** All right. We have a committee motion. Is
11 there any discussion on the motion? **Is there any opposition to**
12 **the motion? Seeing none, the motion carries.**

13
14 **DR. STUNZ:** Thank you. The committee recognized that the
15 codified text accompanying this document were not yet available,
16 but are expected to be available for review at Full Council.
17 Madam Chairwoman, would you like me to stop there? Do we need
18 to deal with the codified text at this point, or would you like
19 me to move forward in the report?

20
21 **CHAIRMAN BOSARGE:** I will turn that over to Mara. Mara, do we
22 need to deal with the codified text?

23
24 **MS. LEVY:** Well, I believe you did receive the codified text for
25 both the South Atlantic data reporting amendment and the Gulf
26 Council's data reporting amendment. I guess you need to deal
27 with it in the fact that you need to decide whether to vote to
28 approve and submit to the Secretary of Commerce.

29
30 **CHAIRMAN BOSARGE:** All right, council. We have the codified
31 text in our briefing book.

32
33 **DR. STUNZ:** Would you like me to make a motion?

34
35 **CHAIRMAN BOSARGE:** If you want to make a motion, yes, sir.

36
37 **DR. STUNZ:** Is that protocol for me as the Chair?

38
39 **CHAIRMAN BOSARGE:** We are in Full Council now, and so you can go
40 ahead.

41
42 **DR. STUNZ:** **I move that we accept the codified text regarding**
43 **the South Atlantic Electronic Reporting Amendment.**

44
45 **CHAIRMAN BOSARGE:** Ms. Levy, do you have a comment?

46
47 **MS. LEVY:** I think what you can do is your general language
48 about submitting to the Secretary of Commerce and deeming the

1 codified text. I would note that the codified text for the
2 South Atlantic -- What you have in your briefing book is what
3 they had in their briefing book, but that is not what ultimately
4 it's going to be, because it has been going through some
5 revisions at NMFS.

6
7 It's going to go back to their Chair at some point, I believe,
8 and then probably back here for re-deeming, because we're
9 working out just some language things, and so you can deem it
10 and then it has that language about re-deeming, whatever that
11 general language is that we use.

12
13 **DR. STUNZ:** That's perfectly fine with me. It looks like it's
14 coming up on the board here.

15
16 **CHAIRMAN BOSARGE:** Staff is working on pulling up that language
17 that we always use. We will give them just a second here. Dr.
18 Stunz, if you wouldn't mind, would you just read it into the
19 record for us, and then we'll see if we have a second.

20
21 **DR. STUNZ:** Okay. Sure. The motion is to approve the South
22 Atlantic Electronic Reporting Amendment and that it be forwarded
23 to the Secretary of Commerce for review and implementation and
24 deem the codified text as necessary and appropriate, giving
25 staff editorial license to make the necessary changes in the
26 document. The Council Chair is given the authority to deem any
27 changes to the codified text as necessary and appropriate.

28
29 **CHAIRMAN BOSARGE:** Thank you, sir, and we have a second from Mr.
30 Greene. Is there any discussion on the motion? This will be a
31 roll call vote. Mr. Gregory, whenever you're ready.

32
33 **EXECUTIVE DIRECTOR GREGORY:** Yes, ma'am. Mr. Sanchez.

34
35 **MR. SANCHEZ:** Yes.

36
37 **EXECUTIVE DIRECTOR GREGORY:** Mr. Anson.

38
39 **MR. ANSON:** Yes.

40
41 **EXECUTIVE DIRECTOR GREGORY:** Dr. Dana.

42
43 **DR. DANA:** Yes.

44
45 **EXECUTIVE DIRECTOR GREGORY:** Dr. Stunz.

46
47 **DR. STUNZ:** Yes.

48

1 EXECUTIVE DIRECTOR GREGORY: Mr. Riechers.
2
3 MR. RIECHERS: Yes.
4
5 EXECUTIVE DIRECTOR GREGORY: Mr. Swindell.
6
7 MR. SWINDELL: Yes.
8
9 EXECUTIVE DIRECTOR GREGORY: Dr. Frazer.
10
11 DR. FRAZER: Yes.
12
13 EXECUTIVE DIRECTOR GREGORY: Mr. Banks.
14
15 MR. BANKS: Yes.
16
17 EXECUTIVE DIRECTOR GREGORY: Dr. Lucas.
18
19 DR. LUCAS: Yes.
20
21 EXECUTIVE DIRECTOR GREGORY: Mr. Matens.
22
23 MR. MATENS: Yes.
24
25 EXECUTIVE DIRECTOR GREGORY: Dr. Crabtree.
26
27 DR. CRABTREE: Yes.
28
29 EXECUTIVE DIRECTOR GREGORY: Captain Greene.
30
31 MR. GREENE: Yes.
32
33 EXECUTIVE DIRECTOR GREGORY: Mr. Walker.
34
35 MR. WALKER: Yes.
36
37 EXECUTIVE DIRECTOR GREGORY: Mr. Diaz.
38
39 MR. DIAZ: Yes.
40
41 EXECUTIVE DIRECTOR GREGORY: Ms. Guyas.
42
43 MS. GUYAS: Yes.
44
45 EXECUTIVE DIRECTOR GREGORY: Mr. Boyd.
46
47 MR. BOYD: Yes.
48

1 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bosarge.
2
3 **CHAIRMAN BOSARGE:** Yes.
4
5 **EXECUTIVE DIRECTOR GREGORY:** **The motion passes unanimously.**
6
7 **DR. STUNZ:** All right. Next, the Gulf Generic For-Hire
8 Reporting Amendment. Staff reviewed written comments received
9 since the October 2016 council meeting , Tab F, Number 5b.
10
11 Next, staff reviewed the Gulf Generic Amendment to modify
12 charter vessel and headboat reporting requirements, Tab F,
13 Number 5a. Staff reviewed the revised notes under Actions 1 and
14 2 and the IPT recommendations in Action 3 that clarified the
15 council's intent. Staff also noted that language was added,
16 noting that an approved emergency system would need to be
17 developed if the VMS or any other selected system is non-
18 operational.
19
20 **The committee recommends, and I so move, that the committee**
21 **accept the IPT recommendations for the alternatives in Action 3,**
22 **Trip Notification and Reporting Requirements.**
23
24 **CHAIRMAN BOSARGE:** All right. We have a committee motion. Is
25 there any discussion on the motion? **Seeing no discussion on the**
26 **motion, is there any opposition to the motion? Seeing none, the**
27 **motion carries.**
28
29 **DR. STUNZ:** The committee also reviewed the IPT's proposed
30 changes to the alternatives in Action 4. These changes
31 clarified that the geo-positioning portion, GPS, of the
32 reporting hardware be permanently affixed to the vessel. The
33 committee discussed that this was necessary for Alternative 4,
34 but did not agree it was necessary for Alternatives 2 and 3.
35
36 **The committee recommends, and I so move, to accept the IPT**
37 **recommendations for Alternative 4 in Action 4, Hardware/Software**
38 **Requirements for Reporting. Require vessel operators to submit**
39 **fishing records via NMFS-approved vessel monitoring system**
40 **hardware/software that provides vessel position data to NMFS.**
41 **The antenna and junction box area are permanently affixed to the**
42 **vessel. Option a is for charter vessels and Option b is**
43 **headboats.**
44
45 **CHAIRMAN BOSARGE:** Thank you, sir. All right. We have a
46 committee motion on the board. Do we have any discussion on the
47 motion? **Is there any opposition to the motion? Seeing none,**
48 **the motion carries.** Dr. Crabtree.

1
2 **DR. CRABTREE:** This is one that still concerns me, and do we
3 want to go back now and talk about some of the issues in the
4 amendment?
5
6 **CHAIRMAN BOSARGE:** I think now would be the time, because Dr.
7 Stunz has one last line in his report, and it just says "Madam
8 Chair, this concludes my report."
9
10 **DR. STUNZ:** Can I finish that?
11
12 **CHAIRMAN BOSARGE:** Go ahead, Dr. Stunz.
13
14 **DR. STUNZ:** Madam Chair, this concludes my report.
15
16 **CHAIRMAN BOSARGE:** All right. Now, would you like to have some
17 further discussion? Did you have discussion on this particular
18 action right here? Is that what you were wanting to address,
19 the other IPT language?
20
21 **DR. CRABTREE:** I want to go back to the others.
22
23 **CHAIRMAN BOSARGE:** Let's do that. Let's take it in order. If
24 we're going back through the document, Action 1, does anybody
25 have anything to say about Action 1? Yes, sir, Mr. Riechers.
26
27 **MR. RIECHERS:** I would like to move that we make the preferred
28 alternative Alternative 3. If I get a second, I will have some
29 discussion.
30
31 **CHAIRMAN BOSARGE:** We will give staff just a minute to get it on
32 the board and everybody else a minute to get to that in their
33 document.
34
35 **EXECUTIVE DIRECTOR GREGORY:** That is Tab F-5(a).
36
37 **MR. ANSON:** I will second it for discussion.
38
39 **CHAIRMAN BOSARGE:** The motion is coming up on the board, and it
40 does have a second from Mr. Anson. Yes, sir, go ahead.
41
42 **MR. RIECHERS:** We had this discussion in committee, and I
43 believe we centered around a motion at that point. As far as
44 the discussion goes, while it will be a lot the same, I think we
45 centered around the weekly reporting, much like the South
46 Atlantic had chosen, and like the headboat reporting has been,
47 in some respects.
48

1 We heard a lot from people yesterday, and, I mean, let's
2 remember that the real issue is not about the inconvenience.
3 It's not about who can do it or who cannot do it. It's about
4 the amount of recall bias that might occur from the evening to
5 the next day or a week from now.

6
7 When you think about recall bias, and certainly there is a lot
8 of literature out there about recall bias, and there's a lot of
9 literature out there about recall bias associated with bags and
10 how many ducks and geese and other things have been killed, and
11 fish, as well as a lot in the health literature as well, but the
12 thing is that most of that is dealing with annual recall or
13 quarterly recall versus daily or next-day recall.

14
15 Really, I don't believe the expectation that there is going to
16 be a lot of bias from reporting by noon the next day is there,
17 and so I think, in the lines that we're going from really a
18 sampling system now to a census-based system and one that will
19 certainly increase the amount of data and reduce the recall that
20 we now have in these situations already, I think, kind of
21 hearing what we heard yesterday from some, and knowing that
22 there's a lot that aren't here, I just think this is a
23 reasonable solution to that and at least try this and see how
24 that works.

25
26 **CHAIRMAN BOSARGE:** Dr. Crabtree.

27
28 **DR. CRABTREE:** I think there is more to this than just the
29 recall bias though. One of the main reasons we wanted the
30 reports submitted before they hit the dock is that we want them
31 to submit the reports before they know whether their vessel is
32 going to be subject to a dockside interview.

33
34 If they come in and don't have to report until the next day, if
35 they get an interview, then they know that we're going to
36 compare what they report to what the folks saw, but, if they
37 come in and they don't get an interview, then they know that
38 we're not going to be able to do that, and so it seems, to me,
39 that significantly weakens our ability to enforce this and
40 validate it and check it.

41
42 What I heard in public testimony yesterday was overwhelming
43 support for reporting before you hit the dock. What I heard was
44 that it's simple and it takes a few minutes. I just heard one
45 group of fishermen from Louisiana who were opposed to it and
46 wanted until noon and a couple of people from Panama City, but
47 it seems to me, over the past meetings, we've heard, time and
48 time again, from people who have actually done this and tried it

1 that it just takes a couple of minutes and it's simple to do and
2 it's not a problem.

3
4 I think anyone, in all the discussions we've had with the
5 technical folks and everyone about our ability to validate it, I
6 think reporting before you hit the dock was a big part of our
7 ability to make this work. Guys, if we put in place a system
8 that just is never going to produce data we can use, it's going
9 to make it that much harder down the road.

10
11 We're going to get people to invest in equipment, and then we're
12 going to have to come in and tell them, well, we've got to
13 change the requirement and things are going to have to be
14 different, and I just think that we're way better off to get
15 this right now.

16
17 We've heard, time and time again, from these guys that they want
18 better data. My impression is that most of them are willing to
19 do this, and so let's do this right, if we're going to do it, so
20 that we can get data that we can use.

21
22 **CHAIRMAN BOSARGE:** Dr. Lucas.

23
24 **DR. LUCAS:** I appreciate Roy's statement, Dr. Crabtree's
25 statement, and I understand that we're always trying to find
26 ways to tighten down and make enforcement and all this, and my
27 Mississippi charter/for-hire feel about the same way as
28 Louisiana did. That's what they're sending back to us, is they
29 don't mind reporting. They want to have better data.

30
31 They do it for our electronic reporting system, and they think
32 it works great. They hail-out, and they know we're looking for
33 a report when they come back to the dock and they start
34 unloading. That's when they're filling out their report, and
35 they're good, and they're even happy if you say, hey, before you
36 can go back out, you've got to make sure that report is filled
37 out, and it seems to be working really well.

38
39 We have blanketed the docks where these guys are going. They're
40 not trying to skirt the system. They know that we want the
41 data, and they know that they need the data in order for them to
42 do their jobs well and get more fish and all of that, and so
43 they're not trying to cheat the system.

44
45 Those people that are trying to cheat the system are going to
46 cheat the system anyway, regardless of what measures you put in
47 place for the enforcement. If we're really looking at this for
48 getting the better data and being able to validate, I think you

1 can still get the validation done by having those reports filled
2 out on a daily basis. Thanks.

3

4 **CHAIRMAN BOSARGE:** Mr. Sanchez.

5

6 **MR. SANCHEZ:** Thank you, Madam Chair. I would speak against
7 this and remain in favor of the current preferred alternatives.
8 I think we've heard, time and time again, as this document has
9 been developing and blossoming, and we already have preferreds
10 that we've taken an awfully long time to get at, and I would
11 speak against this in favor of the leaving the current
12 preferreds for this.

13

14 **CHAIRMAN BOSARGE:** Mr. Greene.

15

16 **MR. GREENE:** I speak in opposition to this. While I understand
17 where people are at, and I understand that there is the desire
18 by some for reporting the next day, and it seems like, when
19 you're looking at, well, that's not really a big deal. If you
20 do it today or tomorrow, what's the big deal?

21

22 Well, we also had public testimony yesterday that there were
23 guys running two and three charters in day. Well, that becomes
24 a form of a deal, because I have used this program and I have
25 run three charters in a day and I have been a part of running
26 two charters a day. I have been through the whole process, and
27 I'm telling you that it's way better to go ahead and do it prior
28 to landing at the dock and being done with that.

29

30 It does not take more than two to three minutes for an average
31 person to do that. I feel that it's paramount that we do it at
32 that point, so that, as you're coming to the dock and you've got
33 your stuff filled out, you don't know if the enforcement guy is
34 there or not, but, in the back of your mind, you know that you
35 better get it right, because, if your information is not correct
36 and it doesn't match up, then it's going to create some
37 variances and problems and issues for you down the road.

38

39 I really believe that's the fundamental thing that we're looking
40 at here. I don't think it's that people are trying to get away
41 with something or whatever, and, as was mentioned earlier, those
42 people are going to continue to do that, but 99 percent of the
43 people are going to do it right anyway, and we might as well do
44 it.

45

46 I know that, in my state, we have a reporting system, and it
47 requires you to report prior to landing, and so obviously
48 there's a reason for that. The commercial IFQ program also

1 requires them to report before they land, and so it has worked
2 in other fisheries. It has worked in other states, and there is
3 no reason not to do it here on this particular issue.

4
5 **CHAIRMAN BOSARGE:** Mr. Walker.

6
7 **MR. WALKER:** It's not difficult to do. You just get your boat
8 heading back toward the dock and you put your autopilot in. You
9 don't have to go wide open. You can idle back and enter the
10 information. It doesn't take long.

11
12 These guys already have all kinds of equipment. They have
13 single sideband and they have radar and they have plotters and
14 they have anything you can imagine, radios and stereos and
15 everything going on. It's not difficult to pick up that little
16 pad and enter in your information, and I even had some
17 discussion with some of the guys after, and they were like,
18 whatever it takes, you know.

19
20 Some of them said the noon the next day could be a problem,
21 because they're out on another trip already, and so they were
22 basically like, whatever it takes to get this, we want it. They
23 were speaking obviously to this too, because it's easy. It's
24 not difficult to enter in your information.

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

27
28 **MR. MATENS:** Thank you, Ms. Bosarge. I am going to speak in
29 favor of this, and the reason that I'm going to do that is I
30 understand people like Johnny, who are maybe running multiple
31 trips, and I understand David's position.

32
33 Yesterday, we heard a lot about those guys from Venice and one
34 from Fourchon. If you haven't run out there, you can't imagine
35 what it's like. I don't think -- Of course, a lot of those guys
36 wanted weekly. I think daily, by noon of the next day, is a
37 good compromise. If it's convenient to log in on the way back
38 in, great, but, if it's foggy or if it's stormy and these guys
39 are not getting in until five o'clock sometimes, and they have
40 to do some marketing work with their customers before they get
41 off the boat.

42
43 How many of them would wait until noon? I really don't know.
44 Some, of course, and I think there's some that would log in that
45 same day, particularly if they have an early charter the next
46 morning, and so, accordingly, I speak in favor of this, and I
47 hope this passes. Thank you.

1 **CHAIRMAN BOSARGE:** Mr. Anson.

2
3 **MR. ANSON:** Thank you, Madam Chair. Although I seconded the
4 motion, I'm not going to support the motion. Obviously we all
5 heard testimony from a lot of the Louisiana vessel operators and
6 their concerns of trying to operate the vessel safely and
7 getting back to the marina, the dock, and certainly that was a
8 consideration that we took in prior to developing the Snapper
9 Check Program in Alabama.

10
11 Granted, we have both private recreational and charter boat
12 vessel operators required to report, but we looked into the time
13 of report and the ease of enforcement, or the impact of timing
14 of the report on the enforceability of the regulation, and,
15 considering that certain locations, marinas and ramps, are
16 difficult to get to, and, particularly in the summertime, there
17 is lots of vessel traffic, and so that could be a potential,
18 trying to operate the vessel and get on a smartphone and report
19 at the same time, and so we allowed for the report to be
20 submitted prior to landing the fish.

21
22 That gives people an opportunity to safely dock and also report.
23 The time between -- Whether you're fifteen seconds from tying up
24 the rope and officially tying up at the dock, in this
25 regulation, or you wait a couple or five minutes later to land
26 the fish, there might have been some concerns or people might
27 have concerns of that impact on reporting, but you can see
28 people walking around the docks just as easily as before landing
29 the fish as you can after landing the fish, and so I will bring
30 that up after this is dispensed, but those are my comments.
31 Thank you.

32
33 **CHAIRMAN BOSARGE:** Is your comment to that point, Dr. Crabtree?

34
35 **DR. CRABTREE:** Yes, because one of the questions we've had about
36 the current preferred alternative is it's before or prior to
37 arriving at the dock, and so I guess, in the IFQ program, we
38 allow them to come to the dock, but they can't offload the fish,
39 and so you're talking about landing the fish, meaning the fish
40 coming off the boat.

41
42 That would be kind of a modification to the current preferred
43 alternative. I guess I am looking at -- Like everybody here,
44 I'm trying to judge where we are on this, and it seems, to me,
45 we're pretty split. I don't know if we're going to pass this
46 motion or not.

47
48 Would a compromise position be that they have to submit the

1 report before they land any fish, meaning, before any fish comes
2 off the boat, they have got to submit it, but that would allow
3 them to hit the dock and tie up and then fill out the report and
4 submit it?

5
6 Is that a compromise that people could get behind? It seems, to
7 me, that's better than noon the next day, although my preference
8 would be to stay with the current preferred alternative. I
9 think you kind of were alluding to that, Kevin.

10
11 **MR. ANSON:** That's kind of where I was leaning to, yes. It
12 would be a compromise, in my mind, and that's probably where I
13 would lean, as far as voting, is to modify the current preferred
14 to allow that the report be submitted prior to landing.

15
16 **DR. CRABTREE:** I think, procedurally, if this motion passes,
17 then, to do that, because we're taking final action, there would
18 have to be a motion to reconsider and all of that.

19
20 **CHAIRMAN BOSARGE:** Do we have any more discussion on this? I
21 have a list of people to speak here, but, if there is discussion
22 on this particular topic, I will take that, to this point,
23 before we go back to the list. Yes, Mr. Swindell.

24
25 **MR. SWINDELL:** Since I've been on this council, we've been
26 dealing with the problematic red snapper fishery, and one of the
27 big deals in it has been the accuracy of the data that we have
28 been able to obtain. I think this is really not a good thing to
29 do, to have built in more inaccuracy potential to the
30 information that we're trying to get, and so I speak against the
31 motion.

32
33 **CHAIRMAN BOSARGE:** To this point, Dr. Stunz?

34
35 **DR. STUNZ:** It's not to this point.

36
37 **CHAIRMAN BOSARGE:** Okay. Go ahead.

38
39 **DR. STUNZ:** Well, I mean, I've sat here a little quiet, because
40 I am a little bit conflicted, given that I'm the one that is
41 piloting programs like this, but then I figured that I guess
42 that I should say that what we're piloting, having done this for
43 the captains, many that you heard, through iSnapper, we do have
44 it in there to report before you hit the dock, and it works
45 fine, and they have done it just fine. It was just pretty much
46 a non-issue.

47
48 I see Robin's point, and I hear these guys in Louisiana and what

1 they're saying, and I guess what I would say is it has worked in
2 the past, before you get to the dock, and it just hasn't been an
3 issue, and so it would be a little bit hypocritical for me to
4 have piloting programs ongoing, as we speak, that report for the
5 dock and then vote for this motion, but maybe I can assure the
6 council that this just hasn't been a problem with the captains.
7 It's a two-minute, if that, procedure to enter this catch, and
8 it was pretty much just a non-issue.

9
10 **CHAIRMAN BOSARGE:** I am going to go back to my list. Martha,
11 you're next on my list.

12
13 **MS. GUYAS:** I think my question is germane to just our general
14 discussion that we're having here. Let's say we stick with the
15 current preferred of landing before you hit the dock. What
16 happens if they don't and they forget until the next day? A
17 couple of people that spoke yesterday that are in these pilot
18 programs and they have VMS and they're all onboard, but it's not
19 a big deal and I forgot and I just do it when I get in the boat
20 the next morning, and like what happens?

21
22 Where I'm coming from here, I just want this to be easy for
23 people. I want to find a system that we can all live with.
24 Maybe it's one where they can do the report before they actually
25 get off the boat. I don't know, but what happens if they don't
26 do the report?

27
28 **CHAIRMAN BOSARGE:** Dr. Crabtree.

29
30 **DR. CRABTREE:** I believe, the way this is done, is that, if you
31 fail to report, then you're not allowed to fish, under your
32 permit, until you correct the report, and so I think -- Mara,
33 help me here, but I think, if they came in and didn't report, if
34 they then got on the boat and went out the next day fishing
35 without having submitted their report, I think then they could
36 be subject to an enforcement action, but I think, if they just
37 were late -- I am going to ask Mara to comment on that, because
38 I don't think all the details are yet put in the codified text.

39
40 **MS. LEVY:** It's very similar to what we did with the dealer
41 electronic reporting, and it says it in the note that we went
42 over during committee, that an electronic report not received
43 within the time specified is delinquent. A delinquent report
44 automatically results in a prohibition on harvesting or
45 possessing the applicable species by the permit holder,
46 regardless of any additional notification to the delinquent
47 permit holder or operator by NMFS.

48

1 This prohibition is applicable until all required and delinquent
2 reports have been submitted and received by NMFS according to
3 the reporting requirement, and so it's essentially saying, if
4 you don't do it, you have a delinquent report. Therefore, you
5 are no longer authorized to go out and fish, pursuant to your
6 permit.

7
8 I think it sets up a situation, because a lot of the discussion
9 we had in the dealer reporting was how do we enforce this? How
10 do we enforce the reporting requirement? I think it sets up the
11 situation where you're setting up a potential enforcement or a
12 violation if they don't submit the report. In addition to just
13 being late, if they go out and fish, then we have a mechanism to
14 say, hey, you were delinquent and you weren't allowed to fish,
15 and so it sets up a way to allow for some type of enforcement.

16
17 **CHAIRMAN BOSARGE:** To that point, Martha?

18
19 **MS. GUYAS:** I think what I'm hearing is, if you have the
20 situation where you go out one day and you forget to do your
21 report, and you do your report before you leave the next
22 morning, you're still good and you're not going to have a
23 violation.

24
25 **MS. LEVY:** I think, technically, you would still have a
26 violation. Well, I am not going to say one way or another.
27 That would be up to the discretion of -- I mean, if you're in a
28 situation where potentially someone is forgetting 80 percent of
29 the time, you may set up a situation where enforcement feels
30 like there's something that they want to issue a violation for,
31 but that's something that is going to be within the discretion
32 of the enforcement agent and of NOAA General Counsel in terms of
33 pursuing that, but it would be a violation not to report
34 consistent with the requirements.

35
36 **DR. CRABTREE:** But we have not been aggressive about doing that.
37 Our approach with dealers and headboats and all of them has been
38 to correct the problem and make sure people understand the
39 requirement and try to get people to comply, but you need to
40 have that possibility of an enforcement action to do that, but I
41 think our goal would be to contact them and make sure they
42 understand the requirement and why are they late and try to fix
43 it.

44
45 **CHAIRMAN BOSARGE:** Is it to that point, Mr. Riechers? All
46 right. Then I have Mr. Boyd.

47
48 **MR. RIECHERS:** Roy, I certainly understand the enforcement

1 aspect of this, and we deal with this, but I can tell you,
2 though I am not a law enforcement officer, if they correct the
3 problem, I suspect we're not going to run down to a county judge
4 and be trying to have them do a ticket, because it's just not
5 going to go anywhere.

6
7 Now, your enforcement officer, as you suggest, if there is
8 multiple -- Even ours. If there is a continual pattern, then
9 that gives someone a reason to go investigate, but that's a
10 continual pattern issue, and you will have that continual
11 pattern whether it's the day after or that night, if there's a
12 problem there.

13
14 **CHAIRMAN BOSARGE:** Mr. Boyd, you have been waiting patiently.

15
16 **MR. BOYD:** Thank you, Madam Chairman. I am conflicted on this
17 motion. I understand the need for accurate, timely reporting,
18 and I understand the need to validate and for enforcement, but I
19 also listened to what I think is a substantial number of
20 captains who have spoken against reporting before you hit the
21 dock.

22
23 They say it's a safety at-sea issue, and they say that it causes
24 them problems with their customers, and so I am conflicted, and
25 I have a question for Dr. Crabtree. If we voted this in and we
26 have reporting the next day, is there anything to preclude the
27 council from coming back at a later date and saying that now we
28 want to go to daily reporting before you hit the dock?

29
30 **DR. CRABTREE:** No. You would have to come back in and, I guess,
31 amend the plan and change it.

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

34
35 **DR. PONWITH:** Speaking to that scenario, it would not be
36 difficult to picture a situation where a captain came in and got
37 sampled and went back to their tablet, either on the boat or
38 back in their office, and reported precisely what that sampler
39 say in their catch, as opposed to -- Basically erasing any
40 reporting error. It's, okay, well, I watched the sampler
41 offload this and this is what I will report, because that's what
42 I have.

43
44 What that does is it erases our ability -- That's a logical
45 behavior, right? I would do it myself. I want my report to be
46 excellent, and, if I see them out there, what that does is it
47 creates a lack of an ability to understand reporting error in
48 the sample.

1
2 We've talked a lot about whether people are going to be honest
3 or not, and let's assume that everybody is honest and everybody
4 wants to give the very best data they can. There is still such
5 a thing as reporting error. It's a chaotic scenario out there,
6 and there will be reporting error.

7
8 The ability to have a report button pushed before they know
9 whether they're going to be sampled gives us the ability to
10 compare what they thought they had on their boat to what an
11 observer, a dockside sampler, sees in a less chaotic situation
12 and make a correction.

13
14 I could picture, in this scenario, where there would be 100
15 percent agreement between the report that was sent in and what
16 the observer or the port sampler saw, because the captain is
17 standing there watching and doing that count at that point, and
18 it eliminates our ability to have that correction factor when
19 it's anticipated that there will be reporting error, and so I am
20 worried about this one.

21
22 **CHAIRMAN BOSARGE:** Mr. Banks and then Dr. Stunz.

23
24 **MR. BANKS:** Dr. Ponwith, is there any way for you to understand
25 the reporting error of your samplers, because certainly we have
26 that from time to time in our samplers, and what you're talking
27 about is reporting error from the fishermen, and I am just
28 wondering about on the other side. Do you have a way to
29 determine that?

30
31 **DR. PONWITH:** Yes, there are certainly -- Reporting error is a
32 statistical phenomenon in every single sampling program, and the
33 thing that you have to do is study reporting error and
34 understand whether it's unidirectional, where it's a one-way
35 bias, which is the worst-case scenario, versus whether it
36 oscillates up and down and has the potential to cancel itself
37 out.

38
39 Typically, and just generically, the way you would deal with
40 sampling error is quantify it by having a sampler do their job
41 without knowledge in advance of a second sampler coming in and
42 doing that same job and then comparing those two results, and
43 that is typically the way that sample bias is managed.

44
45 **MR. BANKS:** I'm sorry. What I really meant to ask, I guess, was
46 do you all have a program in place to determine your samplers'
47 sampling error already? I mean, it looks like we're trying to
48 put something in place to help us understand the fishermen's

1 sampling error. Do we already have a system in place that
2 understands the other side's sampling error?

3
4 **DR. PONWITH:** I would have to consult with the MRIP folks,
5 because they manage the dockside intercept program. I could do
6 that and ask if they've got a system in place for sampling
7 error.

