

Gulf Council Motions

February 7-10, 2010

Gulfport, Mississippi

Administrative Policy

Motion: To approve establishing a committee from within the Council, SSC, AP, and Council staff to develop a strategic plan for the Council.

Motion carried

Motion: To make the SEP a sub-committee of the SSC.

Motion carried.

Motion: To accept the Administrative Handbook with the corrections as recommended by staff.

Motion carried.

Budget/Personnel

Motion: To amend the language in Section IV.C.5.d. Cash or Honorary Awards in the Administrative Handbook as follows:

5.d. Cash or Honorary Awards. Merit awards can be given annually under two mechanisms that are not mutually exclusive. Each supervisor may grant an award from a pool of funds (not to exceed 2% of the salaries of the employees under the supervisor's charge) to each supervised staff member on the basis of exemplary performance during the past year. In addition, the supervisor, with concurrence with the Executive Director, can award up to \$4000 to each employee in recognition of outstanding performance. These awards are in addition to, but are not part of, the employee's base salary. All awards must be approved by the Executive Director, in consultation with the Council Chair and contingent upon the availability of funds.

Motion carried.

Data Collection

Motion: To convene the VMS AP in May 2011 for a two day meeting and to invite the four vendors to attend that meeting.

Motion carried.

Habitat Protection

Motion: That Council staff compose a letter to the U.S. Army Corps of Engineers expressing the Council's concern with installation of any structure restricting water flow or tidal movement into Gulf of Mexico coastal areas with essential fish habitat and/or shellfish beds and include a description of planned environmental monitoring programs that identify any negative impacts by these structures to the essential fish habitat under the Council's jurisdiction, for example, but not limited to, the modifications of Davis Pond and Carnarvon Diversions, Donaldsonville to the Gulf, MRGO Ecosystem Restoration, White Ditch Diversion, and the Myrtle Grove Diversion.

Motion carried.

Motion: To request staff to actively engage in the Gulf Coast Ecosystem Restoration Task Force and NRDA processes to ensure that the impacts to marine fisheries, their EFH, and restoration potential for both are addressed in both forums. The Gulf Council should actively engage in all efforts to ensure that impacts to the marine ecosystem are quantified and restored.

Motion carried.

Mackerel

Motion: To request that the South Atlantic Council consider adding little tunny to the dolphin/wahoo plan and that it be removed from the Coastal Migratory Pelagics Plan.

Motion carried.

Motion: In Action 2, that the preferred alternative be Alternative 3, Option 1.

Alternative 3: Revise the framework procedure to incorporate the SEDAR process and adjustments to ACLs and expand the procedure to allow adjustments of greater range of management measures under specific procedural guidelines.

Option 1: Adopt the base Framework Procedure (Appendix B).

Motion carried.

Motion: In Action 3, that the preferred alternative be Alternative 3.

Alternative 3: Separate the two migratory groups at the SAFMC/GMFMC boundary.

Motion carried.

Motion: To approve the South Atlantic Council's Actions 14-21 and their preferred alternatives.

Motion carried.

Motion: To direct staff to move forward on Amendment 19 to the Coastal Migratory Pelagics Fishery Management Plan.

Motion carried.

Motion: In Action 1, that Alternative 3 be our preferred alternative.

Alternative 3: Remove the following species from the Fishery Management Plan:

Option a: Cero

Suboption i: In the Gulf of Mexico region

Suboption ii: In the South Atlantic region

Option b: Little tunny

Suboption i: In the Gulf of Mexico region

Suboption ii: In the South Atlantic region

Option c: Dolphin

Suboption i: In the Gulf of Mexico region

Suboption ii: In the South Atlantic region

Option d: Bluefish (In the Gulf of Mexico region only)

Motion carried.

Motion: In Action 4-2, that the preferred alternative be Alternative 2 for cobia, Spanish and king mackerel.

Alternative 2: Adopt the Gulf Council's ABC Control rule.

Motion carried.

Reef Fish

Reef Fish Amendment 32

Motion: To ask staff to prepare a rule for the April 2011 Council meeting that sets the 2011 recreational season for gag of September 16 through November 15.

Motion carried.

Motion: To ask staff to prepare a rule for the April 2011 Council meeting that sets the total 2011 commercial gag quota at 430,000 lbs.

Motion carried.

Motion: In Action 1, that Alternative 2 be the preferred alternative.

Alternative 2: Establish a rebuilding plan that will rebuild the gag stock to a level consistent with producing maximum sustainable yield in 10 years or less.

