

Gulf Council Motions

April 10 - 11, 2008 - Baton Rouge, Louisiana

Allocation

Motion: To revise the charge of the Ad Hoc Allocation Committee: "To study and develop consistent guidelines and principles for establishing allocations between recreational and commercial sectors in our FMPs. This committee will engage expertise from SSC and SEP and incorporate requirements of the Magnuson-Stevens Act and other applicable law and rules."

Motion carried

Habitat

Motion: to appoint Joe Hendrix as Chairman of the Habitat Protection committee and to add Ms. Linda Kelsey as a member.

Motion carried

Joint Reef Fish-Mackerel-Red Drum (Aquaculture)

Motion: to incorporate the changes made by the IPT and approved by the committee into the amendment and to provide editorial license to the IPT to incorporate those changes.

Motion carried

(The motions approved from the committee are as follows in italics)

From Tab J 4(a) dated 3/3/1/08 listing proposed changes for various actions in the Aquaculture Amendment.

Motion: to accept the changes for Action 1

Motion: to accept the changes for Action 2

Motion: to accept the changes for Action 3

Motion: to adopt the changes for Action 4 with

the addition of "native"

Motion: Motion: to accept the changes for Action 5

Motion: move Action 5 alternative 3 to the considered but rejected section

Motion: Section 6, preferred alternative 3, remove "d - prohibit marine aquaculture within X feet (x meters) of oil and gas platforms"

Motion: Section 6, preferred alternative 3(a) add "NOS Marine Sanctuaries"

Motion: Section 6, accept the changes as modified

Motion: Section 7: the preferred alternative be alternative 2 as modified: The size of the marine aquaculture site shall correspond with the approved ACOE siting permit and any applicable siting requirements specified in Action 6 and within the boundaries of which fishing and fishing vessels would be prohibited

Motion: Action 7, to accept the changes as modified

Motion: Action 8 in Preferred alternative 2b include provide notice within 24 hours of discovery

Motion: Action 8, in Preferred Alternative 2 (f) replace "submit to" to "make available to"

Motion: Action 8 to accept the changes as modified

Motion: Action 9 to have the IPT develop a new method for the maximum MSY level

Motion: Action 9 to accept the changes as modified change 2(c) "this area" to "these areas"

Motion: that the Council co-host with the South Atlantic Council a public hearing in Key West, FL.

Motion carried

Operator Permits

Motion: Section 1.6: Alternative 1.6.1 to change 15 days to 30 days

Motion carried with no objection

Motion: to proceed with establishing an IPT and development of a scoping document in conjunction with the SAFMC and NMFS.

Motion carried with no objection

Outreach & Education

Motion: to appoint Joe Hendrix and Julie Morris to the Outreach and Education Committee

Motion carried

Motion: to approve the Outreach & Education Committee:

Bobbi Walker – Chair
Bob Gill – V. Chair
Vernon Minton
Harlon Pearce
Corky Perret
Julie Morris
Joe Hendrix

Motion carried

Reef Fish

Original Motion: the Council send a letter to the SOC requesting NMFS immediately implement Section 306b which gives the federal government the authority to pre-empt state regulations regarding the red snapper fishery

Motion as modified: the Council send a letter to the SOC to request NMFS immediately pre-empt, pursuant to 306(b) of the MSA, regulation of the directed red snapper fishery in the states of Florida and Texas

Motion as modified failed by a vote of 7 to 8

Substitute motion: the Council send a letter to the SOC requesting NMFS immediately implement Section 306b which gives the federal government the authority to pre-empt state regulations regarding the red snapper fishery

Substitute motion failed by a vote of 2 to 13

Motion: Council request that NMFS promulgate an emergency rule to require that all vessels with federal charter and/or head boat reef fish permits must comply with the more restrictive of state or federal red snapper regulations when fishing in state waters.

Motion failed due to a tie of 8 to 8

Reef Fish Amendment 29

Motion: For Reef Fish Amendment 29, to accept all the actions approved by the Reef Fish Committee with the exception of Sections 2.3.7 and 2.3.8

Motion carried with no objection

(The motions approved by the committee are as follows in italics)

Motion: The preferred alternative 2 be the preferred Alternative for section 2.1.2: Allow a single owner of multiple commercial reef fish permits to consolidate his (her) permits into one. The consolidated permit would have a catch history equal to the sum of the catch histories associated with the individual permits

Motion: Section 2.1.3 - to add an alternative 4: Maintain the current composition of the multi-species deep water grouper unit and revise the shallow water grouper unit to include speckled hind and Warsaw grouper.

Motion: Section 2.1.3 - The preferred alternative be the new Alternative 4

Motion: Section 2.2.1 the preferred alternative be alternative 1 Do not specify minimum harvest thresholds for grouper and tilefish endorsements

Motion: that the preferred alternatives for Action B2 (Section 2.2.2) and B3 (Section 2.2.3) be:

Action B2 Alternative 1: Do not specify qualifying years for endorsement eligibility.