8
9 **CHAIRMAN BOSARGE:** All right. We have a couple more people to
10 speak, and then we will vote it up or down, but it's pretty
11 important, because at least one of them hasn't spoken yet. All
12 right. Dr. Stunz, you have been waiting. Go ahead, sir.

13
14 **DR. STUNZ:** I just wanted to say, regarding to the honest
15 forgetfulness of reporting a trip, which is certain to occur,
16 and maybe this is within the framework of this generic
17 amendment, but there is technological solutions to that.

18
19 For example, you just don't allow a hail-out again until you
20 have submitted a report. Then, obviously, if you're going and
21 you have been through those checkpoints, then that's a little
22 bit different level of violation than you just accidentally
23 forgot, and so there are some solutions to that that I think are
24 probably built in already.

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

27
28 **MR. WALKER:** I was just going to mention that I've been in the
29 charter business myself, and I think it would be interesting to
30 have your charter come up there, maybe right at the end of the
31 trip, and say, hey, guys, I want to show you how we enter the
32 data to get better science and hopefully a lot better season,
33 and just show them. Scan them through. It takes a couple of
34 minutes, and they can watch you and get them involved. I think
35 a lot of people would be interested in that as well.

36
37 **CHAIRMAN BOSARGE:** Mr. Sanchez.

38
39 **MR. SANCHEZ:** Thank you, Madam Chair. I think we all know where
40 we stand on this issue, and we've talked about it long enough.
41 That said, I would like to offer a substitute to approve the
42 generic amendment to require electronic reporting for for-hire
43 vessels and it be forwarded to the Secretary of Commerce for
44 review and implementation and deem the codified text as
45 necessary and appropriate, giving staff editorial license to
46 make necessary changes in the document. The Council Chair is
47 given the authority to deem any changes to the text as
48 necessary.

1
2 **CHAIRMAN BOSARGE:** Mara has her hand up.
3
4 **MS. LEVY:** It seems, to me, that this may not be a proper
5 substitute motion. It's not going to -- It's not germane to the
6 issue before the council, which is the alternative in Action 1.
7 It's almost like you have to dispense with what you're doing
8 with Action 1 before you can vote to approve the amendment.
9
10 **MR. SANCHEZ:** Okay.
11
12 **CHAIRMAN BOSARGE:** We are going to withdraw the motion back off
13 of the board then. Is that correct, Mara? Is that what you're
14 saying? All right. Okay. As long as we're all on the same
15 page. We have Lieutenant Commander Danaher.
16
17 **LCDR DANAHER:** Thank you, Madam Chair. Just trying to listen
18 and take in everybody's stake in this particular decision, I am
19 just trying to offer a little bit of a perspective. When we
20 were discussing the enforceability and the concern of the
21 timeliness of the reports, the law enforcement officers that are
22 out there, they can't be everywhere at one time, but there is
23 also some complications to how do you measure each officer's
24 instincts?
25
26 I mean, you have the regulations, but then you've got thirteen
27 years of experience that you have to depend upon, and each
28 officer is going to be a little different. They are forming
29 partnerships with some of these mariners, and they know the
30 trends of some of these mariners, and they're going to know who
31 is deliberately out there breaking the law and who is being a
32 little forgetful from time to time.
33
34 I would say that the other aspect is the trends. We pay
35 attention to the trends. If we board somebody and there are a
36 lot of violations, guess what? We are going to be looking for
37 you, and we're going to board you again, and we're going to
38 board you next season, until we start to see improvement, and
39 that's just the way it is. Thank you.
40
41 **CHAIRMAN BOSARGE:** All right. Mr. Greene, and then we're going
42 to take a vote.
43
44 **MR. GREENE:** Okay. The deal we're dealing with here is do we
45 report before we get to the dock or do we wait until the next
46 day or the following day before lunch, and so we heard a lot of
47 testimony about guys that are operating a boat by themselves and
48 they have the charter on the boat and they were worried about

1 going fifty-five miles an hour and texting and driving.
2
3 Here is the real deal. I have run small boats. I currently
4 have a big boat with an enclosed wheelhouse and satellite TV and
5 air conditioning. I have a lot of nice amenities. It is no
6 problem for me. However, I have run, and still do run, small
7 outboard boats, and so the reality of the deal is you're going
8 to have a ride in and a ride out, a ride offshore and a ride
9 back in. That's just the way it goes.
10
11 Some guys sit in beanbags and some guys sit down and do
12 whatever, and so, when you come running in out of the Gulf and
13 you've run for an hour or two hours or three hours, or, in my
14 case, six or eight hours sometimes, when you get up to the beach
15 and you're close to the Mississippi River or the pass or
16 whatever it is, you're going to slow down, because everybody on
17 the boat has to go to the bathroom.
18
19 It's going to happen. I am counting down the minutes right now
20 to the ten o'clock break, because I ready to go to the bathroom
21 right now. That's just a reality. There is going to be a point
22 that you're going to have to slow down and take care of your
23 customers, because somebody is going to have to go to the
24 bathroom, and you're not going to do that at fifty miles an hour
25 or thirty miles an hour or whatever on a small outboard boat,
26 but that is just the reality.
27
28 There is plenty of time to report this catch before you get to
29 the dock. It will aid in enforcement, it will aid in
30 validation, and it will aid in a lot of things, especially
31 someone's bladder, and so understand that is the reality of what
32 we're up against right now.
33
34 **CHAIRMAN BOSARGE:** All right. We have a motion on the board.
35 We have had extensive discussion, and so let's take a vote. **All**
36 **of those in favor of the motion, signify by raising your hand.**
37
38 **EXECUTIVE DIRECTOR GREGORY:** Six.
39
40 **CHAIRMAN BOSARGE:** All of those opposed, same sign.
41
42 **EXECUTIVE DIRECTOR GREGORY:** Nine. **The motion fails six to**
43 **nine.**
44
45 **CHAIRMAN BOSARGE:** Okay. We are done with Action 1 then. No?
46 Okay.
47
48 **MR. ANSON:** I would like to -- I was trying to think as to how

1 best to do this, and so I'm going to go with Option a. **That is**
2 **to offer a motion that the Preferred alternative 4 to require --**
3 **If you want to copy the entire alternative, but I just have one**
4 **change at the very end of the motion. The change would be, at**
5 **the very end, that after "prior to", "prior to offloading fish."**
6 If I get a second, I will talk a little bit about it.

7
8 **CHAIRMAN BOSARGE:** We have a motion that's going up on the
9 board. We have a second by Dale. Mara.

10
11 **MS. LEVY:** Just to clarify, the motion is to modify the language
12 in Preferred Alternative 4 as shown or something like that.

13
14 **MR. ANSON:** Thank you, Mara. That's where I was having trouble,
15 was how to express that. It's to keep it as the preferred, but
16 modify the language, yes. **So modify the language in Preferred**
17 **Alternative 4.**

18
19 **MS. LEVY:** Okay, but, just for the motion writer, it's not to --
20 Alternative 4 is already the preferred, and so we don't want to
21 say to make it the preferred, but it's just to modify the
22 language in Preferred Alternative 4 or something like that.

23
24 **CHAIRMAN BOSARGE:** All right. Kevin, does that look like your
25 motion?

26
27 **MR. ANSON:** That appears to be my motion. I touched on it
28 earlier. Again, I'm trying to, as Dr. Crabtree had noted,
29 trying to come up with a compromise. Not everybody's docking
30 situation and entry or reentry back into port are the same, and
31 to try to then allow opportunities for folks to get their
32 customers and themselves, quite frankly, back to shore safely,
33 without having to try to manipulate any other additional device.

34
35 This provides them the opportunity to tie up and then, a short
36 time later, the fish are offloaded, normally, and so this would
37 allow them that little bit of time to go ahead and do everything
38 they need to do and hopefully do it correctly, and so thank you.

39
40 **CHAIRMAN BOSARGE:** Mr. Banks.

41
42 **MR. BANKS:** I was just hoping that Dr. Crabtree could let us
43 know what his ceilings are on this compromise and how that
44 impacts the data quality, from your standpoint.

45
46 **DR. CRABTREE:** Well, I think it weakens it. I think it's better
47 than the next morning. The tricky part of it is so that boat
48 comes into the -- I mean, a lot of this has been that you want

1 them to submit the report before they know if they're going to
2 be subject to a dockside interview, and so the question becomes,
3 if they're tied up to the dock, and I assume the customers get
4 off the boat before the fish come off the boat, and so they're
5 sitting at the dock and the guy is going to fill out his report
6 after he's tied up, is he going to be aware that a dockside
7 intercept is coming with that or can we work with the dockside
8 intercepts to make sure that they don't announce themselves or
9 become apparent until after the fish hit on the dock and how
10 effective can we be at doing that?

11
12 It's a lot better than noon the next day. Whether it will
13 create a problem or not, and how much of a problem, will be hard
14 to say, but I'm a little like Johnny. I used to be a charter
15 boat captain in the Keys, and I just find the notion that you
16 can't stop for a few minutes at some point -- That is outside of
17 all of my experience running charter boats, but it's hard for me
18 to judge how much of an issue this might be or not.

19
20 **CHAIRMAN BOSARGE:** Mr. Anson, to that point?

21
22 **MR. ANSON:** To that point, again, as I mentioned earlier, the
23 current language, as the Preferred Alternative 4, says prior to
24 arriving at the dock, and so that can literally be fifteen
25 seconds.

26
27 They just idle and they're sitting there and they're within two
28 arm lengths away from the dock and they report, and they have
29 the same field of view as they did if they tied up, and so it
30 will be very difficult to give instructions to samplers to kind
31 of hide out in the bushes and wait, and so most of the marinas
32 that I'm familiar with are fairly wide open, and most of the
33 samplers, at least the ones working for the states, have
34 clothing that kind of separates them out from the normal folks
35 that are walking on the dock, and so it is something to be
36 considered, but I think it's very minor, and, again, trying to
37 come to some point to accommodate some of these things.

38
39 On a perfect day that the sun is shining and the winds are calm
40 and everything is going right, then great, but, as some of the
41 captains had said yesterday, not every day is like that, and
42 there might be thunderstorms, and there might be wind or that a
43 cold front comes up on you earlier than you thought and you're
44 out there and it goes from five knots to twenty-five knots.
45 Anyway, thank you.

46
47 **CHAIRMAN BOSARGE:** I had Mr. Banks next. No? Then I had Mr.
48 Walker next.

1
2 **MR. WALKER:** In the commercial industry, we can unload the fish
3 from 6:00 A.M. to 6:00 P.M., and so I don't know how that would
4 factor in as the timeframe when someone would come in. If they
5 tie the boat up at eleven o'clock and unload the fish at three
6 in the morning, that just kind of -- I wanted to ask about that.

7
8 **CHAIRMAN BOSARGE:** Do you have an answer to that, Dr. Crabtree?
9

10 **DR. CRABTREE:** Not to that, but, Kevin, in Alabama, with your
11 Snapper Check, do you require that they report before they tie
12 up to the dock, or do you allow them to tie up and do it before
13 the fish come off? How do you do it?
14

15 **MR. ANSON:** It's prior to landing the fish. Again, we tried to
16 do this so it was equal to everyone, and we took into
17 consideration private boat owners, but there are some inshore
18 state-guided boats that are on trailers, and so we said that
19 landing fish, and so landing could be, if there are boats that
20 are trailered, federally-permitted and are trailered, landed
21 fish is kept on the vessel, but then it's put on the trailer,
22 and then that's the point of landing.
23

24 **CHAIRMAN BOSARGE:** Martha, to that point.
25

26 **MS. GUYAS:** It was to David's question about whether there
27 should be some kind of time limit in here, and I don't know that
28 I would support that here. I mean, I can think of a few
29 captains that I know that run night trips at various times for
30 certain things, or they're doing an overnight and they're coming
31 in at four in the morning or whatever, and, if everybody is
32 ready to get off the boat and go home at that point, then I'm
33 sure that that's -- With customers in the mix, then I think they
34 need the flexibility to do what they need to do.
35

36 **CHAIRMAN BOSARGE:** Mr. Swindell.
37

38 **MR. SWINDELL:** As I have been on charter boats, outboard motor
39 charter boats and all, it's twice that I know that we have been
40 inspected, and twice the inspectors were at the cleaning table.
41 I mean, they offloaded the fish and then the inspector showed up
42 and he looked at the fish that were coming off of the boat.
43

44 I think there needs to be some way or another that has some sort
45 of leeway. I don't like the fact that, if they don't report and
46 the weather does get bad for everybody, that we penalize them so
47 severely, but I do want some way or another to get better
48 information than we're getting now. Thank you.

1
2 **CHAIRMAN BOSARGE:** To Ed's point, Dr. Lucas? Go ahead.

3
4 **DR. LUCAS:** I was just going to say, in states that operate
5 MRIP, it's a twenty-four-hour -- We have people who are cycling
6 through for twenty-four hours of time, and so they would be the
7 same chance if you came in at 11:00 P.M. as if you came in at
8 11:00 A.M. of running into it. It's the same chance, because
9 MRIP samplers operate twenty-four hours.

10
11 **CHAIRMAN BOSARGE:** Mr. Greene.

12
13 **MR. GREENE:** Well, I am usually always in the spirit of
14 compromise and trying to work things out, but I'm going to have
15 to speak in opposition to this, because I can picture situations
16 for everything that you can come up with.

17
18 My intent with the way -- If it was truly up to me, I would want
19 you to report your fish when you leave a spot. In other words,
20 when you get through fish, go ahead and report them right then
21 and just update as you go spot to spot to spot. When you're
22 through fishing and you're going home, hit the "send" button and
23 be done.

24
25 My hope, at that point, would be that, if they are intercepted
26 by the Coast Guard, then there has been a report already sent.
27 The enforcement guy at sea can say, okay, let me see your fish,
28 and it all checks out. When you get to the dock, you have a
29 similar situation, and that may be kind of lofty. It might be
30 kind of dreaming or whatever, but it does end the argument about
31 offloading fish.

32
33 If I pull up to the dock and don't offload my fish and don't see
34 anybody there, well, all of a sudden, I'm trying to get my
35 report together and I just pulled up to the fuel dock. I'm not
36 really at my dock and I'm going to move over here or I'm going
37 to move over there, and I just think that the current preferred
38 alternative, because you arrive to the dock, solves the issue.

39
40 Before offloading fish could be interpreted a lot of different
41 ways. Now, I know, in the commercial fishery, which is a little
42 different, that we allow them to tie up to the dock, because
43 they can unload from a certain time to a certain time.

44
45 I just think that, while I am always in the spirit of trying to
46 work things out, I just think that this opens up a door that we
47 don't need to open up. It's already going to be a change, as it
48 is, to do it, and so let's just go ahead and be done with it and

1 make them offload before they arrive to the dock. The
2 offloading fish thing is just cumbersome, to me, and I don't
3 think it really is as good as what we have currently preferred.

4

5 **CHAIRMAN BOSARGE:** Mara.

6

7 **MS. LEVY:** One question. If you have to report prior to
8 offloading fish, are there charter or for-hire trips where they
9 just do catch and release and they don't offload any fish? Then
10 what does that mean for those trips, because one of the
11 reporting elements that I think that we were looking at is all
12 fish caught or released, and so when would they be reporting
13 under this?

14

15 **MR. ANSON:** I think, as was pointed out earlier, is that they're
16 already going to have a hail-out report, and a hail-in report, I
17 guess, would be the report, and so there would be some sort of
18 check that you would match a report or a hail-in or something to
19 say that I've got zero fish. That might be the way to try to
20 account for those. I understand that it does happen. You might
21 get customers that just want to go catch fish and not keep any,
22 but that's how I envision it.

23

24 **MS. LEVY:** The reason I'm asking is to just to figure out how
25 it's going to work, and I didn't bring this up now, but, if this
26 does pass, we're going to have to talk about what the hail-in is
27 and what it requires, because, the way the original alternative
28 is written, the hail-in was going to include the reporting of
29 the fish, but now, if it was when you have to do it prior to
30 offload, I guess it could include it, but it might not include
31 it, and then, what that means, I think we would need to flesh
32 out.

33

34 Kind of to that point, then what you're saying is that,
35 potentially, as part of the hail-in, if you aren't bringing any
36 fish back, you would be reporting all the fish that you
37 released? Like that would be the component of the hail-in?
38 Because we have to figure out sort of how to write the
39 regulations and what the requirements are of each part of this.

40

41 **MR. ANSON:** Yes, and, just off the cuff, I could see that it
42 could be built in that you have a hail-in. I am hailing-in to
43 complete my hail-out, or match my hail-out report, and then, at
44 that point, do you have fish to report? Yes or no, and then it
45 depends on how you want to set it up, but I don't see it being a
46 major hurdle.

47

48 **CHAIRMAN BOSARGE:** Yes, Mara, to that point.

1
2 **MS. LEVY:** I am just wondering, does it raise the same concern
3 that you're talking about if you're on a trip and you don't have
4 any fish to offload, but we expect you to report all the
5 different types of fish that you released and you need to do
6 that as part of your hail-in. You're doing that before you hit
7 the dock, and so I just want to -- I just want to make sure that
8 everyone, when you're talking about changing this, what the
9 implications are and that there still might then be folks that
10 are being required to report things before they actually get to
11 the dock, because we're not just asking you whether you caught
12 fish or not. I think the expectation was, for those fish you
13 released, what were they? There is questions that go with it.
14 It's not a yes or no question, I don't think.

15
16 **CHAIRMAN BOSARGE:** Okay. I am going to let Mr. Mark Brown, for-
17 hire operator from the South Atlantic -- He had his hand raised.
18 Go ahead.

19
20 **MR. BROWN:** I just wanted to put my two-cents in, because I do a
21 lot of reporting. As I've told you, I do reporting for the
22 Southeast Regional Headboat Survey, which has been going on for
23 about a year-and-a-half now, and I fill mine out coming in. I
24 just put the autopilot on and just stand up there and watch
25 where I'm going and tap it in there, and it's not that hard.

26
27 With us too, if we don't have an internet connection, you can
28 put it in there and hit it a button. Then it saves it. Then,
29 whenever you get into the range, it will send it for you. Also,
30 if you wanted to wait and do them all at one time, at the end of
31 the week, you can hit a button and it will send the batch, like
32 you would with a credit card batch or whatever. What I'm saying
33 is you can fill it out and send it in daily, and it's not that
34 hard.

35
36 Then I do one for the South Carolina electronic logbook, which
37 became mandatory on January 1, and it has a lot of different
38 criteria in it, with economic data too, and your fishery
39 information, and I have a six-pack inshore guide boat, and I use
40 the iPad for that, and also for processing my credit cards and
41 stuff, and so I've got everything right there, and it's not that
42 hard.

43
44 You slow down, and I come into a creek, and it's fairly long,
45 and we've got lots of people on paddleboards and kayaks and
46 everything, and you've just kind of got to go slow and navigate
47 through there, but I still have time to punch everything in and
48 do their credit card, and they can step off the boat and leave,

1 and so it doesn't take that long.

2
3 I'm also doing the pilot program for Harbor Lights for this
4 upcoming charter logbook that we discussed, and it has different
5 -- All three of them are a little bit different too, and so it
6 takes a little bit of time trying to navigate through it, but
7 it's not that hard. You just kind of shoot through there, and
8 you can do it in a short period of time.

9
10 **CHAIRMAN BOSARGE:** Thank you, sir. Next, I have Mr. Riechers.

11
12 **MR. RIECHERS:** Getting at Mara's point a little bit, I think
13 what you're trying to make the distinction in, Mara, is it's not
14 necessarily a catch report, but it's a trip report, and so,
15 while you won't be offloading fish, there will be some sort of
16 context of, before you would take the steps of leaving the dock
17 area or whatever that is, you are going to make your trip
18 report.

19
20 We may not have worded it well here, because we're changing
21 things on the last day. Maybe we need to go back and change it
22 and word it better, if this is the intent and you don't like
23 this wording, but the simple fact is that we're throwing up
24 enforcement issues and we're throwing up reporting issues and
25 sampling error, and, folks, what we really need to be looking at
26 is we're going from a sample to a census.

27
28 We're going from what has been piloted to probably 1,200 or
29 1,300 boats, and to think we're going to get this completely
30 right the first time is probably wrong. To think that we're not
31 going to have to come back and look at it again at some point is
32 probably wrong, but what we've got to do is get this adopted.

33
34 In order to get it adopted -- If you put up enough hurdles and
35 you make it hard enough, you're not even going to have people
36 want to do it. If you don't get reporting and you get basically
37 people non-reporting, we're not achieving the result we want to
38 have, and so I think we've got to think about this.

39
40 I like Kevin's example. I am certainly not going to write in my
41 operations manual that the dockside samplers should hide and
42 jump out when they get to the dock. I mean, that's kind of a
43 little bit crazy, in some respects, and so I mean we've got to
44 put this in a way where we get that adoption, so that people
45 will want to report and not that we're throwing up every hurdle
46 to make it more difficult.

47
48 **CHAIRMAN BOSARGE:** Mara.

1
2 **MS. LEVY:** I am not saying -- My issue is not whether I like it
3 or not or the wording. It's I'm trying to understand what your
4 intent is, because, if we don't know what it means, we can't
5 write the regulations to tell folks what it means, and so I'm
6 trying to understand what folks who aren't offloading fish --
7 What we're supposed to tell them about when they need to report,
8 and that's the part that I'm getting at.

9
10 **CHAIRMAN BOSARGE:** Have we made that clear yet? No? All right.
11 Dr. Lucas.

12
13 **DR. LUCAS:** I'm on the same thinking as Robin. It's a trip
14 report. It's about whether you catch. If you hailed out, when
15 you come back into the dock, your report is basically your hail-
16 in report. If you went out fishing or attempted fishing, or you
17 were leaving the dock and thought that you were going fishing,
18 you need to report something on the way back in.

19
20 We have guys that hail-out, and they get down there and their
21 customers decide that they don't want to go, and so, when they
22 have to electronically report, they send us a note saying, hey,
23 we didn't go fishing and this happened or something happened,
24 and so it's a trip-level reporting. If you hailed-out, then
25 your report, when you come back in, needs to show how you were
26 fishing.

27
28 **CHAIRMAN BOSARGE:** To that point, Dr. Crabtree?

29
30 **DR. CRABTREE:** All right. This is still getting confused,
31 because -- The hail-in, they have to report their discards, and,
32 on most of these trips, they've got more discards than they have
33 fish that they're landing, and so that probably takes more time
34 than doing the actual report.

35
36 From what you just said, I think you're saying they have to do
37 that before they come to the dock. If we're going to make them
38 do that before they come to the dock -- All right. Then when?
39 Because this says prior to offloading fish. If they don't have
40 any fish to offload, then when do they have to do it?

41
42 **MR. RIECHERS:** (The comment is not audible on the recording.)

43
44 **DR. CRABTREE:** I am trying to get at did you want to put a hard
45 time in there, that they have to do it within thirty minutes of
46 tying up to the dock, but it sounds like your intent, if this
47 passes, is they don't have to do anything before they tie up to
48 the dock. Then, if they don't have any fish to offload, we are

1 going to put some timeline that they have to do it within X
2 minutes, and we will just come up with something and put it in
3 the rule and you will see it down the road and is that --

4
5 **CHAIRMAN BOSARGE:** Mr. Anson, do you have a response to that?

6
7 **MR. ANSON:** Thank you, Madam Chair. Yes, they are not mutually
8 exclusive, and so, to answer Mara's question, as far as
9 direction, my opinion would be, for those instances where they
10 are not completing a report because they have landed fish, of
11 which this applies, then, for those trips where there are no
12 fish harvested and brought to shore -- In those instances, they
13 maybe have thirty minutes, or something like that, to report.

14
15 As far as enforcement, they're in double -- I hate to use the
16 term, but they're almost in double jeopardy here, if you're
17 looking at it from those who don't want to comply, in that
18 they're required to hail-out, and so that's going to have a
19 chance to check them, if you will, and then they're required to
20 hail-in.

21
22 We're looking at the return part of the trip, and so they're
23 going to have to not to do two things in order for that trip not
24 to be recorded in some fashion, and so that's what I would say.
25 Then, to give some direction, my opinion would be that within
26 thirty minutes for those trips for which they do not have any
27 harvest that they would be expected to file a report. Whether
28 it's part of the hail-in or not is up to discretion.

29
30 **CHAIRMAN BOSARGE:** Dr. Crabtree.

31
32 **DR. CRABTREE:** I think the hail-in is in the next action, and we
33 had sort of envisioned that your trip report was going to be
34 your hail-in. Now, when we get to the next action, we're going
35 to have to decide if there even is a hail-in or is this going to
36 be the hail-in, but they hail in after they're already in, or do
37 we have some other function built into this where they have to
38 submit something before they hit the dock? I guess we'll have
39 to clarify that in the next action.

40
41 **CHAIRMAN BOSARGE:** We are about forty-minutes over schedule on
42 this report on Action 1 of the document, and so I think we've
43 had a lot of very good discussion. Are there any final
44 thoughts? This is kind of complicated, and so, if there's any
45 final thoughts, I will take a final thought, but then we need to
46 vote this up or down. All right. No final thoughts. We have a
47 motion on the board, and we did have a second. **All those in**
48 **favor, signify by raising your hand.**

1
2 **EXECUTIVE DIRECTOR GREGORY:** Nine.

3
4 **CHAIRMAN BOSARGE:** All those opposed, same sign.

5
6 **EXECUTIVE DIRECTOR GREGORY:** Seven. The motion passes nine to
7 seven.

8
9 **CHAIRMAN BOSARGE:** Is there anything else on Action 1? Mr.
10 Greene.

11
12 **MR. GREENE:** I guess I will make a motion that in Preferred
13 Alternative 4 that we add the language by the IPT to have the
14 GPS unit affixed to -- We're not there yet? Okay.

15
16 **CHAIRMAN BOSARGE:** Mara, do you have anything else for Action 1?

17
18 **MS. LEVY:** Thank you. I just wanted to note something that was
19 in the note. Part of what was in the note for both Action 1 or
20 2 was about submitting the no-fishing reports, which may or may
21 not end up being relevant, but it says that no-fishing reports
22 could be submitted up to one month in advance, meaning, under
23 any of the time schedules, the Science Center has allowed folks
24 to submit things in advance. If you know you're going to not be
25 fishing for two weeks or three weeks, you say that I'm not going
26 to be fishing for three weeks.

27
28 I just wanted to note that, in the codified regulations, the way
29 it's written now, it says "at the discretion of the SRD", and we
30 basically did it that way not to codify the one month, because
31 there may be a point in time when the Science Center would say,
32 well, we will let you do it up to two months in advance, and so
33 I just wanted to note that we built some discretion into the
34 regulations for that, and I wanted to make sure that folks here
35 were okay with that, because it is a little bit different than
36 what's written in the note about the up to one month in advance.

37
38 **CHAIRMAN BOSARGE:** Mr. Anson.

39
40 **MR. ANSON:** I must have skipped over that, because I can
41 understand, in a logbook, where you're kind of just randomly
42 selected that you might be able to do that, but this is a
43 census-based reporting, and the report occurs when the action
44 occurs.

45
46 In my mind, I thought, if there was no report being submitted,
47 then there is no action occurring. What you're saying is that
48 you can say that in the next month that I'm not going to be

1 taking any trips and you're not going to report, and is that
2 what you're saying? I mean, I thought the act of fishing would
3 be triggering all of the reporting.

4
5 **MS. LEVY:** But we have a requirement in there that, if you're
6 not going to be fishing, you still have to submit a no-fishing
7 report, just like if -- You report, but, if you're not taking a
8 trip -- For example, when you were going to report weekly, if
9 you didn't take a trip that week, you would still submit a no-
10 fishing report for that week, to confirm that you didn't do any
11 fishing, and so it still requires you to report.

12
13 With the trip reporting, it was a daily no-fishing report. At
14 the end of each day, if you didn't do a fishing trip, you would
15 have to say that you didn't do a fishing trip, but there is
16 flexibility built into that, because it allows you to say that
17 I'm going on vacation and I'm going to submit a no-fishing
18 report for the next two weeks, because I'm not going to be
19 fishing for the next two weeks, and so it gets you out of having
20 to do it every day.

21
22 All I was saying is that we wrote the regulations in such a way
23 to give the Science Center some flexibility to increase the
24 amount of time in advance you could say that you're not going to
25 fish. If you then take a trip during that time when you said
26 that you weren't going to, you have to file a trip report.

27
28 **CHAIRMAN BOSARGE:** Dr. Crabtree.

29
30 **DR. CRABTREE:** If I could, it's important, because there will be
31 late reports, where people fish, but they're delinquent. What
32 happens in the programs that I'm familiar with is there are
33 expansions built into this to account for late reports, and so,
34 if you don't have a no fishing report from someone, you don't
35 know if they're really not fishing or they're just delinquent,
36 and that makes the expansion factors more cloudy.

37
38 It's important to know whether someone is not fishing or whether
39 it's a late report. This is a big deal in the dealer reports,
40 where we're trying to track this stuff, and we get dealers who
41 are late. Every time I look at the data, there is people who
42 are late.

43
44 You can't just assume they didn't have any fish, because they
45 invariably show up and they did land fish and they are just
46 late, and so there's an expansion factor that goes in, and it
47 may be close and it may not be close, but if we have a we-
48 didn't-buy-any-fish report, then you don't put the expansion

1 factor in.

2
3 If a charter boat knows that he's not going to be fishing for
4 thirty days, they can file an I'm-not-fishing report on it, but,
5 without that, it will make the expansions more significant.

6
7 **CHAIRMAN BOSARGE:** Mr. Anson.