Motion carried.

Motion: That Action 3 be modified to contain only alternatives to address recreational overage adjustments, and to revise the commercial accountability measures in light of the IFQ system.

Substitute motion: That Action 3 be modified to contain only alternatives to address recreational in-season closure authorities and overage adjustments, and to revise the commercial accountability measures in light of the IFQ system.

Substitute motion carried.

Motion: In Action 6.1, to move Alternative 2 to the considered but rejected section.

Alternative 2: Establish a commercial gag bycatch quota. Analyses and projection of the bycatch observer data will be made at a time during the current year to provide sufficient time to adjust the commercial quota in the following year. If the gag bycatch quota is projected to be exceeded in the current year, the Assistant Administrator for Fisheries will file a notification that will reduce the red grouper commercial quota in the following year by the amount necessary to ensure that the gag bycatch quota is not exceeded for that fishing year. The bycatch quota (in numbers of fish) will be:

- a. 4,000 fish per year (18% reduction from the 2000-2008 average of 4,871 fish)
- b. 3,000 fish per year (38% reduction from the 2000-2008 average of 4,871 fish)
- c. 2,000 fish per year (59% reduction from the 2000-2008 average of 4,871 fish)

Motion carried.

Motion: In Action 6.1, to move Alternative 3 to the considered but rejected section.

Alternative 3: Establish an electronic or video monitoring system for commercial reef fish vessels in the eastern Gulf of Mexico.

Option a: Request that the National Marine Fisheries Service develop a protocol for using video monitoring in combination with VMS to identify areas with high gag bycatch. The Assistant Administrator for Fisheries would then be authorized through notice action, to close areas with gag bycatch levels that exceed a threshold (to be determined) to bottom fishing for a period of up to 90 days.

Motion carried.

Motion: In Action 6.1, to move Alternative 4 to the considered but rejected section.

Alternative 4: Set aside a portion of the commercial gag quota to account for bycatch.

Motion carried.

Motion: In Action 6.1, to move Alternative 6 to the considered but rejected section.

Alternative 6: Reduce the commercial red grouper quota to reduce commercial dead discard of gag. With respect to dead discards, optimum yield in the red grouper fishery is defined as a catch level that produces dead discards of gag reduced from the 2000-2008 average of 4,871 fish to no more than:

- d. 4,000 fish per year (18% reduction)
- e. 3,000 fish per year (38% reduction)
- f. 2,000 fish per year (59% reduction)

Motion carried.

Motion: That Action 6.2 be moved to the considered but rejected section.

Action 6.2 – Recreational Bycatch

Alternative 1: No Action. Do not implement any of the recreational bycatch reduction alternatives in this section.

Alternative 2: Prohibit recreational fishing for

- a. gag
- b. all grouper
- c. all bottom fishing within an area east and south of the Mobile Bay (or other region defined by the Council) encompassing a depth range of
- d. deeper than 15 fathoms (26% release mortality rate or higher)
- e. deeper than 25 fathoms (50% release mortality rate or higher)
- f. deeper than 35 fathoms (75% release mortality rate or higher)

With the closed area to be in effect during

- g. January through April (gag spawning season)
- h. Whenever the recreational fishing season for gag is closed
- i. Whenever the recreational fishing season for gag is open
- j. Year-round

Alternative 3: Reduce the recreational minimum size limit for gag from 22 inches total length to

- a. 20 inches total length
- b. 18 inches total length
- c. no minimum size limit

Alternative 4: Establish a recreational slot limit for gag, with the minimum and maximum sizes defined as

- a. 19 – 27 inches total length
- b. 20 – 29 inches total length

Motion carried.

Motion: That Action 7 be moved out of Amendment 32 and into a more appropriate amendment.

2.7 Action 7. Recreational Data Collection and Monitoring Programs

Alternative 1: No Action. Do not implement new data collection and monitoring programs for the recreational grouper fishery.

Alternative 2: Collaborate with the states to establish a recreational fish tag program. Reporting of MRIP-consistent data will be required for each tagged fish. The program will be implemented no later than 2012:

- a. gag
- b. gag and red grouper
- c. all shallow-water grouper
- d. all grouper

with the number of tags issued to be:

- e. no limit, issue tags for monitoring and data collection purposes only
- f. the number of fish estimated to fill the annual catch target

Alternative 3: By 2012, Require that permitted reef fish for hire vessels operating in the U.S. Exclusive Economic Zone participate in an electronic logbook program that includes catch and bycatch reporting consistent with the recommendations of MRIP*. Vessel permits will not be renewed for vessels that fail or refuse to participate in the program. The electronic logbook program will apply to:

- a. All permitted reef fish for hire vessels
- b. A sub-sample of all permitted reef fish for hire vessels.