Action B3 Alternative 1: Do not establish incidental bycatch provisions for grouper or tilefish landings for commercial reef fish permits that did not qualify for an endorsement

Motion: Section C.1 the preferred alternative be Alternative 1: no action – do not define

substantial participants

Motion: Section 2.3.2 Alternative 2 be the preferred alternative: restrict initial eligibility to valid commercial reef fish permit holders

Motion: Section 2.3.3 Action C3 – Alternative 3 be the preferred alternative: Distribute initial IFQ shares proportionately among eligible participants based on the average annual landing from logbooks associated with their current permits(s) during the time period 1999 through 2004 with an allowance for dropping 1 year.

Motion: Section 2.3.4 Action C4: IFQ Share Definitions – The preferred alternative be alternative 4: Establish IFQ share types as follows: red grouper, gag, other shallow water grouper, deep water grouper, and tilefish shares.

Motion: Section 2.3.6 Action C6 - the preferred alternative be Alternative 7: IFQ shares or allocation can only be transferred to commercial reef fish permit holders during the first five years of the IFQ program and all U.S. citizens and permanent resident aliens thereafter. Eligible individuals must be persons who are U.S. citizens or permanent resident aliens

Motion: Section 2.3.6 Action C6 – Move alternatives 3, 4, 5, and 6 to the considered but rejected section

Motion: Section 2.3.7 Action C7 – the preferred alternative be Alternative 2 option b, with a new sub-option d=10%, and renumber the existing "d (15%)" as suboption "e"

Substitute motion: Section 2.3.7 Action C7 – the preferred alternative be Alternative 2 option c (5%), with a new sub-option d=10%, and renumber the existing "d (15%)" as suboption "e"

2nd Substitute motion: Section 2.3.7 Action C7 – the preferred alternative be Alternative 3 – No person shall own more IFQ shares than the maximum percentage issued to the recipient of the largest shares at the time of the initial apportionment of IFQ shares.

2nd substitute motion carried with no objection

Motion: Section 2.3.7 Action C7 – move sub-options "a (1%)" and "b (2%)" to considered but rejected section

motion carried with no objection

Motion: Section 2.3.8 Action C8 – the preferred alternative be alternative 2: Set the allocation cap equal to the total share cap as defined in Action C7. For any single fishing year, no person shall possess allocation in an amount that exceeds the allocation cap. However, persons grandfathered in for more than the total share cap during initial apportionment will also be grandfathered in for more than the allocation cap.

motion carried with no objection

Motion: Section 2.3.9 Action C9 – the preferred alternative be alternative 2 - Allocate adjustments in the commercial quota proportionately among eligible IFQ shareholders (e.g., those eligible at the time of the adjustment) based on the percentage of the commercial quota each holds at the time of the adjustment.

Motion: Section 2.3.10 Action C10 – the preferred alternatives be alternatives 2 and 4

Alternative 2: The Regional Administrator (RA) will review, evaluate, and render final decision on appeals. Filing of an appeal must be completed within 90 days of the effective date of the final regulations implementing the IFQ program. Hardship arguments will not be considered. The RA will determine the outcome of appeals based on NMFS' logbooks. If NMFS' logbooks are not available; the RA may use state landings records. Appellants should submit NMFS' logbooks to support their appeal.

Alternative 4: A total of three percent of the current commercial quota will be initially set-aside to resolve appeals. Any amount remaining in the three-percent set-aside after the appeals process has been terminated will be proportionately distributed back to IFQ share holders.

Motion: Section 2.3.11 Action C11 – the preferred alternative be alternative 1 – No action do not specify a minimum landings requirement for retaining IFQ shares.

Motion: Section 2.3.12 Action C12 – the preferred alternative be alternative 2 modeled after the current red snapper system: 2: Implement an IFQ cost recovery plan. All IFQ cost recovery fees shall be the responsibility of the recognized IFQ shareholder. The cost recovery plan will have the following conditions

Option a). IFQ cost recovery fees will be calculated at

the time of sale of fish to the registered IFQ dealer/processor based on:

(i) the actual ex-vessel value of the grouper landings.*

Option b). The fee collection and submission shall be the responsibility of:

(ii) the IFQ dealer/processor.

Option c). The collected fees would be submitted to NMFS

(i) quarterly.

Motion: Section 2.3.13 Action C13 – the preferred alternative be alternative 1: no action. Do not establish an IFQ loan program

Motion: Section 2.3.14 Action C14 – the preferred alternative be alternative 2a: Establish certified landing sites for all IFQ programs in the commercial reef fish fisheries. All IFQ participants must land at one of these sites to participate in the IFQ program.

Option (a) Certified landing sites will be selected by fishermen but must be certified by NMFS Office of Law Enforcement.

Motion: Section 2.3.15 Action C15- move alternative 1 to the Considered but Rejected section

Motion: Section 2.3.15 Action C15- move alternative 2 to the Considered but Rejected section

Motion: Section 2.3.15 Action C15 – the preferred alternative be alternative 4b: Restrict participation in the referendum to persons that have substantially fished in the grouper and tilefish fisheries. Only commercial reef fish permit holders who have combined average annual grouper and tilefish landings from logbooks during the qualifying years of at least 4,000 pounds are considered as having substantially fished.