8
9 **MR. ANSON:** I thought that was the whole point of doing the
10 verification, Dr. Crabtree, is that you're going to sample the
11 population of trips, and that's where you're going to get your
12 expansion factor, is based on that ratio of those who submitted
13 a report that you've verified and those who did not submit a
14 report that you've verified, and that is supposed to account for
15 the sum total of trips that are occurring.

16
17 **DR. CRABTREE:** Fair enough, but you're never going to know with
18 certainty, if a vessel doesn't report, whether it just didn't
19 fish or whether he is late reporting. Maybe you can get at some
20 of that through the sampling, but, if you have a no-fishing
21 report from them, then you know for sure that they didn't fish,
22 presumably.

23
24 **CHAIRMAN BOSARGE:** Mara.

25
26 **MS. LEVY:** I also want to say that has been in the document all
27 along. This isn't something that we added, and I also just want
28 to say that it's consistent with what you did with the
29 electronic dealer reporting.

30
31 They have to report weekly. If they don't receive any fish
32 during that week, then they submit a no-fishing report, but also
33 they're allowed to -- Not a no-fishing report. A no-receiving-
34 of-fish report. They're also allowed to do that in advance, and
35 so we pretty much modeled this after that.

36
37 The one other thing was it also says in there that if the VMS or
38 the location-recording device is required to be affixed to the
39 vessel that you wouldn't need the no-fishing report. This was
40 only if you had a system by which you didn't have the location
41 device permanently affixed to the vessel to get no-fishing
42 reports to confirm that there was no fishing. If the location
43 device is permanently affixed, then you know whether they are
44 taking a trip or not, and so you don't need to have the no-
45 fishing report.

46
47 **CHAIRMAN BOSARGE:** Okay. Dr. Ponwith.

48

1 **DR. PONWITH:** Just to Mr. Anson's point, the dockside sampling
2 is really focusing on catch per unit effort, the how much time
3 were you out there and what did you catch, as opposed to effort
4 itself.

5
6 The GPS unit permanently affixed to the vessel or the
7 fishing/no-fishing reports or the hail-in and hail-out are all
8 methods to get at effort. The problem that you get is, if you
9 work really, really hard to get superb catch per unit effort
10 data, which is what the trip reports and the dockside sample
11 validation are designed to do, and you get that superb number
12 and multiply it by kind of a flaky number of what your total
13 effort is, you're going to get a flaky number for your total
14 landings, and that's what we're trying to avoid.

15
16 We saw, in Dr. Stokes's presentation, that, statistically, one
17 of the most powerful things you can do to improve the strength
18 of this program is to have absolute perfect knowledge about how
19 many people went fishing, so that you've got a good number to
20 apply that catch per unit effort to.

21
22 **CHAIRMAN BOSARGE:** All right. Are we all comfortable, as much
23 as we can be? Okay. All right. Are we done with Action 1?
24 Okay. Let's move on to Action 2. Do we have any discussion on
25 Action 2? Dr. Crabtree.

26
27 **DR. CRABTREE:** Action 1 was charter boats. Action 2 is
28 headboats, and so I assume you want to make the same changes for
29 headboats that you did for charter boats, and hopefully we don't
30 have to have a debate about that.

31
32 **CHAIRMAN BOSARGE:** If we want to make that change, hopefully
33 we've had enough discussion about it that we can do it or not do
34 it. Is that a motion, sir? Mr. Anson.

35
36 **MR. ANSON:** I would assume that we need to, procedurally. **I**
37 **will make the same motion, to require headboats to report prior**
38 **to offloading fish.**

39
40 **CHAIRMAN BOSARGE:** We are getting the motion on the board, which
41 will be essentially a copy and paste of the last motion, except
42 that this one will be for Action 2, which will apply to
43 headboats. Do we have a second for that motion? It's seconded
44 by Dr. Lucas. Do we have any discussion on that motion? It's
45 okay if we do. Mr. Greene.

46
47 **MR. GREENE:** It's a good thing that I'm not a fish, because I
48 had to take the bait. They've been doing this for a couple of

1 years now, and they haven't had any trouble, and I just don't
2 see the reason of going and changing this at this point.

3
4 I mean, I know that maybe it's just language and maybe it
5 doesn't seem like that big of a shift, but there's a reason that
6 initially it was passed the way it was written of before
7 arriving at the dock, and headboats are typically bigger. I
8 understand that, but there is also thirty or forty or fifty or
9 sixty or seventy or eighty or ninety people on these boats.
10 When you start unloading ninety people off a boat, that's a
11 whole other ballgame. I speak in opposition to this, strongly.

12
13 **CHAIRMAN BOSARGE:** Dr. Crabtree.

14
15 **DR. CRABTREE:** Let's remember though that this isn't what the
16 headboats have been doing now. Now they report once weekly.
17 They don't do this now, and I see no reason why we would require
18 the headboats to report before they hit the dock and not the
19 charter boats, and so it just seems, to me that -- I mean, I
20 didn't agree with what we did in charter boats, but, given
21 that's where we are, it seems, to me, that we need to make the
22 same change here for the headboats.

23
24 **CHAIRMAN BOSARGE:** I have Mr. Riechers.

25
26 **MR. RIECHERS:** Well, in follow-up to that, I certainly don't
27 think that we need to do it separately here, but that also begs
28 the question of why we're doing things separately from the South
29 Atlantic, and it would have been interesting to be in their
30 discussion regarding this, just recently, to hear some of that
31 and how much opposition there was to some of this.

32
33 **CHAIRMAN BOSARGE:** I have a question. I am going to play
34 devil's advocate for a minute. Bonnie, if we went two different
35 ways on this, like if we had the charter boats going with sort
36 of the compromise way that we passed in the last motion, and we
37 had the headboats going this direction, where they have to
38 report before they hit the dock, would we then be able to --
39 Maybe that's a nightmare for enforcement and for everybody else,
40 but would we then be able to maybe have some comparisons as to
41 as far as the accuracy of the data and our errors around
42 different things and which way is working better, to give us
43 room for improvement in the future, or would it probably not be
44 worthwhile?

45
46 **DR. PONWITH:** To clarify, you're saying, hypothetically, if the
47 headboats were required to submit before they hit the dock, but
48 the charter boats did this, it would provide some contrast to

1 look at the degree of sampling error from one to the other.

2
3 The thing that that would require is any difference that you
4 have in how you treat a charter boat and a headboat puts a
5 premium on a very, very crisp definition of what a headboat is
6 and what a charter boat is, and so that's another thing that you
7 would have to take into consideration if you selected different
8 alternatives for the two of those.

9
10 **CHAIRMAN BOSARGE:** Dr. Crabtree.

11
12 **DR. CRABTREE:** There is no good reason why we would require one
13 to do it and not the other. We had a long debate and we made a
14 decision. In my judgment, if we do something different here
15 than we did with the charter boats, we're bordering on arbitrary
16 and capricious, and I think this whole thing potentially falls
17 apart, and I may vote against the whole amendment. We made the
18 decision that we were going to do it before they land. Let's be
19 consistent and do it for the headboats and move on.

20
21 **CHAIRMAN BOSARGE:** Now I'm getting us off schedule. Have we got
22 any more discussion on this? Really? Okay. All right. Mr.
23 Swindell.

24
25 **MR. SWINDELL:** In both cases, Dr. Crabtree, you have the charter
26 boats and you have the headboats, and all we're saying is that
27 you at least have to report prior to offloading fish, is what
28 this means.

29
30 I mean, I would think that a lot of the headboats, a lot of the
31 charter boats, are going to keep doing it before they get
32 anywhere close to the dock. That would be my opinion, because I
33 think it's the simplest thing for them to do, to take care of it
34 as they're moving down the waterway. I don't see that this is a
35 requirement. It's just saying that, hey, before you offload the
36 fish, make sure you've got your work done on the reporting.

37
38 **CHAIRMAN BOSARGE:** I had one other hand over here somewhere from
39 Mr. Boyd.

40
41 **MR. BOYD:** I agree with Dr. Crabtree. I think we ought to be
42 consistent in our landings. To Johnny's point, Johnny, any of
43 these captains coming in could report whenever they want to.
44 They don't have to wait until they touch the dock. If they are
45 at idle and somebody's bladder is too full, they can report.
46 They don't have to wait.

47
48 **CHAIRMAN BOSARGE:** All right. Is everybody ready to vote? We

1 have a motion on the board. All those in favor of the motion,
2 signify by raising your hand.
3
4 EXECUTIVE DIRECTOR GREGORY: Sixteen.
5
6 CHAIRMAN BOSARGE: All those opposed, same sign.
7
8 EXECUTIVE DIRECTOR GREGORY: The motion passes sixteen to zero.
9
10 CHAIRMAN BOSARGE: Thank you, sir. All right. Is that all for
11 Action 2? Action 3, do we have any discussion on Action 3? Dr.
12 Crabtree.
13
14 DR. CRABTREE: Well, there is the issue about the hail-in now
15 and what it is. It seems, to me, where we are now is we're
16 saying they don't have to hail-in and we're going to let them
17 come to the dock and then they will report whatever they're
18 doing, and so it seems, to me, if that's where we are, we just
19 would not select Alternative 3 as a preferred. Otherwise, I
20 guess then we're going to have to specify what is the hail-in
21 and what is it exactly that they have to send.
22
23 CHAIRMAN BOSARGE: Mr. Anson.
24
25 MR. ANSON: It may be semantics, I guess, but they have a trip
26 report, whether it's part of the hail-in or it's not part of the
27 hail-in, but, potentially, I see maybe taking away the -- To
28 make it easier, programmatically, to go forward and try and to
29 determine how to set up things, to possibly remove the hail-in
30 option as a preferred.
31
32 CHAIRMAN BOSARGE: To that point, Dr. Crabtree?
33
34 DR. CRABTREE: Yes, because, right now, it says to hail-in and
35 submit fishing records. I guess we could get rid of the "and
36 submit fishing records" and then they have to send something in,
37 but I'm not sure what.
38
39 CHAIRMAN BOSARGE: I have Dale.
40
41 MR. DIAZ: This might be a question for Dr. Crabtree. When I
42 first was thinking about it, I was thinking that we would change
43 the language in the Preferred Alternative 3 and it would say
44 prior to offloading fish there, just like we did in the other
45 one, and go that route, but I'm not sure if that's the right way
46 to go or not, after a little bit of discussion here.
47
48 CHAIRMAN BOSARGE: Mara, to that point?

1
2 **MS. LEVY:** Action 1 and 2 already say when you have to submit
3 your report, right? Prior to offloading fish, you've got submit
4 your report, and so, to say it here, to me, would be redundant.
5 Unless there is something specific that you want them to hail-in
6 for that's separate from the fishing report, it doesn't seem, to
7 me, like you need this.

8
9 If you keep it and just remove the "and submit fishing records",
10 you're going to need to specify what the hail-in is and what are
11 they telling you during the hail-in, because we're going to have
12 to tell them what to tell you.

13
14 **CHAIRMAN BOSARGE:** I had Dr. Dana next, I believe.

15
16 **DR. DANA:** Thank you, Chairman Bosarge. I think the hail-in
17 would be to verify the effort in terms of the length of time
18 that the fisherman was out, but my question is for Dr. Stunz.
19 If we were to keep that our preferred, Alternative 3, but revise
20 it to take off that "and submit fishing records via electronic
21 reporting", knowing now that the reports can be done prior to
22 offloading the fish at the dock, is there, in the things that
23 you've designed, a way to just hail-in, so that the dockside
24 interviewers can know that someone is coming in, so that they
25 could be in route to check them, if they're in the vicinity or
26 whatever. Then, of course, the electronic reporting still needs
27 to happen, but it would be supplemental to the hail-in.

28
29 **DR. STUNZ:** Yes. In what we have done, it was a separate hail-
30 in and then the trip submission, but, in reality, your trip
31 submission was pretty much the hail-in. There wasn't that big
32 of a difference, but there is instances where people, from an
33 effort calculation, people come in, and maybe you're getting
34 fuel or maybe you stopped fishing and you're doing something
35 else with the clients, like sight-seeing or whatever, and so
36 you're done with the fishing activity, but you haven't landed
37 the fish.

38
39 I guess, in some instances, there is value to saying, okay, this
40 is the end of my actual fishing activity, but I haven't landed
41 my fish, but I feel like we're kind of splitting hairs, but
42 there was a separate button for hail-in and then you're done,
43 but then you actually press another to actually submit and
44 complete your landings report, and so I don't know where I am on
45 this. It's kind of -- I guess you could have a quick hail-in
46 button, like we've always had, that's very easy. You just hit a
47 very big button the screen and you're done with your fishing
48 trip and then you submit later, but I don't know.

1
2 **CHAIRMAN BOSARGE:** Mr. Riechers.

3
4 **MR. RIECHERS:** I was going to make a motion, and I will. **I move**
5 **that we delete the preferred from Alternative 3, 3a and b.**
6 Contextually, I'm not certain -- I am just removing it as a
7 preferred. I will wait for a second, if I get one, and then I
8 will hit another point here.

9
10 **CHAIRMAN BOSARGE:** It's been seconded by Martha.

11
12 **MR. RIECHERS:** In relation to what Greg was just saying and the
13 question from Dr. Dana, the reality of it is, folks, is, if we
14 really want to get down to catch per unit effort, it's the
15 effort of the actual fishing time that we're most interested in,
16 and, in actuality, what we're getting, in a sense, is a trip
17 time, and the trip time can be much, much different than the
18 actual fishing time, as we know, given different distances to
19 fishing grounds and given that some people may sight-see on the
20 way in or the way out, and, to think we're getting it that fine,
21 we're, in some respects, probably -- We are cutting hairs a
22 little bit, and we're thinking we're getting greater precision
23 than we actually are, because those situations are going to be
24 very dramatically different from Brownsville to Key West, and we
25 know that.

26
27 It's going to be -- Those trips are going to be a lot different,
28 time-wise, to get in and out, but it is what we're going to
29 have, but, to think that we're going to get it down to what
30 we've got these people fishing -- They said they're fishing for
31 six hours, when it's really four hours and thirty minutes or two
32 hours and thirty minutes. That's what we're really trying to
33 get to at some point, but we're just not going to be there.

34
35 **CHAIRMAN BOSARGE:** Okay, and I think staff has clarified the
36 question that I had. You don't mean to delete this from the
37 document, but you mean to deselect it as the preferred. The
38 alternative will still stay in the document, but it would not be
39 a preferred anymore.

40
41 **MR. RIECHERS:** That is correct.

42
43 **CHAIRMAN BOSARGE:** I had Mr. Greene next, if he still wants to
44 go.

45
46 **MR. GREENE:** At the risk of sounding redundant and everything
47 else, I want to make sure -- I am going to ask Mara or Dr.
48 Crabtree or anybody, but does this satisfy our earlier

1 conversation about the catch and release portion of the
2 discussion with what we're doing?

3
4 **DR. CRABTREE:** I think what we decided there is that we're going
5 to write some period of time that, in that event, that they have
6 to submit within thirty minutes of tying up at the dock. We
7 will put that in the rule, and the rule is going to come back
8 before you, and so you will see it, but I think that's what we
9 decided on that issue.

10
11 **CHAIRMAN BOSARGE:** All right. Next, I have Dr. Frazer.

12
13 **DR. FRAZER:** Thank you, Madam Chair. This question is actually
14 for Mara. I am just curious, if you modified the language in
15 the hail-in, to -- Instead of saying "and submit fishing records
16 via electronic reporting", if you could have some language, for
17 example, that says "with the intent to submit a fishing report"
18 and that would be consistent then with the previous actions.

19
20 **MS. LEVY:** I guess my question is just, if we're going to keep a
21 hail-in requirement, what information are they giving you in the
22 hail-in, because it's not the fishing report. If you want to
23 keep a hail-in requirement, that is certainly up to you. I just
24 wanted to know what we're going to tell folks that they're
25 required to tell you in that hail-in report.

26
27 **CHAIRMAN BOSARGE:** To that point?

28
29 **DR. FRAZER:** What I am interested in is making sure that they're
30 letting people know that they, in fact, intend to submit a
31 report.

32
33 **DR. CRABTREE:** Presumably you know that from the hail-out. If
34 they hail-out that they're going fishing, then they're required
35 to submit a report. In the hail-out, they tell us when they
36 expect to be back in the day, and so, I think, if you want to
37 have a hail-in, I think you could tell them to submit a revised
38 estimate of when they're going to be at the dock or something
39 like that, but I'm not sure that that gives us much of anything
40 that has value.

41
42 **DR. FRAZER:** Thank you.

43
44 **CHAIRMAN BOSARGE:** Dr. Stunz.

45
46 **DR. STUNZ:** It sounds like we're talking about something that
47 we're probably not going to be able to solve today, and this is
48 sort of to Robin's and Mara's points, and maybe it is the best

1 idea to remove this from preferred, because it's not real -- I
2 guess we, maybe as a council or the Science Center, we haven't
3 conveyed what the real purpose of the hail-in is.

4
5 Some believe the hail-in is that you can hail-in and then you
6 know that you need to go validate that, which I know all the
7 issues with that, but hail-in, to some, means that, when I hail-
8 in, I have completed my trip and that is some effort
9 calculation, but that's not really the case either.

10
11 By the way, we struggled with this in our pilot. This was a big
12 issue, of what constitutes a trip. Then you've got a whole
13 reporting side, and the report, probably, and I'm not even sure,
14 and so I'm talking about something that I can't remember, but
15 I'm pretty sure that you're going to have a reporting field that
16 says how many hours did you fish.

17
18 That's different than hailing-in. That's a different effort
19 calculation than Bonnie would use, and so I guess what I am
20 confusing my own self with, but maybe this is something that we
21 leave to the Science Center or the Regional Office as they
22 develop this, to see what are they really trying to accomplish
23 here and don't make it a preferred, because I don't know that we
24 have thought through this as a council even at this point.

25
26 As a scientist doing this, we're still even struggling with this
27 effort calculation, and so it's a little more difficult than
28 just the discussions we're having around the table here.

29
30 **CHAIRMAN BOSARGE:** Ms. Guyas, did you still have a comment?

31
32 **MS. GUYAS:** Yes, and I was just going to say that I'm going to
33 support this motion. I think a lot of the data elements that
34 we're talking about that we're going to get from the hail-out
35 and then from the trip report together. In terms of having some
36 kind of notification so that the samplers can find them, the
37 samplers are already going to know when they're coming in.

38
39 They may not be close enough, within truck range, to get to them
40 anyway. At least in Florida, we have samplers that work from
41 like Apalachicola to Pensacola. They've got a large area, and
42 so they kind of already know what area they're going to be in
43 for the day, and so I think we just let this go.

44
45 **CHAIRMAN BOSARGE:** Bonnie, I am going to give you the last word.
46 It sounds like we're coming to a conclusion on this.

47
48 **DR. PONWITH:** Thank you, Madam Chair. The last word that I have

1 is that the Science Center is comfortable with this motion.
2
3 **CHAIRMAN BOSARGE:** All right. We have a motion on the board,
4 and we've had discussion on the motion, which is to de-select
5 Alternative 3 as the preferred alternative. It will stay in the
6 document. **All those in favor of this motion, signify by raising**
7 **your hand.**
8
9 **EXECUTIVE DIRECTOR GREGORY:** Sixteen. **The motion passes sixteen**
10 **to zero.**
11
12 **CHAIRMAN BOSARGE:** Okay. **All those opposed, same sign, just for**
13 **the record. None. Thanks.**
14
15 **EXECUTIVE DIRECTOR GREGORY:** I apologize. I assumed the Chair
16 was not going to vote.
17
18 **CHAIRMAN BOSARGE:** Good work, Doug. Okay. Are we done with
19 Action 3? All right. Action 4. Johnny, I think you tried to
20 make a motion on this earlier, and so we are finally to Action
21 4. Do we have anything we want to talk about with Action 4?
22 Dr. Crabtree.
23
24 **DR. CRABTREE:** I would like to make a motion for Action 4,
25 **Alternatives 2 and 3, that we add the IPT-recommended language**
26 **that the GPS portion of the hardware is permanently affixed to**
27 **the vessel.**
28
29 **CHAIRMAN BOSARGE:** All right. Dr. Crabtree has made a motion,
30 which we're working on getting on the board, and it has been
31 seconded by Mr. Greene. I will go ahead and open the floor to
32 discussion as they're getting that on the board. Ms. Guyas.
33
34 **MS. GUYAS:** A question. It's still not clear to me, and I know
35 that there were some of the CLS, the VMS, where they had the
36 separate unit, the transponder from the tablet, and, if you are
37 not using a VMS and you're using your cellphone or a tablet or
38 whatever, what does this look like? Are they having to screw
39 their phone down to the console or what is the device that they
40 are affixing to the vessel?
41
42 **CHAIRMAN BOSARGE:** We have Dr. Stunz.
43
44 **DR. STUNZ:** I wasn't going to answer. I just had a question
45 after, I guess, Dr. Crabtree responds.
46
47 **CHAIRMAN BOSARGE:** All right. Dr. Crabtree.
48

1 **DR. CRABTREE:** The way we've set it up now is it's going to be a
2 NMFS-approved hardware/software, and I think what it will be is
3 a small box like what you saw with the VMS or an antenna that is
4 fixed to it and that's what sends the GPS signal through, and I
5 believe, for example, Benny Gallaway had an archived kind of
6 system like that, and I think it has that capability.

7
8 I know, on the shrimp vessel electronic logbooks, that is
9 affixed to the vessel, and it does that, and so I think, whether
10 it's archiving it and then, when you get in cellphone range,
11 it's dumping down or not, there is going to be some portion of
12 the antenna that is -- "Permanently affixed" basically means
13 that it's screwed to the boat, so it's not convenient to take it
14 off, and it's hard-wired to the power. We will have to identify
15 that piece of hardware to do it.

16
17 **CHAIRMAN BOSARGE:** All right. Dr. Stunz.

18
19 **DR. STUNZ:** What I wasn't clear on, and, in fact, I was trying
20 to even get some clarity on this this morning, was that. I
21 guess, when we were originally putting together, I was
22 envisioning this as part of the normal electronics that would
23 have been on the boat, just that the captain would have had
24 anyway, and now we're talking about, I guess, some new device
25 that is permanently affixed.

26
27 I guess I don't necessarily have an issue or a problem with
28 that, but I don't know if everyone was clear that this is a
29 different device, and so that sort of complicates things. Now,
30 with that being said, there are really cheap, inexpensive
31 devices. I mean, during this meeting, I am watching my crew
32 offshore, where they're at, doing their thing, and texting back
33 and forth, in the sense that they briefly communicate, for very
34 inexpensive.

35
36 Those devices could be -- I guess the technology is there. It's
37 not \$1,900, like we heard in public testimony. This is more
38 like a hundred dollars, and so that technology is there, but I
39 guess, for clarity, I wasn't assuming that it wasn't buying
40 extra devices, which now it seems like we are talking about
41 that.

42
43 **DR. CRABTREE:** To that point?

44
45 **CHAIRMAN BOSARGE:** To that point, sir.

46
47 **DR. CRABTREE:** So far, we are deferring the hardware
48 specification to the Fisheries Service. If they have something

1 on the boat that is capable of meeting the specifications of
2 this, then I don't see why that wouldn't be acceptable. I don't
3 know if that's going to be how it works out or not.

4

5 **CHAIRMAN BOSARGE:** Dr. Ponwith.

6

7 **DR. PONWITH:** You could easily get bogged down on this one by
8 thinking about what would that piece of equipment be. I think
9 the starting point is to be absolutely clear on what the intent
10 is, and the intent is we know where that boat is, if the boat is
11 at the dock or if the boat is out at sea.

12

13 I think it was very eloquently illustrated in the conversation
14 during public testimony yesterday that you want to avoid a
15 situation where someone is trying to build a robust history by
16 handing their cellphone, which they're using to submit their
17 electronic report, to someone to go out to sea or, conversely,
18 to avoid having their ACL be met earlier and leaving their
19 cellphone home.

20

21 The notion is we know whether that boat is working out on the
22 water or whether it's at the dock, and, to do that, the ideal
23 way to do that is to have some piece of equipment that is
24 permanently affixed to the boat. That's the intent. We can get
25 into the weeds on what piece of equipment that is later, but I
26 think the first thing is are you comfortable with that as the
27 intent?

28

29 **CHAIRMAN BOSARGE:** I had Mr. Greene next and then Mr. Riechers.

30

31 **MR. GREENE:** I think the intent is to have some portion of the
32 hardware permanently affixed to the vessel. Bonnie made part of
33 my point about it, but, yesterday, when they came up, it was a
34 small, white box, and that is the brain, basically, of the unit.
35 It hooks to an antenna, which all GPS -- Every GPS is there is
36 has an antenna somewhere. There is an antenna built in.

37

38 It hooks through. The way that your tablet attaches to the
39 white junction box that he showed you is through a Bluetooth
40 connection. Now, there were upgrades made to the tablet for
41 vibration and anti-shock and those sorts of things, but that is
42 the intent of how it would go.

43

44 Now, exactly what it would be when National Marine Fisheries
45 finally says, hey, this is what we're after, I don't know, but
46 the intent of my understanding all along was that there would be
47 something attached to the vessel, and I think that's the only
48 way to move forward with this.

1
2 **CHAIRMAN BOSARGE:** Mr. Riechers.
3
4 **MR. RIECHERS:** This is really a question for Mara, because,
5 while I understand the language is now suggesting that, clearly,
6 in the discussion regarding Alternative 2, the language did not
7 discuss that before. It does make distinction between
8 Alternative 2 and Alternative 3, that one was real-time and the
9 other was not, and, of course, it also suggested that VMS would
10 be real time, in Alternative 4, but this is somewhat changing
11 Alternative 2. While it's within the construct of the full
12 alternative, I just wonder where that leaves us today.
13
14 **CHAIRMAN BOSARGE:** Go ahead, Mara, or Dr. Crabtree.
15
16 **MS. LEVY:** Do you mean in terms of taking final action?
17
18 **MR. RIECHERS:** Yes, and notifying the public what Alternative 2
19 was really all about, because it's a -- Again, it may be
20 insignificant in cost, though I don't think we have -- We talked
21 about that in committee, but there was no real answer for what
22 this other device might cost, et cetera.
23
24 **CHAIRMAN BOSARGE:** Dr. Crabtree.
25
26 **DR. CRABTREE:** Look, if you want to really provide useful vessel
27 position, then you have to have some way of knowing that the
28 position that you're getting is actually that vessel. If you
29 don't have something affixed to it, you have no way of knowing
30 it. You're getting a position, but you don't know if it's the
31 vessel or what it is, and so you still have the distinction here
32 between 2 and -- 2 is archived and three is real time, but,
33 inherent in wanting to know where the vessel is, is having some
34 way to know if the position you're getting is really from that
35 vessel, and the only way to accomplish that is to have the
36 antenna or some portion of the device affixed to the vessel.
37
38 **CHAIRMAN BOSARGE:** Mr. Riechers.
39
40 **MR. RIECHERS:** Roy, I am not arguing that point, but what I am
41 suggesting is, procedurally, that is changing the intent of
42 Alternative 2. In your discussion, one, you've talked about
43 being affixed, but, two, you did not, and so I think we just
44 have to decide whether or not we believe that warrants either
45 some explanation to the public or not.
46
47 **CHAIRMAN BOSARGE:** Mara.
48

1 **MS. LEVY:** I think you can decide, as a policy matter, if you
2 feel like it warrants further discussion. I think you've talked
3 about the idea of 2 and 3 including permanently affixed or not
4 permanently affixed for at least a couple of meetings, and you
5 have decided not to say that it's permanently affixed during
6 that time, but I think it's been an issue of discussion, and we
7 have heard from comments, at a couple of meetings, about wanting
8 it permanently affixed and not wanting it permanently affixed,
9 and so I don't think it's a surprise.

10
11 I don't think it's something that isn't out there that the
12 public doesn't know that you've been considering. I don't think
13 it would prevent you from taking final action, if you decide to
14 do so. You can also decide that you don't want to do so.
15 That's up to you.

16
17 **CHAIRMAN BOSARGE:** Dr. Lucas, did you have a comment? I
18 couldn't tell if you had your hand up or not. No? Okay. Any
19 other discussion on the motion on the board? The motion on the
20 board is, in Action 4, to add the IPT-recommended language in
21 Preferred Alternative 2 and Alternative 3. There is no further
22 discussion, and we're going to vote. **All those in favor, please**
23 **signify by raising your hand.**

24
25 **EXECUTIVE DIRECTOR GREGORY:** Fifteen.

26
27 **CHAIRMAN BOSARGE:** All those opposed, same sign.

28
29 **EXECUTIVE DIRECTOR GREGORY:** One. **The motion passes fifteen to**
30 **one.**

31
32 **CHAIRMAN BOSARGE:** All right. Any further discussion on this
33 action? Mr. Greene.

34
35 **MR. GREENE:** I would like to make a motion to select **Alternative**
36 **3 as the preferred.**

37
38 **CHAIRMAN BOSARGE:** All right. We have a motion by Mr. Greene to
39 select Alternative 3 as our preferred alternative. Do we have a
40 second to that motion? It's seconded by Mr. Walker. While
41 staff is getting the motion on the board, I will open the floor
42 to discussion on the motion. Mr. Greene.

43
44 **MR. GREENE:** When we first started this, I was really wanting to
45 go down the road of VMS and that sort of stuff, and there were
46 some arguments against that that -- There are good reasons for
47 it, and there are good reasons against it. In looking at
48 Alternative 2, by just archiving that information and sending it

1 at the end of the trip, it's still collecting the GPS data of
2 where you went. It just sends all of the information at the end
3 of the trip.