*Note this requirement would not be effective until NMFS develops and certifies an electronic logbook system which meets the needs of MRIP.

Alternative 4: Collaborate with the states to establish a telephone or web-based system to report MRIP-consistent data. The program will be implemented no later than 2012. Reporting will be:

- a. Voluntary
- b. Required

The reporting program will be for:

- c. the private recreational reef fish fishery
- d. the for-hire reef fish fishery
- e. both the private and for-hire reef fish fisheries

Motion carried.

Motion: That public hearings for Amendment 32 be held in the following locations:

Key West, FL
Fort Myers, FL
St. Petersburg, FL
Panama City, FL
Orange Beach, AL
Biloxi, MS
Kenner, LA
Galveston, TX

Motion carried.

Other Reef Fish Motions:

Motion: To establish a commercial advisory panel to explore the possibility of developing an IFQ program to include all remaining reef fish species with the emphasis of looking at effort shifting, bycatch, access, and over capacity in the commercial sector.

Motion carried.

Motion: To request the Reef Fish Limited Access Privilege Program AP develop a report detailing a voluntary, pilot for-hire Days at Sea Program for the red snapper fishery. The Reef Fish LAPP AP's report should include, but not be limited to: identifying method(s) of registering and selecting vessels to participate in the program, describing the equipment needs and process for timely reporting of pertinent trip data (effort, catch, and port information), describing processes for validating reported data and identifying trip species target status prior to departure for enforcement and data quality assurances, and providing details of initial start-up costs and maintenance fees/vessel for identified equipment. In addition, the Reef Fish LAPP AP is tasked with development of a report which summarizes the objectives and goals of a pilot headboat IFQ program for the red snapper fishery.

Motion carried.

IFQ Finance:

Motion: That the Council send letters to the Secretary requesting the establishment of a finance program for each of the Red Snapper and Grouper/Tilefish Catch Share Programs.

Motion carried.

Motion: That a red snapper quota share be defined as a permit granting the owner dedicated access to harvest a specific percentage of the commercial red snapper quota.

Motion carried.

Motion: That a grouper-tilefish quota share be defined as a permit granting the owner dedicated access to harvest a specific percentage of the corresponding grouper-tilefish commercial quota.

Motion carried.

Motion: That an entry level fisherman for the Red Snapper IFQ program be defined as a federal commercial reef fish permit holder who has not purchased, previously held, or holds red snapper quota shares in excess of the percentage of shares that produces 4,000 pounds gutted weight of quota allocation.

Motion carried.

Motion: That an entry level fisherman for the Grouper-Tilefish IFQ program be defined as a federal commercial reef fish permit holder who has not purchased, previously held, or holds grouper-tilefish shares in excess of the percentage of shares that produces 8,000 pounds gutted weight of quota allocation.

Motion carried.

Motion: That fishermen who fish from small vessels under the Red Snapper IFQ program be defined as:

Federal commercial reef fish permit holders who fish from a vessel whose length as defined in the reef fish permit is less than or equal to 45 feet and who have not purchased, previously held, or holds red snapper shares in excess of the percentage of shares that produces 4,000 pounds gutted weight of red snapper quota allocation.

Motion carried

Motion: That fishermen who fish from small vessels under the Grouper-Tilefish IFQ program be defined as:

Federal commercial reef fish permit holders who fish from a vessel whose length as defined in the reef fish permit is less than or equal to 45 feet and who have not purchased, previously held, or holds grouper-tilefish shares in excess of the percentage of shares that produces 8,000 pounds gutted weight of grouper-tilefish quota allocation.

Motion carried

Motion: That federal commercial reef fish permit holders may refinance existing debts associated with previous quota share purchases, providing the above qualification criteria are met at the time of the loan application.

Motion carried.

Motion: That financing be limited to a maximum red snapper quota share equivalent to 4,000 pounds gutted weight and a maximum aggregated grouper-tilefish quota share equivalent to 8,000 pounds gutted weight.

Motion carried.

Motion: That applicants be limited to those who hold quota shares representing no more than 12,000 pounds combined in both IFQ programs.

Motion carried.

Motion: That the Council add the development of Amendment 28, Grouper Allocation, to the April 2011 Council schedule.