4
5 However, Alternative 3 is providing the information in real
6 time. I just think that there are some advantages to that. If
7 you think about it, some of the vessels had mentioned yesterday
8 that they have AIS, which is an automated identification system
9 that the Coast Guard does require on some fishing vessels and
10 some charter vessels and everything else, and it puts your
11 position out on a radar screen every -- I mean, it is there. It
12 is for everybody in the world to see. If you have an AIS on
13 your vessel, I can see your boat and your boat name and where
14 you're at, your course, your speed, and your current position,
15 right then and right there.

16
17 I heard an individual yesterday who had eight boats and claimed
18 that he had AIS on them, and it is a thing that is coming to the
19 fishing industry, whether you like it or not. I didn't put one
20 on my boat until the Coast Guard made me. I kind of held out on
21 it, but I find a lot of usefulness in that now that I have that
22 piece of equipment.

23
24 I don't see how, if you're willing to -- If you have the AIS on
25 the boat and it's showing your position, pretty much all the
26 time, why you would be opposed to having a real-time GPS on the
27 vessel. There are safety concerns along that. I mean, if it's
28 sending a real-time signal and, all of a sudden, it stops, there
29 might be a problem. There very well could be.

30
31 I think that it would help with enforcement, and I think that it
32 would help with safety. I just think that it's a reasonable
33 compromise between a VMS and not, and I think it's the way to
34 go.

35
36 **CHAIRMAN BOSARGE:** Mr. Diaz.

37
38 **MR. DIAZ:** I am not speaking in favor or against Mr. Greene's
39 proposal, but I do -- Does anybody have any information on cost?
40 Because we did hear some fishermen, yesterday at public
41 testimony, and in some of the written testimony, and some of the
42 personal testimonies that I think some of us have heard from
43 charter boat fishermen, about concerns about cost. The primary
44 difference, to me, appears to be that one archives the data and
45 one is real time. Does anybody have any information on the cost
46 between the two different approaches?

47
48 **CHAIRMAN BOSARGE:** Dr. Crabtree.

1
2 **DR. CRABTREE:** I think, in order to be real time, you wouldn't
3 be able to use a cellphone-based system, because, most places
4 you're fishing offshore, you're not going to be able to --
5 You're not going to have cellphone reception, and so it won't be
6 real time. I think it means that you have to have a satellite-
7 linked-up system, which is what VMS is, but that is just off the
8 cuff. That's my impression. I don't see how it could be real
9 time if it's cellphone-based.

10
11 **CHAIRMAN BOSARGE:** Ms. Guyas.

12
13 **MS. GUYAS:** That kind of puts the nail in the coffin for me
14 then. I can't support this motion. I feel like, from a data
15 collection perspective, this really doesn't get us anything that
16 we wouldn't get under Alternative 2. It just takes away some of
17 the flexibility that I would like to provide to captains that
18 are going to be reporting under this system.

19
20 **CHAIRMAN BOSARGE:** Dr. Dana.

21
22 **DR. DANA:** Thank you, Madam Chairman. Bonnie, Dr. Ponwith,
23 what, in your world, makes the difference between -- What is the
24 difference between the archiving vessel position data versus the
25 real time? What is the difference, for you?

26
27 **DR. PONWITH:** The Science Center could live with both of those,
28 either of those, scenarios. In terms of execution of those, my
29 knowledge of hardware is that the real time would require a
30 satellite connection. The archive could require something that
31 is cellphone-based, and so the major difference between those
32 would be of cost. The cellphone would be much cheaper.

33
34 **CHAIRMAN BOSARGE:** A follow-up to that, Dr. Dana?

35
36 **DR. DANA:** Yes, thank you. In that, we, in moving this document
37 through, we are then handing it over to the Science Center and
38 to NOAA to develop a cost-efficient and effective data
39 collection system, and so I understand where Johnny is coming
40 from, but I would hate for us to tie the hands of those who are
41 developing something that achieves that end goal.

42
43 Hearing what Bonnie said, I am kind of in the -- I mean, I
44 understand where Johnny is coming from, and I would have
45 probably voted that way too, but I also don't want to put extra
46 burdens on the Science Center or the fishermen.

47
48 **CHAIRMAN BOSARGE:** Dr. Ponwith.

1
2 **DR. PONWITH:** To that end, when we weigh these two motions, the
3 sense is that these would be the minimum requirements. By that,
4 I would mean that, if we went with the archival as the minimum
5 requirement, it wouldn't prevent someone using something that
6 had a higher quality, real-time capability to satisfy those
7 needs.

8
9 In other words, rather than -- In some cases, what we would do
10 is, rather than specifying this piece of equipment and this
11 piece of equipment only, we would specify the criteria that have
12 to be met for the piece of equipment to be acceptable.

13
14 **CHAIRMAN BOSARGE:** Dr. Stunz.

15
16 **DR. STUNZ:** Through that discussion, some of my points were
17 made, Madam Chair, but I guess, just to follow up, through kind
18 of where we're going with this, and I hear you, Johnny, and what
19 you're saying, but, by adding this text that we're slowly adding
20 back into this document, potentially, through real-time GPS
21 tracking -- If you're not dealing with an archived system, the
22 only thing left is going to be a satellite-based system, and so
23 we're kind of de facto saying all we have left is VMS, in this
24 case. There is not much left on the table that's going to fit
25 our minimum requirements, and so I don't think I can support
26 your motion, Johnny.

27
28 **CHAIRMAN BOSARGE:** Mr. Diaz.

29
30 **MR. DIAZ:** I think the advantage that I haven't heard anybody
31 mention yet of the real-time system would be possibly for law
32 enforcement and dockside surveyors. They probably could track
33 where boats were at and plan if there were going to be an
34 intercept on those boats.

35
36 **CHAIRMAN BOSARGE:** All right. Any further discussion on the
37 motion? All right. We have a motion on the board that, in
38 Action 4, to select Alternative 3 as the preferred alternative.
39 **All those in favor, please signify by raising your hand.**

40
41 **EXECUTIVE DIRECTOR GREGORY:** Two.

42
43 **CHAIRMAN BOSARGE:** All those opposed, same sign.

44
45 **EXECUTIVE DIRECTOR GREGORY:** Fourteen. **The motion fails two to**
46 **fourteen.**

47
48 **CHAIRMAN BOSARGE:** Okay. Do we have any other topics for

1 discussion in this action? Okay. We have some hands. Dale.

2
3 **MR. DIAZ:** I just wanted to bring up something for discussion
4 that was brought up at public testimony a couple of times
5 yesterday, and it may already be handled, but I would like for
6 us to at least discuss it.

7
8 Some people were worried about backup systems yesterday and that
9 potentially stopping them from making a trip. If we don't
10 already have a back-up method in here, I think we ought to at
11 least discuss it, and so do we have a back-up system currently
12 in place?

13
14 **CHAIRMAN BOSARGE:** Dr. Crabtree and Mara, or Dr. Gerhart, would
15 you all like to speak to that?

16
17 **DR. CRABTREE:** There is some language in there about an approved
18 emergency system would need to be developed if the VMS or any
19 other selected system is non-operational. That hasn't been
20 developed yet, but that is there. Now, to me, the backup system
21 that we were talking about yesterday is the same backup system
22 that they have for all the other electronics onboard their
23 vessel, which I suspect costs them a lot more than the units
24 we're talking about.

25
26 They need to own two units and so, if one fails, they have a
27 spare that they can put on the boat. Otherwise, they're going
28 to have to deal with it, but, as we were told yesterday, these
29 guys have got a lot of money invested in electronics.

30
31 If your fish finder is not working, I suspect they have backup
32 units and contingencies for that, but that language is in the
33 document there, and we will come up with it. We have dealt with
34 this with VMS units on the fleet that has VMS, where they can
35 overnight to the vendor and get new units back and things like
36 that.

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

39
40 **MS. GUYAS:** I would like, again, to make this easy for people
41 and not have to have them have multiple units on their vessel.
42 This is different than the commercial fishery, where they could
43 be running multiple trips in a day. They're going every day,
44 and it's not easy to get to the store to get a replacement part
45 or go to FedEx always.

46
47 Is there not a way that we could have like a 1-800 number or
48 something that they can, if something fails while they're out or

1 they've got to mail something out to a vendor, that they can do
2 that for maybe even a specified period of time, so that they
3 come up with a contingency plan?
4

5 **DR. CRABTREE:** Well, I think, if the vessel is out fishing and
6 something dies, because this isn't real time, they will deal
7 with that when they get back to the dock, but I mean, anyone who
8 has run a charter boat, you've got all kinds of equipment that
9 you have to have in order to make the trip.

10
11 You have to deal with backups and contingency plans on things
12 that will fail. We can do the best we can to work with them and
13 make it easy, but having a 1-800 number -- If they have an issue
14 with the vendor, they need to go to the vendor themselves. If
15 they have -- Now, with VMS, if we have chronic issues with
16 vendors, then we will go to the vendors, and we will consider
17 decertifying their device for use if they aren't providing the
18 kind of service we think they need, but I am not sure how far
19 down the path we can go, but I don't see why this is any
20 different than what are you going to do if your outboard motor
21 has a problem on it. Most of all of them have multiple outboard
22 units, if they're going offshore, and so I just don't think this
23 is something that these guys aren't already dealing with.

24
25 **CHAIRMAN BOSARGE:** Mr. Diaz.

26
27 **MR. DIAZ:** I tend to agree with Ms. Guyas. I would like to see
28 some type of a way where they could call in if they had a
29 problem and maybe even that problem we could excuse them,
30 through maybe reporting by phone for just some short period of
31 time, to get their problem corrected. I am thinking that you
32 can get almost anything overnighted nowadays.

33
34 I would hate to see somebody miss -- The snapper season is so
35 short, and I don't want to see anybody miss any chance to make
36 any income, but I don't think that we can let them go for weeks
37 at a time, either. If there was a way, if they had an emergency
38 and they had an alternative route, to get their stuff corrected
39 in a forty-eight-hour period or seventy-two or something
40 reasonable -- I don't know what the number is, but the main
41 thing is not to stop folks from making their living, if we can
42 accommodate that. Thank you.

43
44 **CHAIRMAN BOSARGE:** Really, what would be kind of forgiven, I
45 guess, for twenty-four hours or forty-eight hours, is really
46 simply going to be the archived GPS, because, if your system
47 goes down on your boat, there is already a 1-800 number that you
48 can call for your hail-in and hail-out or whatever you want to

1 call it at this point, the notification.
2
3 You still are going to have to submit a fishing report, but that
4 was being done on a tablet or this or that anyway, and you can
5 still submit electronically a fishing report. The piece that
6 would be missing is that archived GPS function for that twenty-
7 four hours or forty-eight hours. I guess, if you're
8 overnighing a piece, that would allow them to fish for that one
9 day following or two days following, and we wouldn't have the
10 archived GPS, but we would have everything else. Dr. Crabtree.

11
12 **DR. CRABTREE:** We can work on some language to deal with what
13 happens if their GPS is broken when they get to the dock that
14 morning that lets them go fishing and come back in and report
15 what they caught and get the unit fixed. I think we can come up
16 with something for that.

17
18 We do have that kind of language in there, and we have -- All of
19 these had contingency plans about what happens if there is a
20 hurricane coming through and it knocks down all the cell towers
21 and we're going to go months without the ability to do
22 electronic reporting, and we have paper reporting contingencies
23 in all of these fisheries, and so we can work on some language
24 like that, to kind of address the short term with this, and come
25 back with it at the next meeting, I think.

26
27 **CHAIRMAN BOSARGE:** All right. It sounds like we're all on the
28 same page then. Okay. Thank you, Mr. Diaz, for bringing that
29 up. Is there any other discussion on Action 4 or any other
30 piece of this document? Dr. Lucas.

31
32 **DR. LUCAS:** I just wanted to say this before we took the final
33 vote or whatever, and I meant to say it earlier, when I was the
34 dissenting vote on moving the IPT language, but I was trying to
35 pull the minutes back up.

36
37 When I originally voted for the Preferred Alternative 2, which I
38 think was Ms. Guyas's motion last time, we had a whole
39 discussion surrounding about whether that was fixed or unfixed
40 in the minutes, and I went back and looked at what the technical
41 committee had considered and the IPT and all that.

42
43 When I originally voted for the motion, my assumption was that
44 was not a fixed piece of equipment, and, by moving the IPT
45 language in there and making it fixed, it kind of fundamentally
46 changes what I thought the motion was about when I originally
47 voted on it, and so I just wanted to put that on the record, so
48 that was known. That's all I had.

1
2 **CHAIRMAN BOSARGE:** All right. Well, I think we must be ready
3 for our last motion on this document, right, if we are going to
4 have one. Who wants to step up to the plate, because we are way
5 past schedule. Mr. Greene.
6
7 **MR. GREENE:** I would like to go ahead and make the motion to
8 submit it, if you have it readily available. I'm sure it's
9 coming up. The motion is to approve the Generic Electronic
10 Reporting Amendment and that it be forwarded to the Secretary of
11 Commerce for review and implementation and deem the codified
12 text as necessary and appropriate, giving staff editorial
13 license to make the necessary changes in the document. The
14 Council Chair is given the authority to deem any changes to the
15 codified text as necessary and appropriate.
16
17 **CHAIRMAN BOSARGE:** All right. We have a motion on the board.
18 Do we have a second for the motion? It's seconded by Dr. Dana.
19 Mara.
20
21 **MS. LEVY:** This is probably obvious, but the codified text that
22 you have does not reflect hardly anything that we just decided,
23 and so, in terms of when they have to report, we're not going to
24 have the hail-in, and the permanently affixed. That is
25 definitely going to change and come back to the Chair for re-
26 deeming, to reflect all of the things that you have done today.
27
28 **CHAIRMAN BOSARGE:** So noted. I think that's probably
29 understood. Any other further discussion before we take a vote
30 on this motion? This will be a roll call vote.
31
32 **EXECUTIVE DIRECTOR GREGORY:** Mr. Swindell.
33
34 **MR. SWINDELL:** Yes.
35
36 **EXECUTIVE DIRECTOR GREGORY:** Mr. Walker.
37
38 **MR. WALKER:** Yes.
39
40 **EXECUTIVE DIRECTOR GREGORY:** Mr. Diaz.
41
42 **MR. DIAZ:** Yes.
43
44 **EXECUTIVE DIRECTOR GREGORY:** Dr. Lucas.
45
46 **DR. LUCAS:** Yes.
47
48 **EXECUTIVE DIRECTOR GREGORY:** Mr. Matens.

1
2 **MR. MATENS:** Yes.
3
4 **EXECUTIVE DIRECTOR GREGORY:** Dr. Dana.
5
6 **DR. DANA:** Yes.
7
8 **EXECUTIVE DIRECTOR GREGORY:** Mr. Boyd.
9
10 **MR. BOYD:** Yes.
11
12 **EXECUTIVE DIRECTOR GREGORY:** Captain Greene.
13
14 **MR. GREENE:** Yes.
15
16 **EXECUTIVE DIRECTOR GREGORY:** Dr. Crabtree.
17
18 **DR. CRABTREE:** Yes.
19
20 **EXECUTIVE DIRECTOR GREGORY:** Mr. Anson.
21
22 **MR. ANSON:** Yes.
23
24 **EXECUTIVE DIRECTOR GREGORY:** Dr. Stunz.
25
26 **DR. STUNZ:** Yes.
27
28 **EXECUTIVE DIRECTOR GREGORY:** Ms. Guyas.
29
30 **MS. GUYAS:** Yes.
31
32 **EXECUTIVE DIRECTOR GREGORY:** Mr. Sanchez.
33
34 **MR. SANCHEZ:** Yes.
35
36 **EXECUTIVE DIRECTOR GREGORY:** Dr. Frazer.
37
38 **DR. FRAZER:** Yes.
39
40 **EXECUTIVE DIRECTOR GREGORY:** Mr. Banks.
41
42 **MR. BANKS:** Yes.
43
44 **EXECUTIVE DIRECTOR GREGORY:** Mr. Riechers.
45
46 **MR. RIECHERS:** Yes.
47
48 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bosarge.

1
2 **CHAIRMAN BOSARGE:** Yes.

3
4 **EXECUTIVE DIRECTOR GREGORY:** The motion passes unanimously.

5
6 **CHAIRMAN BOSARGE:** Okay. Is there any further data on Data
7 Collection before we take a short break? No? All right. Ten
8 minutes. We will be back in ten minutes.

9
10 (Whereupon, a brief recess was taken.)

11
12 **CHAIRMAN BOSARGE:** Next on our agenda will be our Mackerel
13 Committee Report, which is under Tab C. Dr. Dana, when you get
14 settled in, I will turn it over to you.

15
16 **MACKEREL COMMITTEE REPORT**

17
18 **DR. DANA:** Thank you, Chairman Bosarge. I am going to give the
19 Mackerel Committee Report. CMP Advisory Panel Summary, staff
20 briefed the committee on the proceedings of the CMP Advisory
21 Panel, AP, meeting from November 2016.

22
23 The CMP AP Chair, Captain Martin Fisher, fielded questions from
24 committee members about the sentiments of the AP on various
25 topics, including CMP Amendment 29. Broadly, the AP supports
26 the no-action alternative with respect to allocation sharing
27 between the fishing sectors.

28
29 Their concerns include increased participation in Gulf king
30 mackerel fishing by traveling fishermen, the effect of
31 increasing the recreational bag limit from two to three fish per
32 person per day, and the general degree of uncertainty
33 surrounding the recreational landings.

34
35 They also expressed a desire for increased data gathering and
36 reporting for commercial landings, an interest in zone-specific
37 payback provisions, if accompanied by increased resolution in
38 landings reporting, and supported increased scientific research
39 into king mackerel.

40
41 Committee members discussed the membership of the AP, with it
42 being noted that representation of fishermen from the southwest
43 Florida region is currently limited to two members.
44 Additionally, staff noted that the council recently co-signed a
45 letter with the South Atlantic Council to request the expedited
46 implementation of CMP Amendment 26.

47
48 We then moved into the King Mackerel Projections Update. Dr.

1 Joe Powers, the SSC representative, provided an overview of the
2 Gulf king mackerel landings projections update provided to the
3 SSC by the SEFSC.

4
5 The original benchmark assessment, which was SEDAR 38, provided
6 projections through 2019, using landings data through 2012 and
7 assuming 2012 landings for the fishing years beginning in 2013
8 and 2014. When the council requested the landings to be
9 updated, that was exactly what was done. No new data on age or
10 length composition, growth, reproduction, or other model inputs
11 were updated.

12
13 The estimated 2013 and 2014 fishing years' landings data were
14 replaced with the actual data for those years, which were higher
15 than what was previously estimated, yet still well below the
16 stock ACL. Interestingly though, the updated projections showed
17 a decreased ABC for 2017 through 2019 compared to that estimated
18 by SEDAR 38, even though the stock ACL has not been harvested
19 since 2000.

20
21 The SEFSC cautioned that the degree of uncertainty in the
22 updated projections was considerably larger than that of the
23 SEDAR 38 assessment, especially due to the many other data
24 inputs, which were not also updated. Further, the landings for
25 the 2014/2015 fishing year, which were 63 percent higher than
26 the previous fishing year, served as the last year of data for
27 this projections update.

28
29 The landings for the 2015/2016 fishing year, which were
30 equivalent to those from the 2013/2014 fishing year, were not
31 used, due to the timing of updating the projections. Committee
32 members discussed the above points at length, with feedback
33 provided by Dr. Powers, council staff, and the SEFSC.
34 Ultimately, the SSC recommended not using the updated
35 projections, largely due to the high degree of uncertainty in
36 those projections.

37
38 **CHAIRMAN BOSARGE:** Dr. Dana, can I interrupt you for just a
39 second? I think Mr. Diaz has a question.

40
41 **DR. DANA:** Yes, ma'am.

42
43 **MR. DIAZ:** This might be for Dr. Ponwith or anybody who wants to
44 weigh in and help out here. I am trying to figure out if
45 there's a way where we can not have this happen again.
46 Basically, we requested some updated projections, but they
47 weren't done with including all the information that we need to
48 actually use them, and so we're creating some work, but we're

1 not getting a usable product out of it.

2
3 Is it the way that the council is asking the question or where
4 is the breakdown, where, next time we get updated projections,
5 that everything that can be considered to make them usable is
6 considered and done?

7
8 **EXECUTIVE DIRECTOR GREGORY:** I will try that. These were not,
9 quote, updated projections. It wasn't an update assessment.
10 It's more like what we used to call, with red snapper, reruns,
11 where you simply rerun the projections with up-to-date landings,
12 and, typically, throughout, I guess, from 2010 to 2013, the
13 Center did a lot of reruns without a stock assessment.

14
15 The council was encouraged to do that, because each rerun gave
16 them a little bit more fish. In this instance, we thought the
17 same thing would happen, but we thought the original projections
18 were based on the ABCs and not the actual landings, and the
19 thing that threw this one off was that 2014 year of increased
20 recreational landings of an extra million pounds.

21
22 If it hadn't been for that, we probably would have seen
23 increased poundage, and there was no in-depth analysis that was
24 presented to the SSC about why that one year was anomalous or
25 not, and there was no consideration of substituting that year
26 with an average of the year before, and we didn't have 2015
27 landings at the time the projections were done that showed that
28 the landings were coming back down. It wasn't that we asked the
29 wrong question or that the analysis wasn't done right, but it
30 was just the circumstances of the way the data were at the time.

31
32 **MR. DIAZ:** Thank you, Mr. Gregory.

33
34 **CHAIRMAN BOSARGE:** Dr. Ponwith, did you have feedback as well?

35
36 **DR. PONWITH:** Yes, and just to reiterate, the projections that
37 were run were precisely what were requested. We didn't skip
38 anything. This is what you do when you update your projections
39 with the known landings, substituting the known landings in for
40 assumed landings, and so we did exactly what were asked, and the
41 utility of the data, of these projections, are -- The utility of
42 updated projections are very good immediately adjacent to the
43 stock assessment year. The farther you get away from that, the
44 more challenging using those numbers are, because those updated
45 projections assume that everything else that goes into the stock
46 assessment stays the same.

47
48 **CHAIRMAN BOSARGE:** Okay. Dr. Dana, would you like to continue

1 on?

2
3 **DR. DANA:** Thank you, Chairman. We then moved into CMP
4 Amendment 29. Staff reviewed the council's current preferred
5 alternatives in Action 1 of Alternative 2, Options 2b and 2e,
6 and Action 2, Alternative 3.

7
8 Public comments received during public hearings and through the
9 online comment portal on the council website were summarized,
10 with staff noting that support for allocation sharing seeming to
11 wane as one moved from the eastern to the western Gulf. A
12 committee member noted that millions of pounds of king mackerel
13 are being left in the water annually and that, even with
14 allocation sharing and an increased recreational bag limit,
15 there will still be millions of pounds left in the water.

16
17 Staff asked for clarification on the council's intent with
18 respect to the ACL to be used when determining whether
19 allocation sharing will occur. NOAA General Counsel noted that
20 the codified text for Amendment 29 specified that the current
21 sector allocations would be used, while the amendment specified
22 that the allocation used for a given year, regardless of
23 allocation sharing, would be used. Committee members clarified
24 that their intent was reflected in the codified text, and staff
25 noted that the text of the amendment would be properly modified.

26
27 The committee discussed whether there was any desire to revise
28 the current preferred alternatives and/or whether to proceed
29 with final action on CMP Amendment 29. Based on the CMP AP
30 summary, the SSC review of the updated projections, and public
31 comments received, the committee determined it important to
32 defer further action until Full Council, thus allowing for
33 consideration of public testimony. Madam Chair, this concludes
34 my report.

35
36 **CHAIRMAN BOSARGE:** Mr. Rindone.

37
38 **MR. RINDONE:** My apologies, but there's a typo there. The
39 council's current preferred alternatives in Action 1 are
40 Alternative 2, Options 2b and 2g and not 2e. That's my bad.

41
42 **CHAIRMAN BOSARGE:** Okay. Well, if you will permit me, I will
43 speak for just a minute, since I was the one that kind of
44 spearheaded this and pushed it to get this amendment started.
45 First, I want to say thank you to the entire council, because,
46 if you remember, this was an action in the prior CMP amendment
47 that we were looking at, and we were trying to finalize that.
48 For timing reasons, we couldn't really make any changes at that

1 point. It would have slowed it down.

2
3 You all made a promise to me that, if we went ahead to final
4 action, that we would take that particular action item out and
5 look at it again in an amendment, and we have done that, and so,
6 regardless of where we end today, thank you. Thank you for
7 that.

8
9 I am going to let you be a fly on the wall in my mind for a
10 minute. I am going to tell you what I've been chewing on
11 upstairs here, and this was actually Tuesday night, and so this
12 was before we even got to public testimony, which obviously was
13 pretty much in one direction, but here's what Leann tries to
14 balance in her head.

15
16 The first thing I went through, as we got close to final action,
17 which is, I think, where you really start to really, really go,
18 all right, we're getting to the end and is this what I want to
19 do, and I thought back to red snapper and that reallocation that
20 we went through, that huge battle, because that's what it was,
21 and that was two-and-a-half percent, and I fought to the death,
22 like this is the end of the world. You're going to take two-
23 and-a-half from commercial and give it to recreational, right,
24 and that was tough.

25
26 Then I look at this, and I go, now, Leann, this is 10 percent.
27 This is four times as much, but it's going from recreational to
28 commercial, and you didn't seem to bat an eye at that. I can't
29 rectify that in my mind very well.

30
31 Let me preface all of this by saying that I am still in support
32 of doing this, of trying to share these fish, but I think that,
33 if we go forward in doing this, it should be the most
34 conservative way that we can do it.

35
36 I would be more in favor of a 5 percent sharing, for the reason
37 I just stated, that I don't think that's fair of me to think
38 that two-and-a-half percent is rough when it goes in one
39 direction, but ten is okay in the other.

40
41 I will grant you that's a little different situation with red
42 snapper, because both sectors are utilizing their allocation,
43 and so there is a little difference there, but, still, 10
44 percent, as a percentage, is a lot.

45
46 Then the flip side of my mind says, yes, but 10 percent -- Even
47 if you went 10 percent, Leann, there is still three-million
48 pounds or so of fish in the water not being caught, and so why

1 are you so worried about 10 percent versus 5. To be me, huh?

2
3 I can never quite get there, but there's that, but the other
4 part of it is that I think that the point that a lot of the
5 recreational fisherman made is that it's nice to know that they
6 can throw that hook in the water and catch a king mackerel if
7 they can't catch anything else, and so I have to put a little
8 bit of stock in that.

9
10 If I was a recreational fisherman, I would like to know that
11 that opportunity was there for me too, and so, for all of those
12 reasons, I am more comfortable with Alternative 2. We can get
13 to a discussion later about where we're going to go with the
14 document from there, but I think we've got to learn to share.

15
16 I already heard commercial people come up to that podium and
17 say, yes, I'm for status quo. We need a hard shift. If we
18 think this is going away, we are fooling ourselves. It's not
19 going away. You give it about six months or a year, and people
20 will be screaming again that we're not meeting our goals and
21 we're not utilizing the fishery fully and now we want a hard
22 shift, and that was my whole goal in putting this out there, was
23 to get away from that bloody battle. We'll share. Let's share.

24
25 It provides a safeguard for the recreational fishery that, if at
26 some point in the future, they increase their effort in this
27 fishery, this will stop. There is a stopgap measure there that
28 says, all right, guess what? You get to use all of your fish
29 now. If you need them now, they're yours. That's what I was
30 trying to get to.

31
32 I don't want to see this amendment die on the vine, because I do
33 think it's going to come right back at us again, and we will be
34 in a bloody battle, but baby steps of 5 percent. That is my
35 spiel. I am the Chairman, and I'm not making any motions, but
36 that is what has gone on in my head before we ever even got to
37 public testimony, where we heard a lot of negative testimony
38 towards it. Thank you, guys, for listening. Mr. Diaz.

39
40 **MR. DIAZ:** I really hate to follow you after you speak. I
41 cannot communicate as well as Leann, and I will apologize ahead
42 of time for that. I do share some of Leann's concerns. I also
43 support this amendment. You all have heard me talk about it,
44 but I did hear public comments yesterday. **To try to get closer**
45 **to where the public comments were and still move the document**
46 **forward, I would like to make a motion that, in Action 1, that**
47 **we make Alternative 2a the preferred alternative.**

48

1 **CHAIRMAN BOSARGE:** All right. We have a motion in the board.
2 In Action 1, to make Alternative 2, Option a, the preferred
3 alternative. It's been seconded by Mr. Greene for discussion.
4 I will open the floor to further discussion. Dr. Dana.

5
6 **DR. DANA:** Is Emily here? Yes. Emily, in your compiling of
7 public comments and written input, did you gather any input on a
8 preferred for that more conservative transfer? I am just
9 wondering if anyone commented on that or if it was just black
10 and white.

11
12 **MS. EMILY MUEHLSTEIN:** It is my recollection that there wasn't
13 any sort of specific -- You know, if you wanted to be more
14 conservative, that would be okay. I can't speak to whether or
15 not that would be acceptable, but most of the comments that we
16 heard were either for or against, period, rather than sort of
17 alternative-specific.

18
19 **CHAIRMAN BOSARGE:** Mr. Swindell.

20
21 **MR. SWINDELL:** Have we approved the recreational bag limit to
22 three?

23
24 **CHAIRMAN BOSARGE:** We have, yes. We approved it and forwarded
25 it on to the Secretary.

26
27 **MR. SWINDELL:** I want to continue to reiterate, again, that
28 catch is not necessarily harvest and that the recreational
29 people are not harvesting their limit. Even though the ACL is
30 relative to catch, that doesn't mean they're not catching a much
31 larger amount than what the numbers are showing. Thank you.

32
33 **CHAIRMAN BOSARGE:** Who did I have next? I didn't write it down,
34 and so raise your hand again if you want to speak. Mr. Sanchez.

35
36 **MR. SANCHEZ:** I have spoken at length at this, and we just went
37 through a long, unpredicted ELB discussion, and so I certainly
38 don't want to get into that, but you know the reasons that I
39 support it. The folks down south, where I am from, they have
40 been advocating this, and there was a lot of comment to the
41 contrary, but for what reasons?

42
43 Is it fish dealers or maybe markets getting disrupted? I have
44 been around fishermen and fish houses enough to know, while they
45 do have a symbiotic relationship and need each other, they don't
46 always share the same goals, and the guys, where I'm from, they
47 feel that, for years and years, we have conserved and operated
48 under tight restrictions to bring this fishery back.

1
2 Then you see things like the assessment that we saw, the
3 presentation, where you're thinking, well, it's getting better.
4 The projections going out to 2017 should show more fish, and
5 they're doing the opposite, and so they're all out there
6 scratching their head going, what?

7
8 Then here's an opportunity, when you're kind of trying to figure
9 ways where you're filling your quota and how can we do
10 something, and the National Standards, but, if there's a way to
11 take some fish from a group that is underutilizing it and still,
12 even if we took it -- I think we went through the explanations
13 that the safeguards are there where they will never be
14 penalized. If it ever happened, it would take two years, and
15 they would never not be able to miss a fishing opportunity
16 because of this action, but the other group could surely benefit
17 from it.

18
19 I would be in favor of doing it, and, if it takes a reduction to
20 5 percent to feel good about putting your toe in the water
21 before you jump in, I would concede and back that up.

22
23 **CHAIRMAN BOSARGE:** Mr. Boyd.

24
25 **MR. BOYD:** Thank you, Madam Chairman. We heard considerable
26 discussion yesterday among committee members and from the
27 public, and we had public input that Emily told us about. There
28 is, overwhelmingly, no support for this amendment in the
29 industry.

30
31 We have the advisory panel has recommended that we do not do
32 this, and they have recommended a different alternative here,
33 and we had one of the members of the audience who is a
34 recreational king fisherman, commercial, and charter/for-hire
35 who gave us ten points. He brought them up himself. I can read
36 them again, but I don't think that I have to.

37
38 We have heard from our SSC that the uncertainty around the
39 numbers is great. There is uncertainty about the uncertainty.
40 We have a sector that is going over their allocation six out of
41 the last seven years, and this body has not done anything to
42 constrain them. There is no buffer, there is no payback for it.
43 I think that we need to go look at those things before we start
44 doing allocation shifts. **I move that in 2.1, Action 1, that we**
45 **make Alternative 1 the preferred. That is a substitute motion.**

46
47 **CHAIRMAN BOSARGE:** We have a substitute motion in Action 1 to
48 make Alternative 1 the preferred alternative, and we had a

1 second by Mr. Matens, I believe. Is there discussion on the
2 motion? Ms. Guyas.

3
4 **MS. GUYAS:** This has been an interesting exercise and amendment.
5 I have definitely been supportive of looking at this idea. I
6 feel like we are in a tough place though with this. I mean,
7 it's pretty clear that, outside of where John is, not a lot of
8 people are supportive of this, on the recreational and the
9 commercial side.

10
11 The AP has said no to this multiple times, and I realize that
12 there is only a handful of people from south Florida on there,
13 but I do think that is a very good AP. I have sat in their
14 meetings before, and the problem is this fishery is very
15 diverse. We've got recreational and commercial and we've got
16 gillnets and we've got all the different zones and areas of the
17 Gulf, and everybody is kind of doing something different.

18
19 The thing is, with that AP, we have all these different voices,
20 and they have been able to have productive conversations and
21 kind of rally around a lot of things. They have been able to
22 build consensus, which is pretty cool to see.

23
24 Where I am hesitant about moving forward with this is there are
25 a lot of unknowns, and some of those are regulatory. We have
26 more fish that are going to eventually come to everyone. We
27 have that quota increase hanging out there, and we've got the
28 recreational bag limit hanging out there, and we've got
29 amberjack that is going to close early. We've got triggerfish
30 that is closed, and red snapper is only open for a small part of
31 the year.

32
33 We don't really know what is going on with gag right now. There
34 is, I think, a pretty good potential that this year, if it
35 hasn't already gone that way already, that mackerel is going to
36 be what people are fishing for, if you're a recreational
37 fisherman. Maybe we wait on this and bring it back maybe when
38 we have the next assessment, but I just -- I am hesitant about
39 moving forward with this action right now.

40
41 **CHAIRMAN BOSARGE:** Dr. Stunz.

42
43 **DR. STUNZ:** Doug largely made some of my points, the AP saying -
44 - I mean, all of our barometers of where we should go with this
45 are definitely pointed south. We have the AP, and then we
46 looked at the public testimony, and, unlike in John's area, I
47 can talk about completely the other side of the Gulf, where we
48 had really good attendance, which maybe wasn't the case for

1 others, and it was definitely resoundingly no coming from my
2 community, and I did some calculations on the public testimony,
3 which is well over 96 percent in opposition to moving with the
4 amendment.

5
6 To add to all the issues of uncertainty, the numbers and all
7 that kind of thing, which doesn't make sense to a lot of us,
8 there is also these new MRIP numbers that are kind of looming,
9 which everyone is kind of wondering what they are going to look
10 like, and as well as the point that Martha just made, is that
11 everybody is going to get some more fish in the more recent
12 term, and so I support this substitute motion for Action 1.

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

15
16 **MR. RIECHERS:** I am going to try not to repeat what other folks
17 have said, but I will on a couple of these items. I mean, I
18 think it is worth noting that, because we haven't had the three-
19 fish limit fully in effect, we don't really know what that is
20 going to do. We've seen one year of increased effort, where we
21 saw landings go up, and that shows some of the potential of what
22 that might do and how the fishery can react.

23
24 More importantly, we have kind of danced around this ABC
25 question, though Bonnie certainly tried to answer it a moment
26 ago. We can't use those ABC numbers revised only when we want
27 to, because they tell us what we want to hear. We have to use
28 them when they also don't tell us what we want to hear.

29
30 This whole discussion regarding uncertainty, if you have
31 uncertainty, and the further you get away, your uncertainty
32 grows in kind of a concentric cone kind of notion, but, if you
33 have some fixed points in there that you now know, then you have
34 less uncertainty surrounding that, and that's what occurred
35 there. I can't speak to the SSC's determination of why they
36 went back to the original, but we can't ignore those facts as
37 well.

38
39 Then, lastly, we can't ignore the fact that this is an
40 allocation amendment. You can call it sharing, or you can call
41 it whatever you would like to, but it's an allocation amendment,
42 in that respect, and so it would be shifting allocation, and I
43 don't think we've done all the appropriate work, though this
44 council obviously has difficulty in discussing allocation
45 amendments, and I wouldn't say it's just this council.

46
47 I would say all councils seem to have some of that difficulty in
48 how you get that information brought before you, but we're

1 certainly missing some pieces of information that should be in
2 the document, if we were going to discuss this, because there is
3 some relevant literature regarding catch and release and the
4 value associated with that.

5
6 I had to date back to years when I was on some of the panels,
7 dating back to some of the Milan work and the Leeworthy work,
8 but there is actually work, of as late as 2012, that would deal
9 with some of those issues regarding catch-and-release fisheries
10 and values there. Given all of those things, I am going to
11 support the current substitute motion.

12
13 **CHAIRMAN BOSARGE:** Dr. Dana and then Mr. Sanchez.

14
15 **DR. DANA:** Thank you, Chairman. This is just a question of
16 process. If we were to vote in favor of this substitute motion,
17 no action, does that essentially kill this amendment or does it
18 table it?

19
20 I know that there's an assessment upcoming next year, and, as
21 Dr. Ponwith said yesterday, the update showed -- It was just a
22 one-year picture, and we have nothing to measure it. We can
23 measure it against last year, but we can't measure it against
24 next year, and so, if we were to see what the landings were for
25 this upcoming year, to see if there is a trend of more fish
26 being caught or whatever, would this action kill the amendment?

27
28 The staff has put a lot of work into this. Would it table it?
29 If it tables it, of course, we could reintroduce it at a later
30 date, if we find that it's the right thing to do. I am just
31 asking the question for whoever is a process person here.

32
33 **CHAIRMAN BOSARGE:** Mara.

34
35 **MS. LEVY:** Well, I will say there is one other action in this
36 amendment. You don't have to go through with any of it if you
37 don't want to. It doesn't table it or kill it. I mean, you can
38 bring it back anytime you want. Basically, what you're saying
39 is you're not going to do this allocation sharing thing right
40 now.

41
42 Whether you want that to mean that the whole amendment stops
43 right now and Action 2 you don't go forward with either, which
44 would be fine, but you can do what you want with it, meaning you
45 could always bring it back.

46
47 **CHAIRMAN BOSARGE:** Mr. Diaz.

48

1 **MR. DIAZ:** Thank you, Madam Chair. I'm sure we're going to take
2 a vote on this in a little while, one way or the other, but I do
3 want to just respond to a couple of things. Really, mainly, one
4 thing.

5
6 I went through the table yesterday of 2.1.1, and I looked at the
7 last ten years, where the recreational sector's ACL has been a
8 little over 7.3 million pounds for ten years straight. I took
9 out the average catch over those ten years, and there has been a
10 remainder of that average catch limit of a little over 4.3
11 million pounds, on average, over those ten years, 4.3 million
12 pounds.

13
14 If you was to take 540,000 pounds, which this 5 percent comes
15 to, if I'm correct, and Ryan can correct me if I'm wrong, it
16 still leaves, unaccounted for and uncaught in the recreational
17 ACL, over 3.8 million pounds. I know people are talking about
18 there are some things that is some uncertainty, and we're not
19 trying to fish down to the last fish. There are extra fish in
20 there to deal with some uncertainties.

21
22 To put that in perspective, 3.8 million pounds, on a tractor
23 trailer truck, I think they can go through the scales hauling
24 about 40,000 pounds. The average truck is about seventy-five
25 feet, and this would be ninety-six fully-loaded tractor trailer
26 trucks. If you put them end to end, it would be 7,200 feet, and
27 so that's a lot of fish that are left out in the water.

28
29 I know there's some uncertainty, and there are fish out there
30 that could handle some of that uncertainty, maybe, that is in
31 peoples' minds, but just please keep that in consideration
32 whenever you vote. Thank you, Madam Chair.

33
34 **CHAIRMAN BOSARGE:** Mr. Sanchez.

35
36 **MR. SANCHEZ:** Thank you. I get it. There is a lot of balls in
37 the air waiting to see what a three-fish bag limit does. There
38 is concerns over the whole concept of reallocating, but when do
39 you do it? When is it not warranted, when there's a such an
40 imbalance and one group isn't utilizing it?

41
42 I guess we'll see how the vote, shortly, is going to go, and
43 then this was kind of an approach to do this, I don't know, as a
44 more diplomatic approach, a softer approach, where there were
45 more safeguards.

46
47 I guess maybe it's more appropriate to, at some point, look at a
48 real allocation shift, if it's warranted, after some of these

1 balls fall out, the three-fish and this and that, and see what
2 we do and follow some of these National Standards, but just to
3 say -- I am not belittling the comments from the public, because
4 I was here and I heard them, and I understand there is
5 differences geographically, but to say I am following the advice
6 of the AP or I'm following the comment as of late, there is
7 other instances here, in charter/for-hire, where we had
8 overwhelming, resounding support for things, and they were
9 always fought by the same people.

10
11 There was constant rooms filled with people in public
12 commentary, and, again, it was ignored, and so, if we're going
13 to listen to the public and the APs, let's listen to them all
14 the time. That's have that logic apply all the time and not
15 just when it's convenient.

16
17 **CHAIRMAN BOSARGE:** Ms. Guyas.

18
19 **MS. GUYAS:** John, once we have some of these balls that have
20 dropped and we kind of know what's going on, I am good with
21 that, if we look at this approach or -- I, all along, have said
22 let's look at a hard allocation shift. I am ready to have that
23 conversation. I know not everybody is around the table, but I
24 am good with that.

25
26 The other kind of uncertainty, in my mind, that I should have
27 mentioned when I talked before, was with this quota increase
28 that's coming and how that affects some of the commercial zones
29 and what's going on in each of those areas, because there could
30 be some -- With this on top of that, there could be some
31 unintended consequences, in terms of traveling vessels and who
32 is fishing where and what's going on, and that's another reason
33 why I kind of want to see how that shakes out. Thanks.

34
35 **CHAIRMAN BOSARGE:** Mr. Walker.

36
37 **MR. WALKER:** Thank you. You know, I am -- The AP is wanting to
38 see how the three-fish is going to unfold, and there is talk
39 about anywhere from 1 to 10 percent increase there. Like
40 everybody has said, there is a lot of uncertainties. Mike
41 Thierry, we fish in similar areas, and he was talking about the
42 small fish, and I've heard things about small fish in that area
43 over to southeast Louisiana.

44
45 I also heard testimony for maybe looking at the hard TAC
46 instead, and I think that's what some of the guys in the Keys
47 are actually interested in, and so maybe we should look at that.
48 Maybe we just need to table this, have the opportunity to table

1 this, or maybe look at a hard TAC, but there is recreational
2 opportunities, too. The guys don't know how this three fish is
3 going to work out and the MRIP surveys and the market.

4
5 Some of the guys are concerned about the market. Maybe we can
6 see how the three fish unfolds. If there is still a lot of
7 fish, maybe the market at that time could -- The commercial
8 industry could appreciate a few more fish at that time, where
9 they could keep that going.

10
11 I think to kind of table it and maybe look at a hard TAC down
12 the road here, but I certainly can appreciate where John and the
13 Keys would like to see that, and Leann's thoughts on that as
14 well, but I am just -- I would rather see it tabled or postponed
15 somehow, but I do appreciate the opportunity to look at this for
16 the commercial industry.

17
18 **CHAIRMAN BOSARGE:** Mr. Swindell.

19
20 **MR. SWINDELL:** You know, if we have gone up 50 percent on the
21 bag limit, that means a lot to consider. We don't believe that
22 the 50 percent bag limit is going to be a 50 percent increase in
23 the total recreational catch, but, for the charter boat fishing,
24 it may be a significant increase in the recreational catch in
25 the charter boat sector of the recreational fishery. It depends
26 on these other fisheries and everything else, and the charter
27 boats may really target this fishery, at times, because of the
28 increased bag limit and nothing else. Thank you.

29
30 **CHAIRMAN BOSARGE:** Mr. Anson.

31
32 **MR. ANSON:** I am not in support of the substitute motion, and,
33 prior to the testimony and the discussion that was had at Reef
34 Fish, I was inclined to go forward with the preferred at the
35 time of 10 percent.

36
37 It is a little perplexing to me, I guess, as to why there is
38 such a commonality among the user groups to not do something
39 like this. I mean, in my mind, that is unusual, but I look, I
40 guess, at our charge and what we're responsible for doing here
41 on the council, and that is to provide fish for people.

42
43 Right now, we have quite a bit of fish that, according to the
44 science, says we can go out and harvest and bring back to the
45 dock. Right now, we have one sector that has been very
46 efficient in reaching their portion of the ACL and able to do
47 that and provide fish to folks, and I can understand, on the
48 market side, what disruption that might have and not knowing,

1 year to year, whether or not that's going to be consistent and
2 that it might have 10 percent more one year and not the next
3 year.

4
5 Certainly the comments to the increase in the bag limit, there
6 will be an increase. Will it be a 50 percent increase? I have
7 my doubts. This is set up so that there are certain conditions
8 that must be met in order for the allocation portion of the ACL
9 to be transferred from one sector to the other.

10
11 Although that appears to be an allocation transfer, in my mind,
12 it does not qualify the same as the other allocations that the
13 council normally deals with, and so I am going to not be in
14 support of the substitute motion.

15
16 **CHAIRMAN BOSARGE:** Dr. Stunz.

17
18 **DR. STUNZ:** I want to just say something, because it keeps
19 coming up. Just because we are leaving fish in the water, it
20 doesn't really mean that they're not available to the people. I
21 mean, certainly, extracting them and selling them commercially
22 or retaining them as part of your bag limit, that's a little
23 more concrete, using the fish, but it really points to a
24 fundamental difference between recreational, maybe, and
25 commercial fishing, where there is a high value to have those
26 fish in the water.

27
28 I know we have had similar discussions around the table, but
29 having these high-catch efforts, and we kind of heard it in
30 public testimony and chipped around the edges of that, and being
31 able to catch fish, large fish, on a real consistent basis.
32 That's of high value, and so leaving fish in the water like that
33 is providing it for the people, and for particularly the
34 recreational and charter boat anglers, to be successful for
35 their clients and their families when they go fishing.

36
37 That is really, to me, versus this optimizing our yield at the
38 maximum sustainability is what we're talking about in this
39 amendment, but the core of optimum yield is optimizing the
40 fishery for what other user groups might feel are important,
41 which is having those fish available and easy to catch when you
42 go out to do it. That is why I am supporting this substitute
43 motion.

44
45 **CHAIRMAN BOSARGE:** Dr. Frazer.

46
47 **DR. FRAZER:** Thank you, Madam Chair. I agree with Greg, and I
48 think that we're going to have to think a little bit about what

1 our obligations are, and I think our obligations are to maximize
2 the value of the resource to the various user groups.

3
4 I am going to be in favor of this particular motion, the
5 substitute motion, but I would also like to say that, as a
6 relatively new council member, I feel like we're obligated to
7 listen to the APs. We put them in there for a purpose, and,
8 again, I don't know what has transpired in the past, but I also
9 take the public testimony very seriously, and so, in light of
10 all of that, there is no real compelling reason for me to move
11 forward on this one. Thank you.

12
13 **CHAIRMAN BOSARGE:** All right. We've had a lot of good
14 discussion, and I think it's time to take a vote on this. **All**
15 **those in favor of the substitute motion to make Alternative 1,**
16 **no action, the preferred alternative, please signify by raising**
17 **your hand.**

18
19 **EXECUTIVE DIRECTOR GREGORY:** Ten.

20
21 **CHAIRMAN BOSARGE:** All those opposed, same sign.

22
23 **EXECUTIVE DIRECTOR GREGORY:** Six. The motion passes ten to six.

24
25 **CHAIRMAN BOSARGE:** Thank you for the good discussion. I
26 appreciate it, the months and months of good discussion. Yes, I
27 did vote. I am pretty passionate about this one, Camp. I do
28 think this will come back before us, not this, per se, but the
29 issue itself, and it may come back in the form of a hard shift,
30 and that's fine. I hope we will keep it in the back of our
31 minds as we see where the sentiment lands on that, that there is
32 something that could be more gentle. Dr. Dana.

33
34 **DR. DANA:** The reason I voted to have it no action is, based on
35 what Mara had said, that no action doesn't mean that this goes
36 away and that it can be brought back up. In that, we are facing
37 an assessment upcoming, and we can look at just how things
38 transpire with all these new bag limits, et cetera. There is an
39 opportunity. If it's the right thing to do in the future, we'll
40 do it, or we'll bring it up again.

41
42 **CHAIRMAN BOSARGE:** Mr. Diaz, did you have your hand up?

43
44 **MR. DIAZ:** I was going to, and thank you, Madam Chair, make a
45 motion that we table the rest of the document, if I get a
46 second.

47
48 **CHAIRMAN BOSARGE:** All right. We have a motion on the board to

1 table the amendment. Johnny.
2
3 **MR. GREENE:** I see Mara has her hand up, and I think she may be
4 on the same path I am, and I will let her speak.
5
6 **CHAIRMAN BOSARGE:** Mara.
7
8 **MS. LEVY:** I'm just not sure that you want to table it. If you
9 table it, then you're not allowed to talk about it. Then
10 someone has to make a motion to untable. Do you just want to
11 postpone indefinitely or -- I mean, you can just decide not to
12 work on it. In doing that, in my mind, if you decide to do
13 that, then Action 2 isn't going forward either and you're just
14 not going to pursue the amendment right now.
15
16 **CHAIRMAN BOSARGE:** Thank you for reminding us about the
17 definition of tabling and the action taken after that. Mr.
18 Diaz.
19
20 **MR. DIAZ:** Thank you, Ms. Levy. **I would like to change my**
21 **motion to postpone the document indefinitely.**
22
23 **CHAIRMAN BOSARGE:** We have a motion on the board to postpone CMP
24 Amendment 29. Do we have a second to the motion?
25
26 **MR. WALKER:** I will second it.
27
28 **CHAIRMAN BOSARGE:** It's seconded by Mr. Walker. Any discussion
29 on the motion? Mr. Matens.
30
31 **MR. MATENS:** Thank you, Madam Chair. Forgive me for asking
32 this, but how does this affect the increase in the bag limit?
33 It doesn't, right? Thank you.
34
35 **CHAIRMAN BOSARGE:** Mr. Walker.
36
37 **MR. WALKER:** I just wanted to echo much of what Pam had said
38 earlier, that to have the opportunity to bring this back up for
39 discussion in the future, because we may be interested in
40 looking at it, and then also we may be interested in looking at
41 a hard TAC. Thank you.
42
43 **CHAIRMAN BOSARGE:** All right. Any further discussion? Okay.
44 We will take a vote on this motion. **All those in favor of the**
45 **motion, signify by raising your hand.**
46
47 **EXECUTIVE DIRECTOR GREGORY:** Sixteen.
48

1 **CHAIRMAN BOSARGE:** All those opposed, same sign.

2
3 **EXECUTIVE DIRECTOR GREGORY:** Zero. The motion passes sixteen to
4 zero.

5
6 **CHAIRMAN BOSARGE:** Mr. Diaz.

7
8 **MR. DIAZ:** I just would just, really quickly, like to say that I
9 think this -- Obviously this did not go the way that I voted,
10 but I do think it is a success story for the council. We
11 brought up an issue, it was thoroughly debated, and we had a lot
12 of public comment.

13
14 The reason there are seventeen of us around this table is
15 seventeen people make better decisions when we vote by majority
16 than one person alone, and so, even in spite of the fact that it
17 didn't go the way I would have liked that it had gone, I think
18 it's still a worthwhile exercise, and I appreciate everybody's
19 indulgence on this issue. Thank you, Madam Chair.

20
21 **CHAIRMAN BOSARGE:** Dale, I will echo those comments. Thank you.
22 I appreciate it. Dr. Dana, did you actually finish your report?

23
24 **DR. DANA:** Yes, ma'am, I did.

25
26 **CHAIRMAN BOSARGE:** All right. That's good to know. All right.
27 Next on our agenda -- Let's see what time it is. It's 11:15.
28 Let's keep moving right along. Next on the agenda then would be
29 the Shrimp Committee Report. Dale, let's see if you can get us
30 somewhere close to being back on schedule. I will turn it over
31 to you, sir.

32
33 **SHRIMP COMMITTEE REPORT**

34
35 **MR. DIAZ:** Thank you, Madam Chair. Staff presented the public
36 hearing draft of Shrimp Amendment 17B. Action 1 defines an
37 aggregate MSY for shrimp species. **The committee recommends, and**
38 **I so move, that, in Action 1 to make Alternative 2 the preferred**
39 **alternative. Alternative 2 is to establish aggregate MSY using**
40 **the method developed by the Shrimp Effort Working Group. For**
41 **the federal commercial Gulf shrimp fishery, aggregate MSY equals**
42 **112,531,374 pounds of tails.** Madam Chair.

43
44 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any
45 discussion on the motion? **Seeing none, is there any opposition**
46 **to the motion? The motion carries.**

47
48 **MR. DIAZ:** Action 2 defines an aggregate OY for shrimp species.

1 The committee recommends, and I so move, in Action 2 that the
2 preferred alternative be Alternative 2. Alternative 2 is, for
3 the federal shrimp fishery, aggregate OY equals 85,761,596
4 pounds of tails, which is aggregate MSY reduced for certain
5 ecological, social, and economic factors. Madam Chair.

6
7 **CHAIRMAN BOSARGE:** All right. We have a committee motion. Is
8 there any discussion on the motion? **Is there any opposition to**
9 **the motion? Seeing none, the motion carries.**

10
11 **MR. DIAZ:** Action 3 sets a minimum threshold limit for the
12 number of valid and renewable shrimp permits. This threshold is
13 to ensure that, if permits reach this low number, the council
14 will review the status of the fishery and can take action.

15
16 It was emphasized that the council is not actively reducing
17 permits. The number of permits in each of the alternatives is
18 based on the predicted number of active vessels, which includes
19 all offshore effort, even that in state waters. The predicted
20 number of active vessels includes vessels that do not have a
21 federal permit, which includes the state-permitted vessels.

22
23 These numbers of predicted active vessels are used to set the
24 threshold, but the threshold will apply to a value that National
25 Marine Fisheries Service can actually monitor, which is the
26 number of valid or renewable permits.

27
28 Though the rationale used to set the threshold is based on a
29 predicted number of active permits, the threshold will be
30 applied to the valid or renewable permits. Staff will add
31 language to the public hearing presentations and clearly define
32 valid and renewable permits versus predicted active permits.

33
34 **The committee recommends, and I so move, in Action 3, that the**
35 **preferred alternative be Alternative 2. Alternative 2 is set a**
36 **threshold number of valid or renewable Gulf shrimp vessel**
37 **permits equal to the predicted number of active permitted**
38 **vessels needed to attain aggregate OY in the offshore fishery.**
39 **Aggregate OY accounts for relatively high CPUE and landings,**
40 **while reducing the risk of exceeding sea turtle and juvenile red**
41 **snapper bycatch. For Action 2, Alternative 2, it is 1,072**
42 **permits. Madam Chair.**

43
44 **CHAIRMAN BOSARGE:** All right. We have a committee motion. Do
45 we have any discussion on the motion? Dr. Lucas.

46
47 **DR. LUCAS:** This is really in regards to the way all these
48 alternatives are written, and I know Morgan tried to clarify it,

1 and she has got it nailed. She does not get confused when
2 anybody does it, but everybody else around this table kept
3 getting confused, and I was wondering, and you may have said why
4 you couldn't do it that way, but if you couldn't just write the
5 alternative that says valid and renewable permits or whatever is
6 1,072. Then, in the discussion, explain how we got 1,072, so
7 that people don't keep entering that loop of getting confused on
8 what it is.

9
10 I mean, even after we clarified it, everybody still seemed
11 confused, and I am just thinking, for the public to read it and
12 not get twisted in some way, regardless of -- I know you all do
13 a great job at the public hearing, but there is people that are
14 just going to read this, and I would like for them to be able to
15 understand it.

16
17 **CHAIRMAN BOSARGE:** Dr. Kilgour, would you like to respond?

18
19 **DR. MORGAN KILGOUR:** Not really. I will get with the IPT and
20 see if there's a way that we can clarify this a little bit more,
21 so that it reflects those comments. This has been a group
22 effort, and so I don't want to -- I will get with the IPT to try
23 and do that.

24
25 **CHAIRMAN BOSARGE:** Thank you, Dr. Kilgour. If we can work
26 towards that goal, that would probably be very helpful to the
27 public. We appreciate that. Any other discussion on the
28 motion? **Is there any opposition to the motion? Seeing none,**
29 **the motion carries.**

30
31 **MR. DIAZ:** Action 4 lays out the response of what happens when
32 the valid and renewable permit threshold is met. The committee
33 discussed why the number was set at 1,300 in Alternative 3.
34 There was discussion that the projected passive reduction in
35 permits would take about fifteen to twenty years at the current
36 rate of non-renewal, and that the current permit moratorium
37 would expire before then. The committee felt that there should
38 be a metric in place should the threshold be met.

39
40 **The committee recommends, and I so move, that, in Action 4, that**
41 **the preferred alternative be Alternative 4, changing the number**
42 **of shrimp moratorium permits from 1,300 to 1,175. Alternative**
43 **4 is, when the number of valid or renewable shrimp moratorium**
44 **permits reaches 1,175, the council will form a review panel to**
45 **review the details of a permit pool and other options. If the**
46 **number of permits reaches the threshold set in Action 3, any**
47 **permits that are not renewed within one year of the expiration**
48 **date on the permit will go into a Gulf Shrimp Vessel Permit**

1 Reserve Pool. The panel would consist of Shrimp AP members,
2 Science and Statistical Committee members, National Marine
3 Fisheries Service, and council staff. Madam Chair.

4
5 **CHAIRMAN BOSARGE:** We have a committee motion on the board. Is
6 there any discussion on the motion? **Seeing none, is there any**
7 **opposition to the motion? Seeing none, the motion carries.**

8
9 **MR. DIAZ:** Action 5 addresses a transit provision for non-
10 federally-permitted vessels through federal waters. The
11 committee discussed the differences between Alternatives 2 and
12 3.

13
14 **The committee recommends, and I so move, in Action 5 that the**
15 **preferred alternative be Alternative 2. Alternative 2 is a**
16 **vessel possessing shrimp may transit Gulf federal waters without**
17 **a federal vessel permit if fishing gear is appropriately stowed.**
18 **Transit means non-stop progression through the area. Fishing**
19 **gear appropriately stowed means trawl doors and nets must be out**
20 **of the water and the bag straps must be removed from the net. A**
21 **vessel possessing shrimp may transit Gulf federal waters without**
22 **a federal vessel permit if fishing gear is appropriately stowed.**
23 **Transit means non-stop progression through the area. Fishing**
24 **gear appropriately stowed means trawl doors and nets must be out**
25 **of the water and the bag straps must be removed from the net.**

26
27 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any
28 discussion on the motion? Mara.

29
30 **MS. LEVY:** It just seems like the alternative is -- The same
31 thing is written twice, and so that's not -- As long as we
32 understand that I think that's a mistake, meaning there is the
33 same language two times in that motion, but I don't think that's
34 the way the alternative is written in the document.