Motion carried with one abstention.

Substitute motion: That the Council convene the Ad Hoc Allocation Committee to meet at the April 2011 Council meeting.

Substitute motion died for lack of a second.

Shrimp

Motion: To recommend to the Southeast Fisheries Science Center that fishery-independent data for pink shrimp be expanded to south Florida and special consideration be given to incorporating this into the SEAMAP survey program.

Motion carried.

Motion: To support the cooperative Texas closure for 2011 throughout the EEZ off Texas to the 200 mile limit.

Motion carried.

Motion: To send a letter of support for the Shrimp Advisory Panel recommendations as follows:

1. Increase the number of lethal takes of smalltooth sawfish authorized under the new Incidental Take Statement for the shrimp trawl fishery;
2. Apply a running 3-year average of observed lethal takes of smalltooth sawfish to evaluate shrimp trawl fishery compliance with the number of lethal takes authorized under the new Incidental Take Statement;

3. Conduct further research on post-release mortality for the live release of smalltooth sawfish in the shrimp trawl fishery;
4. Develop new smalltooth sawfish careful handling and release guidelines in cooperation with the shrimp trawl industry;
5. Conduct new outreach and education efforts regarding new sawfish careful handling and release guidelines in cooperation with the shrimp trawl fishery; and
6. Reject time-area closures as a management strategy for the extremely rare event of shrimp trawl fishery interactions with smalltooth sawfish.

Substitute motion: To send a letter of support for the Shrimp Advisory Panel recommendations as follows:

1. Apply a running 3-year average of observed lethal takes of smalltooth sawfish to evaluate shrimp trawl fishery compliance with the number of lethal takes authorized under the new Incidental Take Statement;
2. Conduct further research on post-release mortality for the live release of smalltooth sawfish in the shrimp trawl fishery;
3. Develop new smalltooth sawfish careful handling and release guidelines in cooperation with the shrimp trawl industry; and
4. Conduct new outreach and education efforts regarding new sawfish careful handling and release guidelines in cooperation with the shrimp trawl fishery.

Substitute motion carried.

Motion: That staff develop a review of Dr. Ponwith's recommendations regarding shrimp database discrepancies and report back to Council.

Motion carried.

Motion: That a certificate of appreciation be created for Vernon Minton for his contributions to the shrimp industry.

Motion carried.

Motion: To go to scoping to get the opinion from the shrimp industry on having a closure similar to the Texas closure throughout the other Gulf states.

Motion carried.

Spiny Lobster

Joint Spiny Lobster Amendment 10

Motion: In Action 1, to change our preferred alternative to Alternative 4.

Alternative 4: Remove the following species from the Joint Spiny Lobster FMP:

Option a: smoothtail spiny lobster, *Panulirus laevicauda*

Option b: spotted spiny lobster, *Panulirus guttatus*

Option c: Spanish slipper lobster, *Scyllarides aequinoctialis*

Option d: ridged slipper lobster, *Scyllarides nodifer*

Motion carried.

Motion: In Action 2.1, to add a new Alternative 4, that MSY proxy will be the OFL recommended by the Gulf SSC, 7.90 million pounds.

Motion carried.

Motion: In Action 2.1, that the preferred alternative be Alternative 4.

Motion carried.

Motion: In Action 2.2, that Alternative 4 be the preferred alternative, and to modify Alternative 4 to read that the overfishing threshold is the OFL defined by the Gulf SSC.

Motion carried.

Motion: In Action 2.3, that we add a new Alternative 3, that $MSST=(1-M) \times BMSY$, and that be our preferred alternative.

Motion carried.

Motion: In Action 3, that Alternative 1, be the preferred alternative.

Alternative 1: No Action. Do not establish sector allocations.

Motion carried.

Motion: In Action 4.1, that the preferred alternative be Alternative 2b.

Alternative 2: Adopt the following ABC control rule:

Option b: the Gulf Council's SSC ABC control rule.

Motion carried.

Motion: In Action 4.3, to add a new Alternative 2, Option c, to set the annual catch target at 6.0 million pounds, and that it be the preferred option.

Motion carried.

Motion: In Action 5, to add a new Alternative 4, that the accountability measure for spiny lobster be the annual catch target and that it be the preferred alternative.

Motion carried.

Motion: In Action 6, that Alternative 4, Option a, be the preferred alternative.

Alternative 4: Revise the current Regulatory Amendment Procedures to create an expanded Framework Procedure:

Option a: Adopt the base Framework Procedure.

Motion carried.