35
36 **CHAIRMAN BOSARGE:** Mara, I believe you are correct. Okay. With
37 that clarification, is there any further discussion on the
38 motion? **Is there any opposition to the motion? Seeing none,**
39 **the motion carries.**

40
41 **MR. DIAZ:** The committee recommends, and I so move, that Shrimp
42 Amendment 17B be sent out for public hearings.

43
44 **CHAIRMAN BOSARGE:** We have a committee motion to send this out
45 for public hearings. Is there any discussion on the motion?
46 **Seeing none, is there any opposition to the motion? No**
47 **opposition and the motion carries.**

1 **MR. DIAZ:** Under Other Business, three items were discussed
2 under other business. Dr. Ponwith provided some updated effort
3 estimates for the shrimp fishery, which were still below the
4 juvenile red snapper bycatch thresholds.

5
6 Mr. Diaz discussed the upcoming TED rule and expressed that the
7 new definition of tow times and the requirement for TEDS in
8 skimmer trawls could be problematic, as there could be an
9 initial delay in obtaining TEDs because of demand.

10
11 Dr. Crabtree noted that National Marine Fisheries Service is
12 aware of these two issues and is looking into the matter. Ms.
13 Bosarge discussed the GOMRI report and climate change findings.
14 Some species have evidence of distributions moving north, and
15 the council should be aware that management may need to adapt.
16 Madam Chair this concludes my report.

17
18 **CHAIRMAN BOSARGE:** Thank you, Mr. Diaz. Anything else under
19 shrimp business before we leave the report? Okay. Next on our
20 agenda is our Reef Fish Committee Report, and I have no idea
21 what everybody's travel plans are, but it's always the case that
22 somebody has got to fly out today.

23
24 To me, it's most important to have everybody around this table
25 as we have those discussions, and so, if everybody would like to
26 take a five-minute bathroom break before we start Reef Fish, the
27 Reef Fish Report, that is fine, but we're going to push through
28 and try and -- I hope we can get that finished before we go to
29 lunch, and so you may be waiting a little while for lunch. You
30 may want to get a bagel. I will see you back here in just about
31 five minutes.

32
33 (Whereupon, a brief recess was taken.)

34
35 **CHAIRMAN BOSARGE:** All right, Mr. Greene. Go ahead and get us
36 started.

37 38 **REEF FISH COMMITTEE REPORT**

39
40 **MR. GREENE:** Okay. The Reef Fish Management Committee Report
41 from January 30 and 31, 2017.

42
43 Draft Framework Action for Mutton Snapper ACL and Management
44 Measures and Gag Commercial Size Limit, staff reviewed the
45 background for the framework action, which examines changes to
46 ACLs, size and bag limits for mutton snapper and to the
47 commercial size limit for gag. Staff confirmed that the current
48 season for mutton is based on the ACL and not the ACT, meaning

1 that the ACT is not currently used as a management target in the
2 Gulf.

3
4 Committee members determined that not all of the alternatives
5 and options for changes to the mutton snapper bag limit were
6 necessary and voted to remove some of them to the Considered but
7 Rejected appendix. **Without opposition, the committee**
8 **recommends, and I so move, in Action 2, to move Alternatives 2**
9 **and 3 and associated options to the Considered but Rejected**
10 **Appendix.**

11
12 **CHAIRMAN BOSARGE:** We have a committee motion on the board. Do
13 we have any discussion on the motion? **Seeing none, is there any**
14 **opposition to the motion? With no opposition, the motion**
15 **carries.**

16
17 **MR. GREENE:** **Without opposition, the committee recommends, and I**
18 **so move, in Action 2, to move Options 4a and 4c in Alternative 4**
19 **to the Considered but Rejected Appendix.**

20
21 **CHAIRMAN BOSARGE:** We have a committee motion on the board. Is
22 there any discussion on the motion? **Is there any opposition to**
23 **the motion? Seeing none, the motion carries.**

24
25 **MR. GREENE:** With respect to changing the size limit for mutton
26 snapper, committee members asked how the State of Florida would
27 handle transit issues, since the regulations between the state
28 and federal waters now differ. Florida now has a minimum size
29 limit of eighteen inches total length for mutton snapper,
30 whereas the federal size limit is sixteen inches.

31
32 A committee member representing the State of Florida added that
33 as long as a vessel which landed mutton snapper in federal
34 waters transits continuously through state waters, they would
35 not be penalized for potentially undersized mutton snapper.
36 Staff will bring a final action document for council
37 consideration in April 2017.

38
39 SEDAR Gag Update Assessment, SSC representative Dr. Joe Powers
40 reviewed the gag update assessment. This assessment was an
41 update to the 2013 SEDAR 33. The update assessment was a
42 continuity model, meaning it used the same model as in SEDAR 33,
43 but with additional landings data for 2013 through 2015.

44
45 When a retrospective analysis was performed to compare the
46 continuity model to SEDAR 33, biomass estimates diverged in the
47 most recent years, indicating uncertainty. Nevertheless, the
48 results were sufficient to determine that overfishing was not

1 occurring and the stock was not overfished.

2
3 Sensitivity runs that included or excluded effects of the 2005
4 and 2014 red tide events produced large differences from the
5 SEDAR 33 analysis, which had concluded that the 2014 red tide
6 event was not substantial. This further added to the
7 uncertainty about the results.

8
9 The SSC concluded that the continuity model was still the best
10 available science, but, due to the uncertainty, only projected
11 OFL and ABC yield streams for three years, 2017 through 2019.

12
13 ABC was calculated two ways. Number one was using the Tier 1
14 ABC control rule with a P* set at a 30 percent probability of
15 overfishing and two was with ABC set at the yield corresponding
16 to 75 percent of Fmax. The SSC felt uncertainties in the update
17 assessment were not appropriately characterized by the Tier 1 P*
18 approach. Therefore, the SSC chose to set ABC at 75 percent of
19 Fmax.

20
21 Both OFL and ABC for the 2017 update assessment are less than
22 the 2017 OFL and ABC from before the update, but are above the
23 current gag ACL of 3.12 million pounds gutted weight.
24 Therefore, there is no requirement to reduce the ACL.

25
26 Committee members and staff noted that there is an MRIP
27 calibration update of the landings scheduled for later this
28 year, which may result in new ABC projections. Consequently,
29 the committee took no action on gag ACLs.

30
31 Joint Ad Hoc Red Snapper Charter Vessel AP/Ad Hoc Reef Fish
32 Headboat AP, staff reviewed the summary for the joint meeting of
33 the Ad Hoc Reef Fish Headboat and Ad Hoc Red Snapper Charter
34 Advisory Panels.

35
36 The council requested a copy of the presentation given by staff
37 to the APs. Staff noted that the allocation decisions tools
38 discussed during the joint AP meeting were included in the
39 briefing book for reference. Ms. Susan Gerhart provided a brief
40 overview of the cyclical redistribution mechanism, as introduced
41 at the joint AP meeting. Staff reviewed the portion of the
42 presentation given to the APs that pertained to cyclical
43 redistribution. The committee made the following motion.

44
45 **By vote of nine to five, the committee recommends, and I so**
46 **move, to instruct staff to develop a white paper outlining the**
47 **changes necessary to include red snapper, gag, gray triggerfish,**
48 **greater amberjack and red grouper in the management program for**

1 charter/for-hire allocation-based management consistent with the
2 Charter/For-Hire AP recommendations and joint Charter/For-
3 Hire/Headboat AP consensus. This should explore: required
4 changes to the current amendment, including purpose and need,
5 title, et cetera; method for determining the charter/for-hire
6 ACL for gray triggerfish, gag, red grouper, and greater
7 amberjack; develop mechanisms for trading different species to
8 accommodate regional differences; scenarios illustrating how
9 initial allocation of shares would change through cyclical
10 redistribution, which was discussed at length during the joint
11 for-Hire AP meeting, based on reported landings methodology
12 chosen.

13
14 **CHAIRMAN BOSARGE:** Okay. We have a motion on the board. Any
15 discussion on the motion? Mr. Riechers.

16
17 **MR. RIECHERS:** I don't want to get into a lengthy discussion,
18 but I suspect it's going to go much as the committee has gone,
19 since all the members were present, minus a couple who either
20 didn't vote or weren't in the room.

21
22 I am not opposed to getting together an options paper dealing
23 with these other issues, but I am going to oppose the motion,
24 simply because I do believe we're at a point where we're trying
25 to deal with red snapper and the differences between the two
26 industries and regarding catch history and how you might work
27 through that.

28
29 Some of this scenario that would talk about this cyclical
30 redistribution certainly is appropriate, to see if there some
31 means to deal with that issue for those groups, but I am going
32 to oppose the motion, simply because of we're adding additional
33 fish to that notion at this point in time, and I think we are --
34 In actuality, that's a whole sector separation issue with all of
35 those other species, and I think that will require a lot more
36 than just development of a white paper at this point in time.

37
38 **CHAIRMAN BOSARGE:** All right. Any further discussion on the
39 motion? We have a committee motion on the board. **Is there any**
40 **opposition to the motion?**

41
42 **EXECUTIVE DIRECTOR GREGORY:** Okay. We are voting the nays
43 first. Four.

44
45 **CHAIRMAN BOSARGE:** All those in favor, same sign, so we can get
46 a count.

47
48 **EXECUTIVE DIRECTOR GREGORY:** The yeas have eleven. **The motion**

1 passes eleven to four.
2
3 **CHAIRMAN BOSARGE:** Thanks. I will do it in the right order next
4 time. Chairman Greene. I'm sorry, Chairman Greene. Mr.
5 Sanchez.
6
7 **MR. SANCHEZ:** I have a question. I was considering making a
8 motion to address something red-snapper-specific, but yet having
9 to do with cyclical redistribution. Would now be the
10 appropriate time to do that, before we --
11
12 **CHAIRMAN BOSARGE:** Chairman Greene says that he thinks that now
13 is probably the right time in his report, and so go ahead.
14
15 **MR. SANCHEZ:** Okay. I would like to add an alternative, and you
16 can add it where you want, maybe Action 5, but it would be to
17 the amendment and not the white paper. It would divest and
18 cyclically redistribute shares that are not being used by permit
19 holders and include a suite of options for redistribution
20 methods with associated timelines and include an appeals process
21 for permit holders.
22
23 **CHAIRMAN BOSARGE:** We are going to give staff just a second to
24 get that motion on the board and then we'll ask for a second.
25 Dr. Crabtree.
26
27 **DR. CRABTREE:** What amendment are you talking about?
28
29 **MR. SANCHEZ:** The charter/for-hire, 41.
30
31 **CHAIRMAN BOSARGE:** I think it says it in the motion, Amendment
32 41.
33
34 **DR. CRABTREE:** I don't believe that amendment is on the agenda,
35 and I would ask Mara whether we can do this or not, without it
36 being on the agenda.
37
38 **CHAIRMAN BOSARGE:** Mara.
39
40 **MS. LEVY:** I don't think that there's anything that precludes
41 you from talking about it, meaning you're not taking any council
42 action on it. It's just that you don't have it before you. I
43 guess, if there is some way to figure out exactly -- I don't
44 know what Action 5 is.
45
46 I guess we would have to look it up, but I guess the question
47 would be is then staff supposed to be going ahead with the
48 development of Amendment 41 by adding this and still looking at

1 the white paper about how to address all these other things
2 together? I think, from a staff point, that would be my
3 question. What is the direction here, if this were to go
4 forward?

5

6 **CHAIRMAN BOSARGE:** Mr. Sanchez.

7

8 **MR. SANCHEZ:** I guess I will try to explain what the intention
9 was, and then I'm definitely agreeable, amendable, to the best
10 way to get there, if possible. Again, the white paper dealt
11 with adding species, five species, to the existing one, or four,
12 rather.

13

14 This is more just red-snapper-specific, and so I wanted to flesh
15 out and not leave behind really having alternatives created to
16 vet and flesh out how this cyclical redistribution is going to
17 play out, so the public can weigh in on this. Then, of course,
18 based on some public comment, have an appeals process for some
19 legitimate hardship cases and just see -- Include some of that
20 safeguard in there.

21

22 **CHAIRMAN BOSARGE:** Dr. Lucas.

23

24 **DR. LUCAS:** I have a question for John. In the white paper,
25 when it started talking about the cyclical redistribution, were
26 you not -- You were only talking about that for the species
27 above, or were you also trying to include red snapper there as
28 part of it?

29

30 **MR. SANCHEZ:** The thought process was this is a white paper, and
31 it included the addition of the species. Obviously cyclical
32 redistribution was discussed at the AP hearings as well in that
33 context, since there was support for both, but, in Amendment 41,
34 we're just looking at snapper, but I think there was a lot of
35 merit, given the fact that that for-hire sector doesn't have
36 logbook history, to have some alternatives to help flesh out
37 that cyclical redistribution approach as an initial way to
38 allocate and address these things over time, since there wasn't
39 a logbook.

40

41 **CHAIRMAN BOSARGE:** Okay. Let's make sure we have a second to
42 this motion. Do we have a second? We have a second by Dr.
43 Dana. Thank you. I am going to let Doug Gregory speak for just
44 a minute, because he actually wanted to speak before Dr. Lucas.
45 Go ahead, sir.

46

47 **EXECUTIVE DIRECTOR GREGORY:** If you don't tie it directly to 41,
48 you could call it a white paper or just ask staff to do an

1 analysis, a preliminary analysis, of this for the council
2 consideration. I mean, the white paper that was passed earlier
3 is something that would go in 41 if the council votes to put it
4 in 41, and so I see this along the same lines. It's just kind
5 of a parallel, independent analysis.

6
7 **CHAIRMAN BOSARGE:** Mr. Riechers.

8
9 **MR. RIECHERS:** John, not to suggest that you don't want to do it
10 this way, but, in your earlier prelude to your previous motion,
11 you also included red snapper.

12
13 **CHAIRMAN BOSARGE:** Okay. I do think we probably have to have
14 some clarification for staff, so that when we leave this meeting
15 -- I am not sure which way this is going to go, but what our
16 intent was. Even when we were in committee, I had a little
17 confusion about -- I know what the white paper was going to
18 bring me, but like the ultimate goal.

19
20 Your ultimate goal, since you made that motion, John,
21 originally, the white paper motion, was we had the report on the
22 two joint APs. In that meeting, they decided that they really
23 think that multispecies is the way to go, and so you wanted a
24 white paper that was going to essentially, outside of the 41
25 document, so that it doesn't become something like this, it was
26 going to give us all the different things that we're going to
27 have to change, consider, analyze, look at, and make some
28 decisions on, in order to decide whether we want to put
29 multispecies into 41.

30
31 What you're asking for here is that cyclical distribution --
32 What you're saying is that, in that joint AP meeting, there was
33 a lot of consensus on that. They really, really want to look at
34 it. Regardless of whether we decide to go multispecies or not,
35 they really want to look at that for what they have going on
36 right now in 41, and so you want that to come back to us at the
37 next meeting in 41, so that we will look at it in regards to 41,
38 and am I right? Am I on the right path here?

39
40 **MR. SANCHEZ:** That would be ideal, given that -- How long is it
41 going to take to have a white paper ready and presented to
42 review? I also heard yesterday that in this joint meeting that
43 we had that there was support for going forward in unison. In
44 fact, you heard some testimony from folks that participated
45 that, if we go to referendum, we go together. Let's keep this
46 together, but let's not take forever to do this.

47
48 The way may be -- My concern and my thinking here is, since red

1 snapper is already in there, and there seems to be a lot of
2 cross-support for cyclical redistribution for that, I don't want
3 to convolute and not going forward some with 41, while the white
4 paper is being generated, and then staff this process, to the
5 detriment of the headboats, which have said let's go, let's go.

6

7 **CHAIRMAN BOSARGE:** Mr. Anson.

8

9 **MR. ANSON:** In my mind, I thought this motion to develop the
10 white paper, in concert with the comments that both the
11 headboats and the charter boats go together, I thought the white
12 paper was going to, in effect, redirect efforts to bring both of
13 those together.

14

15 Yes, expand the species and, yes, expand, potentially some items
16 in there for discussion relative to bringing them both forward,
17 but that might not be how they originally wanted it, and I don't
18 know if someone, staff or someone, can address that, but that
19 was, in my mind, what -- There was consensus that both or none
20 and that the white paper was going to then take it to the next
21 level, with both of them together looking at the other
22 additional species, of which would tie into the headboats.
23 That's where I thought we were going, and that's the direction I
24 thought -- I thought 41 and 42 then would just kind of hang off
25 on the side.

26

27 **CHAIRMAN BOSARGE:** Mr. Swindell.

28

29 **MR. SWINDELL:** Doesn't Section D cover that, where you're
30 talking about the cyclical redistribution? Wouldn't that cover
31 the red snapper issue, which is one of the stocks in the white
32 paper?

33

34 **CHAIRMAN BOSARGE:** Dr. Dana.

35

36 **DR. DANA:** I think what John is trying to say is that, in the
37 event that multispecies did not go forward, that 41 should still
38 continue to go forward with at least the red snapper and then to
39 have a thorough evaluation of how the cyclical distribution
40 would work.

41

42 I don't -- Roy, you might be able to help out here, but I think
43 that's his main intent, that it not be ignored and that we be
44 able to see what cyclical redistribution looked like in a
45 multispecies scenario and also in a red snapper scenario. Is
46 that right, John?

47

48 **CHAIRMAN BOSARGE:** Ms. Guyas.

1
2 **MS. GUYAS:** To me though, I feel like we would be -- We got a
3 really quick-and-dirty presentation about how this cyclical
4 redistribution thing works, and that's cool, but I think, to me
5 at least, doing this white paper was digging into that concept
6 more. Yes, I guess with the five species, but, in my mind, if
7 you're looking at five, you could kind of -- If you only decided
8 that you only wanted to do it for one or two or however many
9 species, then we would pull that out. To me, I feel like we're
10 already covering this in the white paper.

11
12 **CHAIRMAN BOSARGE:** Mara.

13
14 **MS. LEVY:** Just to the actual motion that's on the board, first,
15 I don't think that's the action you want it in. If you want to
16 move forward with the alternative, I guess my suggestion would
17 be to ask staff to bring back a draft alternative that would
18 address cyclical redistribution for red snapper and then it's
19 not --

20
21 We don't have Amendment 41 before us, and so it's sort of odd to
22 add an alternative, but, if you ask staff to provide you a draft
23 alternative or some draft action that would address cyclical
24 redistribution just for red snapper, then you could look at that
25 at your next meeting. Then, if you wanted to do something with
26 it, you could. That's an alternative if you want something
27 focused on red snapper.

28
29 **CHAIRMAN BOSARGE:** Dr. Crabtree.

30
31 **DR. CRABTREE:** It seems then that we could bring -- Assuming
32 staff can get the white paper done by the next meeting, then we
33 could put Amendment 41 and 42 back on the agenda and have them
34 in front of us. Then we could make motions about adding actions
35 to them then, if that would work.

36
37 **CHAIRMAN BOSARGE:** Okay. We're going to give Mr. Gregory just a
38 second, so that we'll have an answer on that point.

39
40 **EXECUTIVE DIRECTOR GREGORY:** I am not sure. I doubt we can have
41 the white paper that was passed earlier ready for the April
42 meeting. We have to get the information and run it through the
43 IPT. I mean, we can certainly try, but it's a whole new tact,
44 and so I could -- The June meeting for sure, but it's doubtful
45 that we could get it by the April meeting.

46
47 **CHAIRMAN BOSARGE:** Thank you. So probably June. Possibly
48 April, but probably June is what I just heard. I actually liked

1 Mara's suggestion. I was very interested in it, and that's the
2 first introduction I had to it, was Sue's four slides. I think
3 allocation is something that we always get bogged down on.

4
5 If we could get a draft alternative and we look at just that,
6 because those amendments are pretty complicated, both of those
7 amendments, and we tend to get pretty deep, but that would be an
8 interesting exercise, to me, to look at a draft alternative for
9 that and really put some focus and some thought into that.
10 That's just my two-cents' worth. Ms. Gerhart.

11
12 **MS. SUE GERHART:** I just wanted to mention that this probably
13 will need to be at least an action on its own, and possibly
14 several actions, rather than an alternative, just for
15 wordsmithing.

16
17 **CHAIRMAN BOSARGE:** All right. I still think we're probably
18 going to have to clean up the motion a little bit, John. I'm
19 going to let you try your best to clean it up as you see fit
20 here.

21
22 **EXECUTIVE DIRECTOR GREGORY:** John, if you like, we will bring
23 something to you shortly, a rewrite, and it's up to you to -- If
24 you all want to, I guess, table this until we get an alternative
25 motion.

26
27 **CHAIRMAN BOSARGE:** It's probably going to be pretty different.
28 Do you want to just withdraw this motion, so we don't have a
29 motion sitting on the board?

30
31 **MR. SANCHEZ:** I will do that. I will withdraw it.

32
33 **CHAIRMAN BOSARGE:** All right. **The motion is withdrawn, with the**
34 **notation that we'll come back to this here in just a little bit.**
35 Mr. Greene.

36
37 **MR. GREENE:** The Chair of the Headboat AP, Mr. Randy Boggs,
38 requested that, upon completion of the white paper, the joint
39 APs be able to review it before being reconvened. A committee
40 member noted that, if there is no opposition to Mr. Boggs's
41 request, a motion would not be needed to reconvene a joint AP
42 meeting. No opposition was expressed.

43
44 **CHAIRMAN BOSARGE:** Excuse me, Chairman Greene. Mr. Diaz.

45
46 **MR. DIAZ:** That's what I'm trying to get straight in my mind
47 right now. What Johnny just read is they're requesting to
48 review the white paper after it's done, to reconvene them, and

1 so we do not plan to reconvene either one of those APs until
2 after that white paper is done, and so it won't be before the
3 next meeting. It possibly might not be before the June meeting.
4

5 If it does work out to the June meeting, we're in the middle of
6 all their fishing season. I mean, the timing on this is not
7 really laying out to be very good. Am I thinking about this
8 right? Is that the way that other people are thinking about it?
9

10 **EXECUTIVE DIRECTOR GREGORY:** Our goal is definitely to get the
11 white paper done before the June meeting. Our June meeting is
12 near the end of June, and so I see your dilemma there. They
13 have a forty-day season, which extends through June.
14

15 Like I said, we'll get it done as soon as possible, but it's a
16 new tact for us. We're got to look at all the landings data and
17 get that from the Center and have the IPT analyze it, but we
18 will do it as quickly as possible.
19

20 We can have the white paper before the council. What Mr. Boggs
21 is requesting is that they get a chance to review it before they
22 are reconvened. It doesn't say a particular time, but we could
23 do it before the season, or we could do it after the season. If
24 we can do it before the season, that's preferable.
25

26 If it comes out to where it's the middle of the season, we can
27 just wait until the season is over. We usually do a doodle poll
28 for the APs, and so we'll send them the document when it's done.
29 Then we could do a doodle poll, and, if we don't get enough
30 people coming to the meeting, even if it's during the season, we
31 won't have the meeting.
32

33 If it's during the season and a lot of the people still can make
34 the meeting, we will have it, and so it's up to them and their
35 availability as to whether we have a meeting or not, because we
36 try to not have a meeting if we don't get a quorum. Now, if we
37 get one person less than a quorum, we may still go forward with
38 a meeting, and so it's really up to the availability of the
39 people on our advisory panels as to when we have the meetings
40 anyway.
41

42 **CHAIRMAN BOSARGE:** Mr. Anson.
43

44 **MR. ANSON:** Thank you. Again, just for my personal
45 clarification, where does 41 and 42 stand relative to this,
46 because there is items -- I mean, we've got red snapper in here,
47 and we're dealing with some of these issues that are being
48 discussed with this motion for other species, and so does 41 and

1 42 still go on as proceeding or are there certain items in here,
2 in this white paper, that could apply to red snapper that it
3 would be administratively, potentially, easier to avoid doing 41
4 and 42 and just morphing 41 and 42 to include the species? I am
5 a little confused, I guess, as to what the direction or what the
6 request was from the AP, specific to what you just described,
7 the timing, and then how it impacts 41 and 42.

8
9 **EXECUTIVE DIRECTOR GREGORY:** The council can give us specific
10 direction. Our interpretation of what the joints AP said was to
11 try to have 41 and 42 go into place, if not simultaneously, as
12 close together as possible, which means slowing down 42, because
13 it was on a faster pace, and we really wouldn't work on either
14 until this white paper came back to the council and the APs and
15 you all blessed it as being included in 41. I see the two as
16 kind of on as hold as far as formal development and going
17 forward with them.

18
19 **MR. ANSON:** Thank you, and that's what I thought too, but I just
20 wanted to be clear and make sure that council members were clear
21 and the public was clear and that we come back in April and it's
22 not on the agenda and people are screaming that 41 and 42 aren't
23 on the agenda, and so thank you.

24
25 **CHAIRMAN BOSARGE:** Ms. Guyas, and then I think John's motion may
26 be ready.

27
28 **MS. GUYAS:** Another clarifying question, and this may be for
29 you, John, since you attended that joint AP meeting. My
30 understanding, from the white paper motion that you made
31 earlier, was that white paper would go back to the joint AP.
32 Yesterday, I think, in public testimony, I heard a bunch of
33 requests to meet as separate APs before that joint AP comes
34 together, and I'm just not sure what's going on with that. I
35 see Carrie has her hand up too, and so somebody help me out
36 here.

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

39
40 **DR. CARRIE SIMMONS:** Thank you, Madam Chair. I guess my
41 suggestion would be for staff to potentially work on this red
42 snapper cyclical redistribution and for that to be our top
43 priority and try to get that back to the council in April. We
44 decide if you want to put it in Amendment 41.

45
46 In addition, we would work towards getting a draft of the white
47 paper that would look at all the species and the information
48 that you have requested as well, but we just don't know that we

1 can do that. We'll do the best we can by April.

2
3 At that time, if we can, and you review it in April and you
4 would like to move forward with that, then I think you should
5 tell us that you want to reconvene the APs, and if you want to
6 do that separately or together. That would be my suggestion.

7
8 **CHAIRMAN BOSARGE:** Mr. Greene.

9
10 **MR. GREENE:** I think another consideration would be that, if
11 you're going to convene them together -- Last time, we had a
12 two-day meeting. There's nothing that says that the first half
13 of the first day that you can't convene them separately and let
14 them look over it and then bring them together, and I think it
15 would be a much more efficient use of the process, and so
16 consider that as you move forward.

17
18 **CHAIRMAN BOSARGE:** Thank you. Excellent suggestion. Dr.
19 Simmons.

20
21 **DR. SIMMONS:** Thank you, Madam Chair. I think just the most
22 important thing is the council has to feel comfortable with that
23 white paper before we get too far along in this process. Thank
24 you.

25
26 **CHAIRMAN BOSARGE:** Okay. John, would you like to talk to us
27 about your possible motion?

28
29 **MR. SANCHEZ:** At this point, I don't know what you want to call
30 it, a motion or not or a request, as these things go, but that
31 seems agreeable to me. It addresses the spirit of what I wanted
32 to do, the intent, to really look at that. The language is
33 perfect.

34
35 **CHAIRMAN BOSARGE:** All right. The motion on the board is
36 request staff to craft a stand-alone action to address cyclical
37 redistribution for shares of red snapper that are not being used
38 by permit holders (permits that do not report landings after
39 program implementation) and include a suite of options for
40 redistribution methods with timelines, including an appeals
41 process for permit holders.

42
43 We have a motion on the board by John Sanchez. Do we have a
44 second for the motion? It's seconded by Dr. Dana. Is there any
45 discussion on the motion? **Is there any opposition to the**
46 **motion? Seeing none, the motion carries.**

47
48 **MR. GREENE:** Public Hearing Draft Amendment 44, Minimum Stock

1 Size Threshold for Reef Fish Stocks, staff reviewed the
2 alternatives in Amendment 44. The single action in the
3 amendment would select a formula to use for defining MSST for
4 reef fish stocks. A second action to revise MSY proxies had
5 been previously removed from this amendment and would be
6 addressed in a later amendment.

7
8 A committee member noted that reef fish had highly variable
9 recruitment, and there was often uncertainty in the assessment
10 results. For species with low natural mortality rates, MSST,
11 using the current method, resulted in a threshold very close to
12 the rebuilt level.

13
14 Under the Magnuson-Stevens Act, overfishing must be ended
15 immediately, which should prevent stocks from dropping below
16 MSST. He felt that Alternative 3 struck a good balance between
17 addressing uncertainty and preventing analysis from indicating
18 an overfished status.

19
20 **Without opposition, the committee recommends, and I so move, in**
21 **Action 1, to make Alternative 3 the preferred alternative.**
22 **Alternative 3 is, for all reef fish stocks, MSST equals one**
23 **minus M times BMSY, or proxy, or 0.75 times BMSY, or proxy,**
24 **whichever provides a larger buffer between MSST and BMSY, or**
25 **proxy.**

26
27 **CHAIRMAN BOSARGE:** We have a committee motion on the board. Is
28 there any discussion on the motion? **Seeing none, is there any**
29 **opposition to the motion? With no opposition, the motion**
30 **carries.**

31
32 **MR. GREENE:** A committee member noted that some environmental
33 groups had recommended that setting MSST equals 0.85 times BMSY
34 be considered as an additional alternative. **Without opposition,**
35 **the committee recommends, and I so move, in Action 1, to add an**
36 **alternative to look at 0.85 times BMSY, or proxy.**

37
38 **CHAIRMAN BOSARGE:** We have a committee motion on the board. Is
39 there any discussion on the motion? **Is there any opposition to**
40 **the motion? Seeing none, the motion carries.**

41
42 **MR. GREENE:** Another committee member asked that the SSC review
43 the effect of 0.85 times BMSY versus 0.75 times BMSY. Staff
44 noted that, due to the timing on the next SSC meeting and the
45 additional time needed to add the new alternative and its
46 analysis to the amendment, it would come back to the council for
47 final action at its June meeting rather than April. The
48 committee agreed that public testimony could be taken using a

1 webinar hearing rather than in-person hearings.

2
3 Public Hearing Draft Amendment 36A, Modifications to Commercial
4 IFQ Programs, the committee reviewed the selected preferred
5 alternatives in Amendment 36A and made no changes.

6
7 In Action 1, a question was raised regarding the penalty for
8 failure to hail-in. According to NOAA's penalty schedule, a
9 written warning and/or fine up to \$20,000 may result, depending
10 on the level of culpability and the gravity offense level, as
11 determined by law enforcement.

12
13 In Action 2.2, staff provided some modified language for
14 Alternative 4. The committee supported the changes and passed
15 the following motion. **Without opposition, the committee**
16 **recommends, and I so move, in Action 2.2, to accept the IPT**
17 **recommendations in Alternative 4.**

18
19 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any
20 discussion on the motion? **Is there any opposition to the**
21 **motion? Seeing none, the motion carries.**

22
23 **MR. GREENE:** Staff noted that, at the October 2016 meeting, the
24 council agreed that public hearings will consist of one webinar
25 and a direct mail-out to the program participants. The
26 committee then passed the following motion. **Without opposition,**
27 **the committee recommends, and I so move, to send Amendment 36A**
28 **out for Public Hearings.**

29
30 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any
31 discussion on the motion? **Is there any opposition to the**
32 **motion? Seeing none, the motion carries.**

33
34 **MR. GREENE:** Public Hearing Draft Amendment 46, Gray Triggerfish
35 Rebuilding Plan, staff reviewed public hearing Draft Amendment
36 46, the Gray Triggerfish Rebuilding Plan. The council must
37 prepare a plan to rebuild the stock as quickly as possible, but
38 not to exceed ten years. The rebuilding plan has to be
39 implemented by November 2017.

40
41 Staff reviewed the document action-by-action, noting that the
42 preferred alternatives were selected for Actions 1 through 3.
43 No modifications were made to those preferred alternatives
44 during committee.

45
46 Action 4 would modify the commercial trip limit, and staff noted
47 the committee has not selected a preferred alternative for this
48 action yet. A committee member noted that he wanted to wait to

1 hear public testimony before selecting a preferred alternative
2 for Action 4 and approving the document for public hearings.
3
4 **CHAIRMAN BOSARGE:** Dr. Simmons.
5
6 **DR. SIMMONS:** Thank you, Madam Chair. Would the council
7 consider selecting a preferred alternative for Action 4 before
8 we go out to public hearings? It's the commercial trip limit
9 action for triggerfish.
10
11 **CHAIRMAN BOSARGE:** It sounds like we're having some discussion
12 around the table.
13
14 **MR. WALKER:** I don't think we heard much testimony on
15 triggerfish, and so I guess the sixteen -- Was that the
16 recommendation of the AP, that the preferred alternative -- **I**
17 **move that the preferred alternative be the sixteen fish.**
18
19 **CHAIRMAN BOSARGE:** Dr. Simmons says that, yes, that was the
20 preferred alternative from the AP.
21
22 **MR. WALKER:** Which alternative was that?
23
24 **DR. SIMMONS:** Alternative 4.
25
26 **MR. WALKER:** **Alternative 4.**
27
28 **CHAIRMAN BOSARGE:** So you're making motion, correct, Mr. Walker?
29
30 **MR. WALKER:** That is correct.
31
32 **CHAIRMAN BOSARGE:** Okay. Mr. Walker is making a motion that
33 Alternative 4, which is sixteen fish, be the preferred
34 alternative. We will wait to get that on the board, but, while
35 we're waiting, do we have a second for that motion? We do have
36 a second. I will go ahead and open the floor to discussion
37 while that's coming up on the board. Mr. Walker.
38
39 **MR. WALKER:** That's that the AP had picked, and so to hopefully
40 catch our ACL. There was some testimony, and there was not an
41 alternative on there, to have it more seasonal. Triggerfish is
42 more of a seasonal fish for the tourists and the folks who come
43 down to the beach. They enjoy eating triggerfish, but that was
44 not one of the alternatives, and so the closest one we had was
45 sixteen fish, and that was the recommendation by the AP.
46
47 **CHAIRMAN BOSARGE:** Ms. Guyas.
48

1 **MS. GUYAS:** More just a question, and maybe this is a David
2 question, since you're in this fishery, somewhat. The limit
3 that we have now is really like a bycatch allowance,
4 essentially. Do you think this increase is enough that that
5 would change and people might actually target triggerfish more
6 than they already are now, which it sounds like they're not
7 really, because they're not hitting that commercial limit, the
8 commercial trip limit?

9
10 **MR. WALKER:** No, I don't believe they will target them any more
11 with the increase in the bag limit. I think that sixteen fish -
12 - There were some concerns that people would like to have it
13 more seasonal, when the tourists are in town and so forth, but I
14 guess it will help address any discards that might come during
15 the year, a full year.

16
17 **CHAIRMAN BOSARGE:** Okay. We are getting close to having the
18 motion on the board here. Okay. In Public Hearing Draft
19 Amendment 46, Gray Triggerfish Rebuilding Plan, in Action 4, to
20 make Alternative 4 the preferred alternative. Alternative 4 is
21 to increase the commercial trip limit for gray triggerfish to
22 sixteen fish per trip. Any further discussion on the motion?
23 Mr. Walker.

24
25 **MR. WALKER:** This is just a question for Carrie. Would sixteen
26 fish be enough fish to help us reach our ACL?

27
28 **DR. SIMMONS:** Thank you. Based on the decision tools that the
29 Regional Office staff, Dr. Mike Larkin, has developed, it is
30 projected to have 43,592 pounds, if you increase it to sixteen
31 fish per trip, whereas, currently -- What is the current one? I
32 don't have it on the top of my head. Let's see.

33
34 Currently, I think it's been around 42,500 pounds, and so not a
35 whole lot of increase, based on the model. It's closer to your
36 ACT of the 60,000 pounds, but not right up to it is what the
37 projections are. Remember that this still maintains the current
38 fixed season closure of the June and July. The council elected
39 not to change that, and so that still would be in place.

40
41 **MR. WALKER:** Okay. Thank you.

42
43 **CHAIRMAN BOSARGE:** Any further discussion on the motion? **Any**
44 **opposition to the motion? Seeing none, the motion carries.** We
45 have one technical question here. Now, we wanted to pick a
46 preferred so that we could have a preferred when we went out to
47 public hearings. Refresh my memory. Have we chosen those
48 locations? Is that all set now? Staff is shaking their heads

1 yes. Okay. Those have been blessed by all of our respective
2 states and council members? Is everyone good with that? Dr.
3 Simmons.

4
5 **DR. SIMMONS:** Thank you, Madam Chair. At the October council
6 meeting, you selected Spanish Fort, the Five Rivers Facility.
7 For Florida, it's Destin and the St. Pete area. Louisiana is
8 going to be by webinar. Mississippi is going to be by webinar.
9 Texas, we're going to hold one in Galveston and Corpus Christi.
10 Right now, we currently have those scheduled for March.

11
12 **CHAIRMAN BOSARGE:** I am remembering that conversation now. All
13 right. I don't see any discussion around the table, and so I
14 think we're still good with those choices, if you want to go
15 ahead and continue, Chairman Greene.

16
17 **MR. GREENE:** Thank you, Madam Chair. Options Paper for
18 Amendment 47, Modify Vermilion Snapper ACLs and MSY Proxy, staff
19 reviewed the actions and alternatives in the options paper for
20 Amendment 47.

21
22 The SSC had recommended the yield at F 30 percent SPR as a proxy
23 for MSY and had used that proxy in the assessment. As a result,
24 Action 1, the MSY proxies, only contained two alternatives,
25 status quo or the SSC-recommended proxy. Committee members
26 cautioned that there needed to be sufficient justification to
27 have only two alternatives. Staff responded that the number and
28 range of alternatives would be discussed at the next IPT
29 meeting.

30
31 Action 2 contained alternatives for either a constant F
32 declining yield ACL or a constant catch ACL, based on the SSC's
33 recommended ABCs for the years 2017 through 2020. A committee
34 member asked about a discussion on page 9 of the options paper
35 in which, following the 2012 update assessment, members of the
36 Reef Fish AP and members of the public felt that the vermilion
37 snapper stock was not in as good a shape as the assessment
38 indicated.

39
40 A committee member who was on the AP at the time discussed his
41 on-the-water observations and concerns about the stock at the
42 time. Staff stated that the options paper would be developed
43 into a draft amendment for the next council meeting.

44
45 **CHAIRMAN BOSARGE:** Mr. Walker.

46
47 **MR. WALKER:** Wasn't there also discussion, and I think it might
48 have been Dr. Crabtree that had brought up maybe looking at SPRs

1 of twenty and forty, and I am actually interested in looking at
2 twenty-six and maybe keeping it consistent with the snapper
3 complex. I think red snapper is at twenty-six now. I guess
4 that I can get that in some kind of a motion here.
5

6 **Motion to explore looking at other SPRs, and I think there was a**
7 **mention of ten, twenty-six, and I would like to look at twenty-**
8 **six, to keep it consistent with red snapper, and also maybe even**
9 **look at forty, while we're looking at it. It's twenty, twenty-**
10 **six, and forty.**

11
12 **CHAIRMAN BOSARGE:** Okay. We have a motion that is being worked
13 on, that is being put on the board. Mara, did you have an issue
14 for us here?
15

16 **MS. LEVY:** Just to make sure. So the motion is to add
17 alternatives to Action 1, the MSY proxy action? Is that what
18 we're talking about? We are adding alternatives to Action 1?
19

20 **MR. WALKER:** Dr. Crabtree, you could maybe help me here a little
21 bit. We brought that discussion up when we were talking about
22 maybe looking at -- We were talking about looking at -- You had
23 mentioned looking at twenty and perhaps looking at thirty or
24 forty. Then I thought maybe twenty-six, to keep it consistent
25 with other snapper species.
26

27 **DR. CRABTREE:** I just wanted staff to make sure that we were on
28 solid grounds with two alternatives, and, if we are, then fine.
29 If we're not, then adding some other reasonable alternatives,
30 but I didn't really want to get into specifics at this point.
31 It may be fine like it is.
32

33 **MR. WALKER:** Okay. Well, if they'll look at other alternatives,
34 that's fine.
35

36 **CHAIRMAN BOSARGE:** So, essentially, as a council, we want to
37 make sure that we have a reasonable range of alternatives on
38 that action item for our consideration, and we're asking the IPT
39 and staff to get together and take a hard look at that and make
40 sure that that's what we have when the document comes back
41 before us again, and I am not crafting that as a motion. I am
42 saying in general, for clarification. If you withdraw your
43 motion, that's what you want to make sure happens.
44

45 **MR. WALKER:** That's right. **I would withdraw my motion.** Then I
46 would like to make sure that they would look -- At least look at
47 keeping it consistent with red snapper at twenty-six SPR.
48

1 **CHAIRMAN BOSARGE:** Thank you, sir. I think we have that on the
2 record, and the IPT is in the room, a couple of them, and so I
3 think we're good. All right. Did you have anything else, Mr.
4 Walker, before we continue with the report?

5
6 **MR. WALKER:** No.

7
8 **CHAIRMAN BOSARGE:** Okay. Thank you.

9
10 **MR. GREENE:** Gulf Anglers Focus Group Report, Mr. Ken Haddad
11 presented the results and recommendations from a series of
12 facilitated meetings held by the Gulf Anglers Focus Group. The
13 group had a total of fifty-two participants representing private
14 anglers, for-hire vessels, environmental groups, recreational
15 industry, commercial fishermen, state regulators, and federal
16 regulators.

17
18 It met every other month during 2016. The results were a series
19 of options, not recommendations, to consider for further
20 analysis. The options, along with their pros and cons, were
21 organized as: status quo, maximizing fishing days within current
22 framework, harvest tags, depth and distance-based management,
23 reef fish season, harvest rate/recruitment-based management, and
24 hybrid of various options.

25
26 The committee asked several questions about harvest tags,
27 including how they would be distributed and return of unused
28 tags. Harvest tags would need to be available to anyone from
29 any state. Dr. Roy Crabtree clarified that a tag program could
30 not discriminate against people from any state, but could be
31 restricted to vessel owners or distributed based on past
32 participation.

33
34 Depth or distance-based management also attracted interest, but
35 there was concern about how barotrauma would affect the
36 management results. It was suggested that a modeling approach
37 be used to evaluate the option, including the effects of
38 barotrauma. Achieving a forty-day recreational season seemed to
39 be an objective that would provide the greatest benefits to
40 fishermen.

41
42 This material will be provided to the Ad Hoc Recreational Red
43 Snapper AP. A doodle poll has been sent out to the to the AP
44 members to schedule a meeting, which could take place either
45 before or after the next council meeting.

46
47 A committee member noted that the Gulf Angler Focus Group report
48 contained several data and analysis requests, some of which may

1 have already been done. She asked that the focus group's report
2 be forwarded to the Regional Office and Science Center and that
3 a presentation be scheduled at the next council meeting on what
4 analysis has been done that is relevant to the focus group's
5 proposals. Dr. Crabtree responded that the focus group's
6 analysis requests could be reviewed to determine which requests
7 are feasible to respond to and which are not.

8
9 **CHAIRMAN BOSARGE:** Mr. Gregory.

10
11 **EXECUTIVE DIRECTOR GREGORY:** Before we leave the focus group
12 discussion, we did a doodle poll with our Private Angler
13 Advisory Panel. Today was the deadline, I think, or tomorrow,
14 for them to answer, but, right now -- We wanted to have this
15 meeting as soon as possible.

16
17 The only days that the staff and facilitators were available
18 between now and the April meeting was March 20, 21, and 22. We
19 only have thirteen out of twenty-five private anglers on the AP
20 that can make those three dates. That is barely a quorum.

21
22 In May, May 8 and May 9, we have sixteen out of twenty-five.
23 That's the most we've gotten to date, and so we will be working
24 with the Chair to make the decision as to when the dates will
25 actually be, but that's how it's shaking out. Sixteen is the
26 most we've gotten to respond so far with a positive date, and
27 thirteen is what we have between now and April, and so it's
28 likely that the meeting will be after the April council meeting.

29
30 **CHAIRMAN BOSARGE:** Thank you for the update. We appreciate it.

31
32 **MR. GREENE:** Mechanism to Carry Over the Unharvested Red Snapper
33 ACL to the Following Season, Dr. Joe Powers, the SSC
34 representative, reviewed the carryover simulation presented to
35 the SSC by the SEFSC. The presentation indicated that a
36 carryover could be conducted for red snapper without risking the
37 progress of the rebuilding plan.

38
39 Two important caveats were mentioned. First, the carryover
40 simulation only demonstrated the effects of carrying quota over
41 once within the rebuilding timeline and then never again. In
42 reality, it is likely that multiple carryover events are
43 possible between now and the end of the red snapper rebuilding
44 period in 2032.

45
46 Second, the carry-over simulation is sector-specific, owing to
47 differing selectivities and sizes of landed fish by the various
48 fishing sectors and components. Also, the two-year delay

1 between the year from which the quota was to be carried over to
2 the year receiving the carryover was to ensure that finalized
3 landings data were used in quota estimations.

4
5 Committee members indicated that they were interested in
6 applying a carryover method to any applicable species. Staff
7 stated that the use of a buffer between the ACT and ACL would
8 still be in place for red snapper. A committee member suggested
9 that, if a carryover is used for a certain species, that the
10 council may consider also instituting paybacks as an
11 accountability measure for those eligible species as an
12 additional protection against jeopardizing a rebuilding plan.

13
14 A modification to the closed framework procedure was recommended
15 to automate the updating of the ABCs by the National Marine
16 Fisheries Service, which would save considerable time when
17 implementing new catch levels.

18
19 Revisions to the National Standard 1 Guidelines include
20 implementation of carryover plans and recommend doing so through
21 the council's ABC control rule. The committee was advised that
22 the best course of action would be to fold the current carryover
23 framework action into the amendment, which addresses revisions
24 to the current ABC control rule, and to include a modification
25 to the closed framework procedure to allow National Marine
26 Fisheries Service to automatically update the catch levels
27 through the carryover method. Any carry-over would only be
28 valid for one fishing year and would only apply to those species
29 who were closed because their ACL was met or projected to be
30 met.

31
32 **Without opposition, the committee recommends, and I so move, to**
33 **direct staff to add carryover provisions in the ABC control rule**
34 **amendment and modify the framework procedure to allow for**
35 **National Marine Fisheries Service to update the appropriate**
36 **quotas once landings data are available.**

37
38 **CHAIRMAN BOSARGE:** We have a committee motion. Was there any
39 discussion on the motion? **Seeing none, is there any opposition**
40 **to the motion? With no opposition, the motion carries.**

41
42 **MR. GREENE:** By folding the carryover method for all candidate
43 species into the ABC control rule amendment, staff will no
44 longer continue developing a separate framework amendment to
45 consider a carryover for red snapper.

46
47 Preliminary 2016 Red Snapper For-Hire Landings Relative to ACL,
48 Mr. Andy Strelcheck reviewed the preliminary recreational red

1 snapper landings for 2016 by wave and sector component, the
2 federal for-hire and private vessel. He noted that the
3 recreational landings were at 99 percent of the ACL for 2016,
4 with the for-hire component at 87 percent of their ACT and the
5 private component at 150 percent of their ACT. The estimates
6 did not yet include Wave 6 MRIP and headboat survey data or
7 Texas Parks and Wildlife data for their high-use period. The
8 preliminary MRIP data should be available by the middle of
9 February, and the Texas data by March.

10
11 In response to a question on how payback provisions work for red
12 snapper, Mr. Strelcheck responded that the payback adjustment is
13 applied to the entire recreational ACL, but is only deducted
14 from the component that exceeded its ACL the previous year.

15
16 A committee member noted that the territorial and federal-water
17 landings reported by MRIP and the SEFSC differed occasionally,
18 with the SEFSC numbers showing higher state-water landings than
19 MRIP. He asked for a presentation at the next council meeting
20 on how those numbers were adjusted.

21
22 Bonnie Ponwith explained that the SEFSC used a different method
23 for converting numbers of fish to pounds that they felt was more
24 accurate than the MRIP method. In discussions with MRIP
25 personnel, it appears that MRIP is moving toward using the SEFSC
26 methodology. She said that she could give a presentation at the
27 next council meeting.

28
29 **CHAIRMAN BOSARGE:** In tandem with that, I have kind of been
30 wanting to see an update on all the different tweakings, maybe,
31 that the states have been doing on their red snapper data
32 collections.

33
34 We had a presentation like maybe a year or a year-and-a-half
35 ago, something like that, and I know you all have been
36 continuously trying to make improvements to those, and so this
37 kind of goes out to all the states. Is it feasible for you all
38 to maybe give us a little short snapshot of what you're doing
39 now and maybe how it differs from before to go along with the
40 other presentation that we're going to get?

41
42 I just want to -- I am not in state government, and so I don't
43 see all the changes that you all make all the time, and I know,
44 surely, we must be getting a little closer, all the time, to
45 maybe getting vetted to use some of this data for what we do
46 around this table, and so I would love to see an update, if
47 that's doable with your schedules. Is there any opposition to
48 that from any of the states? Okay. Great. Thanks.

1
2 **MR. GREENE:** We just went through the red snapper for-hire
3 landings, and we just finished up part of the carryover
4 conversation, and then we talked about sector-specific paybacks
5 and sector-specific overages, or carryovers, but what about
6 subsector provisions?

7
8 One year, we have 87 percent for the for-hire and 150 percent,
9 although we don't know where we are totally, and has there been
10 any thought or conversation about subsector-specific carryover
11 or paybacks?

12
13 **DR. CRABTREE:** I think the vision is that the carryovers would
14 be subsector-specific and that the paybacks are subsector-
15 specific, but they're only triggered, the payback, if you're
16 over the overall ACL, and there would be only be carryover if we
17 were under the overall ACL.

18
19 **MR. GREENE:** Thank you. That wasn't clear to me, and I just
20 wanted to make sure, and I appreciate that.

21
22 **CHAIRMAN BOSARGE:** Mr. Banks and then Mr. Diaz.

23
24 **MR. BANKS:** We can let one subsector, and not even one sector,
25 but one subsector, way overharvest. As long as the other
26 sectors are making up for that overharvest, nothing has to be
27 paid back, and is that what you're saying?

28
29 **DR. CRABTREE:** If the overall recreational fishery is below the
30 ACL, there is no payback.

31
32 **CHAIRMAN BOSARGE:** Mr. Diaz.

33
34 **MR. DIAZ:** Two things. One is what I heard the SSC say is that
35 the only way it could be done is that, if there was a payback,
36 it could only go to the sector that experienced the shortage,
37 and so that's what I heard in the SSC report.

38
39 I just want to -- A hypothetical is in my mind, and maybe Dr.
40 Crabtree can help with this, but, as the updated MRIP numbers
41 sit now for red snapper, Dr. Crabtree, how would you envision
42 this working?

43
44 We've got a year, right now, where the charter/for-hire is at 87
45 percent of their ACT, and the private recs are at 150 percent of
46 their ACT, and, as it stands now, we're at 99 percent of the
47 ACL, and so there would be no payback, because they're together
48 and we haven't exceeded the 100 percent ACL, but, if you look at

1 it sector-specific, you couldn't give the charter/for-hire
2 anything, because we essentially have captured 99 percent of the
3 ACL. This year is a year that really puts us in a bind, and do
4 you have any thoughts on that, Dr. Crabtree?

5
6 **DR. CRABTREE:** Well, I do have thoughts on it. I mean, we
7 project what we think is going to be caught, but then sometimes
8 we -- We ask the states what they're going to do, and sometimes
9 we get answers, but then, last year, after we had already put
10 our season in place, some of the states changed their
11 regulations in ways that allowed more fishing.

12
13 Also, last year, we had the changes in the state-water
14 jurisdictions out to nine miles for three states, and so there
15 was a lot of uncertainty in trying to project that, and so we
16 will, again this year, come in and take into account what
17 happened last year and project how long we think the two
18 subsectors' seasons are going to be, and my hope is that we'll
19 be a little closer this year, but we need some stability, in
20 terms of stable regulations and stable boundaries, in order to
21 be able to have a lot of confidence in how well we can predict
22 these. When things are changing rapidly, especially if things
23 change after we've already set the season, that's a pretty
24 difficult situation.

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

27
28 **MR. DIAZ:** Right, and I agree with everything you just said, and
29 I think, this year particularly, National Marine Fisheries is in
30 a bad spot to have to project seasons, and I understand that
31 it's going to be very difficult to do.

32
33 Kind of back on what Johnny said, I think we're almost going to
34 have to make all of this stuff sector-specific, because, in my
35 mind, I can't see how we can make it work unless we don't make
36 it crystal clear that each sector is responsible for what
37 happens inside that sector.

38
39 **DR. CRABTREE:** That's fine, and I don't disagree with you, but
40 just bear in mind that we still have Section 407(d) of the
41 statute, which requires that we have an overall recreational
42 quota and that, when it's hit, all fishing stops. While we can
43 have subcomponents and have some degree of separation, as long
44 as that provision is in the statute, we can't fully separate
45 them.

46
47 **CHAIRMAN BOSARGE:** Mr. Banks.

48

1 **MR. BANKS:** Dr. Crabtree, help me here. On the red snapper
2 landings, in certainly Waves 1 and 2 for federal for-hire, how
3 do we have landings there outside of the season?
4

5 **DR. CRABTREE:** I would like to ask Mr. Strelcheck to come up and
6 address that, if I could.
7

8 **MR. STRELCHECK:** Can you repeat your question, Patrick?
9

10 **MR. BANKS:** Andy, thanks. Waves 1 and 2, especially, for the
11 federal for-hire, is outside of what I remember the season
12 being, but we still have landings in that subsector, and can you
13 explain that a little bit to me, please?
14

15 **MR. STRELCHECK:** When Amendment 40 was implemented, and that's
16 the sector separation amendment, it has a provision in it that
17 if you hold a federal for-hire reef fish permit at any time
18 during the fishing year that those landings will be attributed
19 to the federal for-hire quota.
20

21 In that particular instance, the landings you're referencing,
22 those are headboats that are continuing to report to our
23 headboat survey that are removing their permit and fishing in
24 state waters during the first four months of the year and then
25 placing the permit back onboard their vessel to fish the federal
26 season, and so they're essentially fishing state waters and then
27 shifting back to federal waters throughout the year.
28

29 **CHAIRMAN BOSARGE:** Dr. Crabtree.
30

31 **DR. CRABTREE:** Something we probably need to have a discussion
32 about, and I know a number of the for-hire operators brought it
33 up to me, would be do we need to put some sort of constraint on
34 permit transfers or try to do something that would make it more
35 difficult for vessels to fish the federal season and then move
36 their permit somewhere and fish state waters as well. I think
37 that's something to talk about at future meetings if this is
38 going to become a real problem.
39

40 **CHAIRMAN BOSARGE:** Mr. Greene.
41

42 **MR. GREENE:** I absolutely agree. This just isn't right, and it
43 doesn't matter which side of the fence you're on. Nobody wants
44 to be messing in somebody else's business, and so, whatever the
45 appropriate path forward is with this, then I think we need to
46 handle it, because it's not right for someone to fish in one
47 person's quota and then jump over into somebody else's quota and
48 then jump back out. That's just not right, and it doesn't

1 matter if you're a private angler or a charter boat. It just
2 doesn't need to be that way, and so, whatever we need to do, I
3 am in support of that.

4
5 **CHAIRMAN BOSARGE:** Okay. We have had a couple of people that
6 have asked if we could look at that in the future, and so, if
7 there is no opposition to that, we will look at future
8 schedules, agendas, and see when we can't get that on the
9 agenda. Mr. Banks.

10
11 **MR. BANKS:** I think I asked this question during committee, but
12 remind me of -- We don't have Waves 3 through 6 from Texas, but
13 we're using estimated numbers, based on previous seasons? Is
14 that right?

15
16 **DR. CRABTREE:** Yes. Now Andy is telling me no. Come tell us,
17 Andy.

18
19 **MR. STRELCHECK:** The landings data that we provide you is simply
20 reported landings data for the 2016 fishing year. It does not
21 include any prior year estimates to fill in where we're missing
22 data or don't have reported data yet.

23
24 **MR. BANKS:** So, to be clear, Waves 3 through 6 has zero landings
25 included for Texas and zero MRIP landings for Wave 6?

26
27 **MR. STRELCHECK:** Correct, and so we are awaiting landings for
28 headboat and MRIP for Wave 6, and so it's November and December,
29 and then we're awaiting Texas landings for Waves 3 through 6.
30 We get a portion of their landings for Wave 3, but, because they
31 split the wave, we don't complete the Wave 3 landings until we
32 get the high-use wave that they usually send us in March of the
33 following year.

34
35 **MR. BANKS:** Okay. Thank you.

36
37 **MR. STRELCHECK:** The bottom line is the landings will go up,
38 based on additional estimates that are provided to us.

39
40 **CHAIRMAN BOSARGE:** Hang on, Mr. Strelcheck. We may have a
41 couple more questions. Mr. Boyd and then Ms. Guyas.

42
43 **MR. BOYD:** Thank you, Madam Chairman. Andy, go back to the
44 boats, for a second, that are moving their permits around and
45 fishing in state waters. I would assume that, if those boats
46 are in the headboat survey, they are still reporting their catch
47 in state waters through the headboat survey, and is that
48 correct?

1
2 **MR. STRELCHECK:** That's correct.
3
4 **MR. BOYD:** All right. Dr. Crabtree, if we want to look at this,
5 do we need a motion to go ahead and start looking at restricting
6 those permit transfers, or do we just wait for somebody to bring
7 it up later?
8
9 **DR. CRABTREE:** Well, that's up to you, but I think, if you want
10 your staff to start pulling something together for you, then you
11 probably need a motion to ask them to do that.
12
13 **MR. BOYD:** I would make a motion, Madam Chairman, to ask staff
14 to review the transfer of charter/for-hire, federally-permitted
15 charter/for-hire permits, transferred -- Help me, Roy.
16 Transferred for the purposes of fishing in state waters. Is
17 that too specific?
18
19 **DR. CRABTREE:** Yes, and I would just say "outside of the federal
20 season" maybe, "the federal red snapper season", because this is
21 really just a red snapper issue. I guess you could ask them to
22 identify some options to address the issue.
23
24 **MR. BOYD:** All right. **Identify options to address the issue.**
25
26 **CHAIRMAN BOSARGE:** We have a motion on the board, and we do have
27 a second by Mr. Greene for the motion. The motion is to have
28 staff review charter/for-hire permits transferred for the
29 purposes of fishing outside the federal red snapper season and
30 to identify options to address the issue. Mr. Boyd, is that
31 your motion?
32
33 **MR. BOYD:** That is my motion. Thank you.
34
35 **CHAIRMAN BOSARGE:** Okay. Is there any discussion on the motion?
36
37 **MR. BOYD:** We need a second.
38
39 **CHAIRMAN BOSARGE:** We have a second. Mr. Sanchez.
40
41 **MR. SANCHEZ:** Maybe just add "federal charter/for-hire".
42
43 **CHAIRMAN BOSARGE:** Mr. Boyd, are you okay with that friendly
44 amendment?
45
46 **MR. BOYD:** Yes, I'm fine.
47
48 **CHAIRMAN BOSARGE:** The seconder agrees as well? The seconder

1 agrees. Any further discussion on the motion? **Any opposition**
2 **to the motion? Seeing none, the motion carries.** Ms. Guyas, I
3 am sorry. You had your hand up earlier.
4
5 **MS. GUYAS:** That's okay. I think this is an Andy question. I
6 can't remember this, and I should know, probably, from past
7 season estimations, but, by the time you all come up with the
8 season for the federal season, do you usually have all the Texas
9 landings in hand or is that usually a projection? When do you
10 get those landings, I guess?
11
12 **MR. STRELCHECK:** We typically announce the season in April or
13 early May, in years past, and we have final landings by that
14 point.
15
16 **CHAIRMAN BOSARGE:** So you will have final Texas landings
17 probably by our next meeting, which is early April?
18
19 **MR. STRELCHECK:** Yes, but you have a council member from Texas
20 that you could ask that question of.
21
22 **CHAIRMAN BOSARGE:** Now, Lance, you just got to the table, and
23 we're already putting you on the spot.
24
25 **MR. LANCE ROBINSON:** Yes, I know. I think we'll have our
26 landings -- That wave will be finished and our high-use will be
27 available in March.
28
29 **CHAIRMAN BOSARGE:** Okay. Martha, your question is answered?
30 Then Mr. Boyd.
31
32 **MR. BOYD:** Madam Chairman, I need to go back to the motion
33 again. We were talking about headboats at the time, and, in the
34 motion, I said charter/for-hire. What I meant to say was for-
35 hire permits. I would like to go back and modify that.
36
37 **CHAIRMAN BOSARGE:** Okay. We have already passed the motion. We
38 did vote on it.
39
40 **DR. CRABTREE:** If I could, there is only one type of permit, and
41 it has various capacities, and so I think that's fine.
42
43 **MR. BOYD:** I'm sorry, but can you say that again?
44
45 **DR. CRABTREE:** There is only one for-hire permit. There is a
46 reef fish for-hire and a mackerel for-hire, but there is not a
47 separate headboat permit and a separate charter permit. They're
48 all the same.