Motion: In Action 9, that the preferred alternative be Alternative 3, Option a.

Alternative 3: Expand existing and/or create new closed areas to prohibit spiny lobster trapping in the EEZ off Florida.

Option a: Create 25 – large closed areas to protect threatened *Acropora* corals.

Motion carried.

Motion: In Action 10, that the preferred alternative be Alternative 2.

Alternative 2: Require all spiny lobster trap lines in the EEZ off Florida to be COLOR, or have a COLOR marking along its entire length. All gear must comply with marking requirements no later than August 2014.

Motion carried.

Motion: To send the Joint Spiny Lobster Amendment 10 to public hearing.

Motion carried.

Motion: To schedule a workshop in the Clearwater/St. Petersburg area in April 2011 to take public input on Joint Spiny Lobster Amendment 10 and to recommend that we send staff or a Council member to South Atlantic workshops in Marathon and Key West.

Motion carried.

Sustainable Fisheries/Ecosystem

Motion: To invite the NOAA NRDA Trustee, Troy Baker, and the Director of the Gulf Coast Ecosystem Restoration Task Force, John Hankinson, to the April Council meeting to give updates on the NRDA and Task Force processes as well as explore how the Council can help shape the priorities that will form the basis of the NRDA Restoration Plan and the Task Force Restoration Strategy.

Motion carried.

Motion: To assist the Council for the meeting with NRDA NOAA Trustee Baker and Task Force Director Hankinson, that staff provide the following in the April briefing book:

An updated summary of fisheries-independent and fisheries-dependent monitoring, research and data collection needs with which the Council can provide guidance on both short and long term restoration planning priorities for offshore marine species and associated essential habitat.

Motion carried.

Generic ACL/AM Amendment

Motion: In Action 1.4 and 1.5 that the preferred alternative be Alternative 3:

Action 1.4, Alternative 3: Remove yellowtail snapper from the Reef Fish Fishery Management Plan and request the Secretary of Commerce designate the South Atlantic Fishery Management Council as the responsible Council.

Action 1.5, Alternative 3: Remove mutton snapper from the Reef Fish Fishery Management Plan and request the Secretary of Commerce designate the South Atlantic Fishery Management Council as the responsible Council.

Motion carried.

Motion: That alternatives be added to Action 2 as recommended by staff and the SSC for species or species groupings to be deleted from the Fishery Management Plan.

Motion carried.

Motion: In Action 2, that the preferred alternative be Alternative 4:

Alternative 4: Species groups are based on NMFS stock groups analysis as shown in Figure 2.2.4. There is a single level of species groupings equal to the sub-groups in Alternative 3. Annual catch limits will be established for each single species and for each multi-species group.

Motion carried.

Motion: In Action 3, that Alternative 2 be the preferred alternative:

Alternative 2: Adopt the acceptable biological catch control rule described in Table 2.3.1. The indicated default risk of exceeding overfishing limit for Tier 2, or default acceptable biological catch buffer levels for Tier 3a and 3b are to be used unless specified otherwise by the Council on a stock by stock basis.

Motion carried.

Motion: That the level of dead discards be removed from the ACL/ACT control rule as a source of management uncertainty.

Motion carried.

Motion: To remove **Action 5. Sector Allocations** from the Generic ACL/AM Amendment and move it into its own standalone amendment.

Motion carried.

Substitute motion: To remove **Action 5. Sector Allocations** from the Generic ACL/AM Amendment and that the Council continue to pursue sector separation.

Substitute motion failed.

Motion: In Action 4, to add a new alternative that would allow for each of the species or species groupings to select from alternatives that would set ACL equal to some fraction of ABC.

Motion carried.

Motion: To move **Action 9. Performance Standards and Review** to the considered but rejected section.

Motion carried.

Motion: To hold scoping meetings for the Generic Plan Amendment Addressing Crew Size and Income Requirements in the following cities:

Galveston, TX
Corpus Christi or Port Aransas, TX
Kenner, LA
Gulfport/Biloxi, MS
Mobile, AL
Florida Keys
Tampa, FL
Panama City, FL

Motion carried.

Other Motions

Motion: To appoint Bob Gill as Chair and Kevin Anson as Vice Chair of the Reef Fish Management Committee.

Motion carried.

Motion: To reopen the application process for the Ad Hoc Red Snapper IFQ Review AP.

Motion carried.

Motion: That the Council support the Exempted Fishing Permit as proposed by the Florida Fish and Wildlife Research Institute.

Motion carried.