1
2 **CHAIRMAN BOSARGE:** Okay, and so our motion will -- The intent of
3 your motion will be carried out, and so I think you're good
4 there. If we're going to have final landings in April, and
5 we've had some discussion around this table, and this is
6 probably going to be a charged statement, but we've had some
7 discussion around this table about the paybacks being sector-
8 specific.

9
10 Yes, we can't stop all fishing until the overall ACL -- We have
11 to stop all fishing when the overall ACL is met. That is fine,
12 and that's not my concern. If that is a road we're going to go
13 down, I feel like we need to have some discussion about that and
14 make that intent clear, because I do think that has
15 ramifications, at least for the states around the table, that
16 they should know that ahead of time, so that they can make their
17 decisions based on that information.

18
19 That may not change your decisions at all, but it may, and I
20 just wonder, if that's the route we're going -- I would like to
21 have some discussion about that at our next meeting, when we
22 will have final landings.

23
24 I don't want to wait to have that discussion until June or
25 August or something like that and then states are well into
26 their seasons and may not have the ability to do things that
27 they may have done if they had known that we were going to make
28 some changes, and so just keep that in mind, and we need to have
29 some discussion about this and be upfront with our states about
30 where we're headed with that. Thank you. I didn't figure that
31 anybody would want to talk about that, but just know that may be
32 coming. Mr. Greene, go ahead.

33
34 **MR. GREENE:** Thank you, Madam Chair. Presentation on Amendment
35 36B, Commercial Reef Fish IFQ Modifications, staff reviewed the
36 items the council is interested in addressing in this amendment.
37 Committee members requested information be included in the
38 options paper to facilitate further consideration for the design
39 and intent of the potential actions.

40
41 With the assistance of Ms. Levy, the committee also discussed
42 the scope of actions that may be included in the amendment
43 without triggering a referendum before amendment development
44 begins. Staff will begin work on an options paper.

45
46 Standing and Reef Fish SSC Summary for Items Not Discussed
47 Elsewhere on Agenda, Dr. Powers summarized reef fish items
48 reviewed by SSC that were not discussed elsewhere in the Reef

1 Fish agenda.

2

3 He briefly described the approach used in the SEDAR 49 data-
4 limited stocks assessment. This is a set of methods that can be
5 applied where there are very limited data, just catches, or
6 maybe some catch-per-unit effort index, or maybe just an average
7 size.

8

9 The methods available are applied to simulated populations to
10 see how they respond and which methods are feasible for use in
11 management strategy evaluation. Those methods that were
12 determined to be reasonable useful with the simulated data will
13 be used with the actual catch data, and the results will be
14 presented at the March SSC meeting.

15

16 To use these methods on a regular basis, the SSC needs to
17 provide some structure on how to proceed with items such as what
18 reference years to use. This might mean creating a separate
19 working group. Dr. Powers cautioned that these data-poor
20 methods are more of a research project than an established
21 assessment, and he noted that there is no substitute for good
22 data.

23

24 Another item discussed by the SSC was a discussion of economic
25 and social implications of ABCs and ACLs. For example, in
26 setting P*, an acceptable level of risk should depend on the
27 costs of protecting the stock and the benefits that are derived.

28

29 Also, National Standard 8 calls for incorporating quantitative
30 community factors about fleet sizes and distributions, shifting
31 to other activities, et cetera. The SSC will evaluate whether
32 these types of considerations can be integrated into control
33 rules.

34

35 Other Business, Discussion of 2017 Recreational Fishing Season
36 for Greater Amberjack, Dr. Crabtree stated that he could not yet
37 provide an estimate on the recreational season length for
38 greater amberjack in 2017. Last year, there was an overrun of
39 approximately 750,000 pounds.

40

41 Greater amberjack has a payback provision. However, a greater
42 amberjack update assessment is scheduled to be reviewed by the
43 SSC at their next meeting in March. Depending upon the ABC
44 projections, a reopening of the season after the scheduled
45 June/July closure might be possible if a framework action to
46 adjust the ACL can be implemented in time.

47

48 Staff noted that the SSC meeting is the week before the council

1 meeting, and it may not be possible to put a complete framework
2 action together in such a short period of time. However, staff
3 could look into putting together a skeleton document. Madam
4 Chair, this concludes my report.

5
6 **CHAIRMAN BOSARGE:** Mr. Greene, thank you very much. Dr.
7 Simmons.

8
9 **DR. SIMMONS:** Thank you, Madam Chair. I just wanted to go back
10 and talk a little bit about the timing for the 36B options
11 paper. We would like to bring that in June, when we receive the
12 five-year review of the grouper/tilefish. We thought it would
13 be appropriate that those go together and finish up, in April,
14 Amendment 36A. That will be on the agenda for final action, as
15 well as two other documents for final action, in April. I just
16 wanted to put that out there. Thank you.

17
18 **CHAIRMAN BOSARGE:** Okay. I see a couple nodding of heads around
19 the table, and so that sounds like a plan. Now, for the rest of
20 the plan, we have accomplished everything that I wanted to
21 accomplish before lunch.

22
23 I assumed -- There was some rearranging of the committee reports
24 early, and so I assumed, if somebody asked for that, there was
25 probably a flight somewhere involved, and so we have done the
26 heavy lifting.

27
28 I am going to put it out there to you all. I am just fine with
29 going to lunch at this point. When we come back, we would have
30 the following: Spiny Lobster Report, Joint Coral/Habitat
31 Protection & Restoration Report, and a vote, or possible vote,
32 on the exempted fishing permit.

33
34 We did have one item of Other Business with Martha on
35 yellowtail, and I'm not sure how long that is going to take,
36 Martha. Not long? So, it's up to you guys. Do you want to
37 keep working and leave early or do you want to go to lunch and
38 then come back and knock out those three items?

39
40 I am hearing a short break and then come back and plug away at
41 it. Is that okay with everybody? All right. So a ten-minute
42 break. It's one o'clock, and so, at 1:10, we will come back and
43 finish up.

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

46
47 **CHAIRMAN BOSARGE:** The Spiny Lobster Report and Ms. Guyas.
48

1 **SPINY LOBSTER COMMITTEE REPORT**

2
3 **MS. GUYAS:** Thank you, Madam Chair. Staff presented the options
4 paper for Spiny Lobster Regulatory Amendment 4. When the OFL
5 was set in Amendment 10, it was set using a time period of
6 landings that was historically low. During the development of
7 Amendment 10, it was thought the fishery had changed and that
8 the low landings were a new normal.

9
10 Since implementation of the management benchmarks set in
11 Amendment 10, the ACT has been exceeded in three of the last
12 four years, and the ACL has been exceeded twice. Both the Gulf
13 and South Atlantic SSCs have recommended that the landings data
14 from 1991/1992 through 2015/2016 be used to calculate the ABC
15 and OFL.

16
17 Action 1.1 modifies the current definitions of management
18 benchmarks for MSY, overfishing threshold, overfished threshold.
19 Action 1.2 modifies the current definitions for the ACL and ACT.
20 **The committee recommends, and I so move, to make Alternative 2**
21 **the preferred alternative in Action 1-1.**

22
23 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any
24 discussion on the motion? **Seeing none, is there any opposition**
25 **to the motion? No opposition, and the motion carries.**

26
27 **MS. GUYAS:** **The committee recommends, and I so move, to make**
28 **Alternative 2 the preferred alternative in Action 1-2.**

29
30 **CHAIRMAN BOSARGE:** We have a committee motion. I will go ahead
31 and read the rest of it into the record. Alternative 2 is the
32 ACL is equal to the ABC, as recommended by the Gulf and South
33 Atlantic SSCs, using the mean landings from the years 1991/1992
34 through 2015/2016 plus 1.5 standard deviations, which is 9.6
35 million pounds. The ACT is 90 percent of the new ACL, which is
36 8.64 million pounds. Is there any discussion on the motion? **Is**
37 **there any opposition to the motion? Seeing none, the motion**
38 **carries.**

39
40 **MS. GUYAS:** For future documents, staff will include the pounds
41 associated with these alternatives in the document and make
42 other editorial changes to the document that the committee
43 suggested.

44
45 Staff reviewed Action 2, which is a South Atlantic Council
46 action, that would prohibit the use of recreational traps in the
47 EEZ for all states, not just the State of Florida, in the South
48 Atlantic Council's jurisdiction. The committee made no motions

1 relative to Action 2. Madam Chair, this concludes my report.

2
3 **CHAIRMAN BOSARGE:** All right. Is there any further business for
4 the spiny lobster topic? Seeing none, we will move on to our
5 next agenda item, which will be our Joint Coral/Habitat
6 Protection & Restoration Committee Report. Mr. Diaz, I will
7 turn it over to you.

8
9 **JOINT CORAL/HABITAT PROTECTION & RESTORATION COMMITTEE REPORT**

10
11 **MR. DIAZ:** Thank you, Madam Chair. Presentation on the Biology
12 of Corals, staff gave a short presentation on deep-water corals
13 in the Gulf of Mexico.

14
15 Revised Scoping Draft of Coral Amendment 7, staff presented the
16 revised scoping document for Coral Amendment 7. Revisions
17 include a brief description on the biology of coral, area
18 descriptions divided into regions, and regulations were updated.

19
20 Under Option 1, staff will modify one sentence to read as
21 follows: "Where corals exist in sufficient numbers or diversity
22 would qualify would be considered for establishment as a HAPC as
23 long as it meets one of the HAPC requirements". Additional
24 suggestions were provided, and staff will include these in the
25 options paper. **The committee recommends, and I so move, to**
26 **bring the Revised Scoping Draft of Coral Amendment 7 out for**
27 **scoping hearings.**

28
29 **CHAIRMAN BOSARGE:** We have a committee motion. We have already
30 chosen those locations. This is the amendment that will be sent
31 out to the public in tandem with the shrimp amendment, and so
32 those are going out together, so that we didn't have to delay
33 either one of those. Is there any discussion on the motion?
34 **Any opposition to the motion? Seeing none, the motion carries.**

35
36 **MR. DIAZ:** Madam Chair, that concludes my report.

37
38 **VOTE ON EXEMPTED FISHING PERMIT APPLICATIONS**

39
40 **CHAIRMAN BOSARGE:** Thank you, sir. Next on our agenda is Vote
41 on Exempted Fishing Permit Applications, if any. We had -- I
42 don't know if you would call it a presentation, but we had a
43 discussion and kind of a question-and-answer session on the
44 exempted fishing permit that has recently been submitted to
45 National Marine Fisheries Service.

46
47 They are working on analyzing it, and so my question to the
48 council is do you want to vote on a recommendation on that

1 permit today or is it your will to revisit it one more time at
2 our next council meeting, maybe once we have some analysis? I
3 have no preference here either way, and I would like some input.
4 Ms. Guyas.

5
6 **MS. GUYAS:** I think I would like to see that analysis, so that
7 we kind of understand what we're working with and what potential
8 impacts and level of risk may be associated with this EFP for
9 turtles and for the longline fleet, considering they would be
10 going into this area somewhat at their own risk, and so that
11 would be my preference.

12
13 **CHAIRMAN BOSARGE:** Okay. Mr. Diaz.

14
15 **MR. DIAZ:** I am fine with Ms. Guyas's preference, and I tend to
16 agree with her also, but I did want to say a few positive things
17 about it, from just my opinion. I think there is some value in
18 this EFP.

19
20 There would be some fisheries-dependent data that could be
21 collected, where there is no fisheries-dependent data now. I
22 thought it was well put together, and I just wanted to say a few
23 positive words about it. I think it has a lot of potential,
24 and, after we see that analysis, we can make a better
25 discussion, but I commend the folks that put it together and for
26 trying to think to try to solve some of these fisheries problems
27 that we have. Thank you, Madam Chair.

28
29 **CHAIRMAN BOSARGE:** Mr. Walker.

30
31 **MR. WALKER:** I was just going to add that I think we're still
32 waiting on the agency with some work, and I think I will be
33 supporting the EFP, but I would like to see the rest of this
34 work. The industry is ready to work and try to come up with
35 some ideas, and it would actually take some pressure off some
36 other areas, other species.

37
38 I have had some emails and questions about maybe perhaps
39 including a couple of folks from the Panama City area. I think
40 Greg Abrams had testified yesterday that he would like to have
41 some vessels from over there, instead of just one particular
42 area, and so I think they ought to entertain maybe adding some
43 or changing the composition, just to get different folks from
44 different areas in that grouper area, which is from Panama City
45 to Madeira Beach.

46
47 **CHAIRMAN BOSARGE:** Dr. Dana.

48

1 **DR. DANA:** I have received at three emails from various
2 operators that are not included amongst the eight, but they're
3 thinking that, if it's going to happen, it needs to be more
4 diverse, geographically.
5

6 **CHAIRMAN BOSARGE:** Okay. So it sounds like, around the table,
7 we want to see the analysis that NMFS is going to prepare, their
8 final package on this, at our next meeting, which I think that's
9 right around your timetable, and so that should be fine, and we
10 will take another look at it at our next meeting and see if we
11 can't come to a recommendation. That sounds good. All right.
12

13 The next item on the agenda, which I apologize that I somehow
14 skipped over, and we already had one of our liaison reports,
15 but, Mr. Dave Donaldson, I think you have a report for us as
16 well?
17

18 **SUPPORTING AGENCIES UPDATE**
19 **GULF STATES MARINE FISHERIES COMMISSION**
20

21 **MR. DONALDSON:** Thank you, Madam Chair. I had a thirty-page
22 PowerPoint presentation, but I decided that I will narrow it
23 down. I just wanted to let you know that, at our upcoming March
24 meeting in Gulfport, we're doing a general session on
25 recreational fishing. It's going to be March 15, Wednesday, at
26 8:30.
27

28 The main purpose is focusing on data collection issues and
29 looking at current systems and new and innovative ways to
30 collect recreational data. If you need additional details, you
31 can contact Greg Bray on our staff, but I just wanted to let you
32 guys know that we will be holding that session during our
33 commission meeting.
34

35 **CHAIRMAN BOSARGE:** Thank you, sir. I appreciate that. We do
36 have one item under Other Business. Ms. Guyas, would you lead
37 us through that, please, ma'am?
38

39 **OTHER BUSINESS**
40 **YELLOWTAIL SNAPPER DISCUSSION**
41

42 **MS. GUYAS:** I've got a motion that I want to put up, and that
43 will kind of get us started here. I think staff has it. **My**
44 **motion is to direct staff to develop an amendment that would**
45 **specify a single ABC and ACL for yellowtail snapper in the Gulf**
46 **of Mexico and South Atlantic.** If I get a second, I can explain
47 where this is coming from.
48

1 **CHAIRMAN BOSARGE:** We have a second by Mr. Sanchez. Go ahead,
2 Ms. Guyas.

3
4 **MS. GUYAS:** Those of you who have been on the council for a
5 couple of years remember that we the South Florida Committee
6 that examined a lot of south-Florida-centric species, like
7 yellowtail snapper. We have actually already looked at doing
8 this as part of that process.

9
10 At the last South Atlantic Council meeting, the South Atlantic
11 Council approved a similar motion to this. They have been
12 holding public hearings on some other yellowtail snapper issues
13 and have wrapped that into what they would like to consider.
14 For them to move forward, we would need to do the same thing, a
15 reason why I think we need to go back to this and reconsider it,
16 and Bill Kelly spoke to this in his comments yesterday.

17
18 Since we had these discussions with the South Florida Committee
19 and then, subsequently, the two Full Councils together, the
20 yellowtail snapper fishery in the South Atlantic had a
21 commercial closure. They ended a couple of months early because
22 their quota was, I think, exceeded just a little bit, actually.
23 They went over a little bit.

24
25 They closed in October rather than December. There were a
26 number of other closures that occurred at the same time with
27 that industry, and it was pretty devastating for the Keys. It
28 affected a lot of commercial fishermen.

29
30 Since this is a single stock that is just shared between the
31 Gulf and the South Atlantic, and it's predominantly a south
32 Florida fishery, one of the ways that it seems like Bill Kelly
33 and a lot of the commercial yellowtail snapper fishermen down in
34 that area -- One way to easily, potentially, deal with that
35 would be to have a combined ABC and ACL, so that, when we have a
36 situation, where the South Atlantic portion of the quota has
37 been caught up, but there is still essentially the 25 percent
38 that's been allocated in the Gulf just sitting on the table.
39 That is my motion. Any questions?

40
41 **CHAIRMAN BOSARGE:** I have a question, from a historical context.
42 How did we originally decide -- What was the rationale behind
43 how we divided that ACL for yellowtail snapper between the Gulf
44 and the South Atlantic? Was it based on a stock assessment and
45 they said, well, we've got probably this proportion of the stock
46 that's on this side of this line and this proportion on that or
47 was it landings-based, where we said, well, historically, this
48 percentage has been landed over on the Atlantic side and this

1 percentage on the Gulf side? I'm just wondering.

2
3 **MS. GUYAS:** If I remember correctly, and, Doug, if you remember
4 this and I'm wrong, then tell me, but I think this was what they
5 used, was a combination of historical and current, at the time,
6 landings. I think the cutoff was like 2008. They used what we
7 were calling the Bowtie Method. That is, I think, where the
8 allocation splits for both yellowtail snapper and mutton snapper
9 -- That is the rule that was used, and so it was part of the
10 Generic ACL Amendment that was approved in maybe 2010.

11
12 **CHAIRMAN BOSARGE:** Okay. Where I was going with this is
13 obviously something has kind of shifted since then. I think
14 they're wanting us to do this because they are overshooting
15 whatever their quota is, right, but the overall -- This is one
16 stock, and so, when you look at it as one stock, it's not being
17 overfished.

18
19 What I'm wondering is, when staff brings us this amendment, and
20 I guess with some options in it, if things change in the future,
21 where the landings start to shift back to the Gulf, and I want
22 your advice on this, is this something where maybe we should
23 almost make it a conditional sharing?

24
25 **MS. GUYAS:** Well, it's one stock, and I think it's largely --
26 Maybe not completely, but largely the same group of people that
27 have two permits. They have an Atlantic and a Gulf, but most of
28 the effort is on the Atlantic side. That is where they prefer
29 to fish, and so I guess that is something that could be
30 discussed, yes, as part of this, but I think we have some
31 analysis that we had already done on this, and we could look at
32 that and see if that would work or not.

33
34 **CHAIRMAN BOSARGE:** That's fine, and it doesn't have to be in
35 there right away. We can just take a look at it later and just
36 keep it in mind. I never thought of it being something we would
37 use between two councils. I guess I always thought of it
38 between two sectors, but I guess you never know, but, anyway,
39 that is it. I don't have any opposition to the motion, but just
40 a few questions. Ms. Gerhart.

41
42 **MS. GERHART:** Thank you. The South Atlantic Council has already
43 started an amendment to do this, and would it be acceptable to -
44 - I'm not sure that we want to go this route, but would it be
45 acceptable to actually do a joint amendment with them, rather
46 than our separate one?

47
48 **MS. GUYAS:** I'm fine with that, but things get hairy sometimes.

1
2 **EXECUTIVE DIRECTOR GREGORY:** Staff may not be.

3
4 **MS. GUYAS:** As I said, things get hairy sometimes when we try to
5 work together. It gets, sometimes, counterproductive, and so I
6 am willing to do whatever staff thinks is the right method for
7 that.

8
9 **CHAIRMAN BOSARGE:** Mr. Anson and then I will get to Doug Gregory
10 and Mr. Rindone.

11
12 **MR. ANSON:** I thought John had officially declared us divorced.
13 I'm sorry. Martha, that was one of my questions. You brought
14 up a piece of information that most of these fishermen who are
15 harvesting the fish on the Atlantic side also have Gulf permits,
16 and so I can understand that it might be a little closer, maybe,
17 and they might be a little more familiar with the grounds on the
18 Atlantic side, but is that the reason, is that they just prefer
19 -- It's economically better for them to land those fish over in
20 the Atlantic versus going over into the Gulf, if they already
21 have the permits?

22
23 **EXECUTIVE DIRECTOR GREGORY:** If I may, the bulk of the
24 yellowtail fishery is on the Atlantic side. Wherever we have
25 reefs on the Gulf side, like particularly in the Tortugas, they
26 will harvest. Most of the Gulf landings will come from the
27 Tortugas. Some fishermen go out to the Towers in the Gulf, and
28 maybe, with climate change, yellowtail are coming more and more
29 into the Gulf, but not to a great extent. It's still largely
30 confined to south Florida.

31
32 The problem we're going to have is the South Atlantic Council
33 has their ABC and ACL divided by sector, commercial versus
34 recreational. They've got the same situation that we were just
35 talking about with king mackerel, that their recreational ACL is
36 not met, but the commercial is, and they want to share with us
37 rather than share among themselves, and we do not have
38 commercial and recreational ACLs, and so we would have to
39 subdivide ours into commercial and recreational ACLs, and so
40 that could be a sticky point for us.

41
42 I would say let's go with -- I would prefer to go with a
43 separate amendment and flesh this out as much as we can, and, if
44 NMFS requires a joint amendment or somehow to bring this
45 together, then we can do that later on, but we have some issues
46 in the different ways the two councils have approached this
47 fishery that we probably need to work out within ourselves.

1 **CHAIRMAN BOSARGE:** Ms. Levy.
2
3 **MS. LEVY:** Just to that point, you can do them separately or
4 together, but they're not going to get implemented as a single
5 ABC and ACL that's going to be managed unless they're exactly
6 the same, meaning you might have some issues working back and
7 forth, but this is one case where the documents are going to
8 have to have the exact same preferred alternatives, because
9 you're basically saying that you're going to manage it under one
10 catch level. I am not sure that it's super helpful to have two
11 separate documents when, if it's going to move forward, you're
12 going to have to agree on a single preferred.
13
14 **CHAIRMAN BOSARGE:** Sue.
15
16 **MS. GERHART:** I have the South Atlantic document in front of me,
17 and their alternatives are -- There is an alternative to do it
18 their way, with allocations between the sectors, and there is
19 another alternative to go with the Gulf method, where it's a
20 stock ACL, and so they already have this developed with actions
21 and alternatives already, and, in fact, they have taken it out
22 for public hearings as well.
23
24 **EXECUTIVE DIRECTOR GREGORY:** We would look at the same options,
25 clearly.
26
27 **CHAIRMAN BOSARGE:** I had Mr. Rindone. Do you still have a
28 comment, or have we hit your points, Mr. Rindone?
29
30 **MR. RYAN RINDONE:** Quite well, Madam Chair.
31
32 **CHAIRMAN BOSARGE:** All right. Mr. Atran.
33
34 **MR. STEVEN ATRAN:** It's probably a minor point, but there is a
35 single ABC. The two SSCs agree on an ABC, and then that gets
36 partitioned out.
37
38 **CHAIRMAN BOSARGE:** Dr. Simmons, did you have a comment?
39
40 **DR. SIMMONS:** Thank you, Madam Chair. I was just wondering --
41 My first point was the one that Steven just mentioned. The
42 second one is would it be worthwhile to just revisit the
43 apportionments, or is the goal to look at it this way, because I
44 do see the issues, with our accountability measures being
45 different and those types of things, that both councils would
46 have to agree on the management, even if it a stock ACL.
47
48 We may want to put in different accountability measures. I

1 guess, is that something you would also like us to look it? If
2 we feel the apportionment wasn't correct between the two
3 councils to begin with, maybe that's where we should start, and
4 it might be easier to look at it that way.

5
6 **CHAIRMAN BOSARGE:** That's kind of why I asked the question that
7 I did at the beginning of how did we decide on these original
8 apportionments between the Gulf and South Atlantic? If there
9 was a reason for that, if the landings were more so over here
10 before, or not even more so, but, if we had that portion of the
11 landings before, and, for some reason or another, that shifted
12 over there, in order to let them have some ours, then we get
13 into having to split between commercial and recreational and
14 actually do a separate quota for each one of them, which we
15 haven't done in the past.

16
17 We don't have a lot of issues here, and I guess that's why I was
18 saying that could we not just let them borrow a certain portion
19 of ours? Then they can do whatever they want it over there and
20 we don't have to do all these different things to our side. We
21 just say that we will let you borrow it for now, but, if we
22 start using it, you have to give it back. Now, you do with it
23 what you will and divide it however you want when you get it
24 over there, but, otherwise, leave us out of it. It's a good
25 thing that our South Atlantic guy has already gone, huh? All
26 right. John.

27
28 **MR. SANCHEZ:** Did you just say quota share?

29
30 **CHAIRMAN BOSARGE:** Yes, but everybody might be able to get
31 onboard with it this time, because we're all on the same side.
32 Mr. Rindone.

33
34 **MR. RINDONE:** Thank you, Madam Chair. Just general information
35 for you guys to think about is the Gulf landings for yellowtail
36 are typically about 98 percent commercial and about 2 percent
37 recreational. The Gulf typically lands within about 10 percent
38 of its ACL on an annual basis, and so they're usually landing
39 about 90 percent or so of our stock apportionment every year,
40 and so I don't know how much you would want to share.

41
42 **CHAIRMAN BOSARGE:** Thank you, Mr. Rindone. That is very
43 insightful. We have a motion on the board. Martha, what's your
44 feeling now at this point? What do you think that we should do?

45
46 **MS. GUYAS:** I think that we should vote on it.

47
48 **CHAIRMAN BOSARGE:** All right. You want to keep it that narrow?

1 You want to keep your motion that narrow, where that's
2 essentially all the document can address?

3
4 **EXECUTIVE DIRECTOR GREGORY:** Excuse me, but we'll be addressing
5 all those aspects of it that Ms. Gerhart mentioned and the
6 things that we discussed in the south Florida document. We will
7 bring the whole package to you.

8
9 **CHAIRMAN BOSARGE:** Okay. We have a motion on the board. Any
10 further discussion on the motion? **All those in favor of the**
11 **motion, signify by raising your hand.**

12
13 **EXECUTIVE DIRECTOR GREGORY:** Seventeen. **The motion passes**
14 **unanimously.**

15
16 **CHAIRMAN BOSARGE:** Okay. Martha, did you have anything else
17 under that? All right. Dr. Stunz said he has about thirty
18 seconds of Other Business, and so we're going to let him weigh
19 in real quickly.

20
21 **DR. STUNZ:** This will be very brief. Several have brought to my
22 attention that, through the RESTORE process, particularly the
23 NRDA, there is going to be substantial dollars available coming
24 up, and particularly for open Gulf restoration, which obviously
25 would be important to maybe some initiatives that we have or
26 research needs or data and that sort of thing.

27
28 I don't know if it's appropriate, and maybe it just would be a
29 letter, and I don't know how much time there would be a
30 presentation maybe at our next meeting or even the next,
31 depending upon how the timelines came out, to have someone from
32 this group talk about what the options would be. That way, we
33 would have an ability to weigh in and at least get our thoughts
34 on the table in the process about how the Gulf Council feels
35 that some of that money could be spent.

36
37 I will leave that to you, Madam Chairwoman, or Doug. Dr.
38 Simmons is aware of this as well, but I just wanted to kind of
39 throw it out there, maybe just as a quick, brief opportunity
40 that we get our say in.

41
42 **EXECUTIVE DIRECTOR GREGORY:** We are going to meet with Mr.
43 Constant immediately after this meeting and include something
44 like that as one of his liaison reports, either in April or
45 June, and talk about the timing of when such a letter might be
46 appropriate.

47
48 **MR. GLENN CONSTANT:** I think the groups involved in determining

1 what the appropriate types of restorations are for each of those
2 resource categories are in evolution now, and so probably, by
3 the time the next council meeting comes around, there will be a
4 little bit more clarity on answering some of those questions,
5 and so it might be a good time to get into that, but I will,
6 again, work with Doug to kind of inform the council.

7

8 **DR. STUNZ:** If there's time.

9

10 **CHAIRMAN BOSARGE:** All right. If nobody else has anything else
11 under Other Business, I believe we have finished our agenda.
12 Meeting adjourned. Thank you for all of your hard work, guys.

13

14 (Whereupon, the meeting adjourned on February 2, 2017.)

15

16

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