Option b: Each eligible individual voter will have one vote regardless of the relative size of his (her) catch history

Motion: For Section 6 - to add a new sub-option: quota shares that are owned or acquired by individual or entities can be retired voluntarily to NMFS and the owner can declare that it be applied to

the recreational or commercial TAC to be distributed in the following fishing year

Motion failed due to tie vote of 7 to 7

Motion: prepare a letter to NOAA Fisheries Acting Assistant Administrator Jim Balsiger, setting forth the Council's anticipated schedule for completing Amendment 29 and understand they are developing guidelines, however the Council is proceeding with the schedule.

Motion failed

Motion: to hold the Reef Fish Amendment 29 public hearings after the June Council meeting

Motion carried

Reef Fish Amendment 30B

Motion: to convene the SSC to address Dr. Kenchington's points, and review the updated abundance data, and other related material

Substitute Motion: The Council requests that the Southeastern Fisheries Science Center update the fishery independent and fishery dependent indices for gag grouper and red grouper used SEDAR 10 and 12; and The Council requests that the SSC:

- interpret these updated indices for recent trends and current levels of spawning stock biomass and fishing mortality; and
- advise the council on the extent to which reduced effort and/or reduced spawning stock biomass are contributing to a reduction in landings; and
- review the SEDAR 10 and 12 consensus on natural mortality ($M=.15$)
- advise the Council on appropriate catch levels

Substitute motion carried

2nd Substitute Motion: The Council requests the SSC to consider and provide advice on:

- a. Changes in biomass, catches, fishing effort and other indicators of red and gag grouper stock status during 2005-2007.
- b. Fishery projections from 2004 to 2010 or

later, incorporating available data from 2005-2007 and including a range of management alternatives from 2009 onwards including a no action alternative.

c. Alternative methods for estimating the natural mortality rate of red and gag grouper and the estimates produced by those methods.

d. The sensitivity of both the September 2007 red and gag grouper assessment and the fishery projections to the uncertainty in natural mortality rate indicated by the estimates produced by various methods

2nd substitute motion failed

Motion: to invite Dr. Kenchington to the SSC meeting

Motion carried

Motion: to request that the SEDAR steering committee consider holding a workshop on natural mortality as soon as possible

Amendment: to delete "as soon as possible"

Amendment carried

Motion as amended: to request that the SEDAR steering committee consider holding a workshop on natural mortality

Motion as amended carried

Motion: that the Council requests that the SEDAR steering committee move up the scheduling of the red grouper and gag assessment updates.

Amendment: to add gray triggerfish

Amendment carried

Motion as amended: that the Council requests that the SEDAR steering committee move up the scheduling of the red grouper, gray triggerfish, and gag assessment updates.

Motion as amended carried

Motion: Section 2.6, Action 6: The preferred alternative be alternative 5:

If commercial landings, as estimated by the SEFSC, reach or are projected to reach the red

grouper, gag, or shallow-water grouper quota then the Assistant Administrator (AA) for Fisheries will file a notification closing the commercial shallow-water grouper (SWG) fishery in accordance with the application of quota closures specified in Action 8. In addition, if despite such a closure, commercial red grouper, gag, or SWG landings exceed the respective annual catch limits (ACL) specified in Table 6.4, then the AA would file a notification maintaining the prior year red grouper, gag, or SWG commercial quota in the following fishing year. If recreational landings, as estimated by the SEFSC following the conclusion of the fishing year, exceed the red grouper or gag ACLs specified in Table 6.4, the AA would file a notification maintaining the prior year red grouper or gag target catch level. In addition, the notification would reduce the length of the recreational SWG fishing season in the following year by the amount necessary to ensure recreational gag and red grouper landings do not exceed the recreational target catch level for that fishing year. Recreational landings will be evaluated relative to the applicable ACLs as follows: For 2008, only 2008 red grouper and gag landings will be compared to the ACLs specified for 2008; in 2009, the average of 2008 and 2009 red grouper and gag landings will be compared to ACLs specified for 2009; in 2010, the average of 2008-2010 red grouper and gag landings will be compared to ACLs specified for 2010; and in 2011 and subsequent fishing years (if implemented in a subsequent regulatory amendment), a three-year running average of red grouper and gag recreational landings will be compared to the ACLs specified for 2011 and beyond. Landings will be evaluated relative to the applicable ACLs on an annual basis for the years 2008-2010. Target catches, quotas and ACLs would then remain at the 2010 levels unless the values for 2011-2013 are implemented in a subsequent regulatory amendment.

Motion carried

Motion: Section 2.10 to add a new preferred alternative

Alternative: Reduce the minimum size limit for commercial shallow water grouper species that currently have a size limit to:

Option e: 18-inches TL for red grouper

This lower minimum size limit would apply to the:

Suboption i: Shallow water grouper commercial fishery

Motion carried

Motion: Section 2.9: to not indicate a preferred alternative for Action 9

Motion carried

Motion: Section 2.11 the preferred alternative be alternative 1: No Action. Do not create any additional marine reserves or closed areas that prohibit fishing for grouper and other reef fish.

Substitute Motion: For Section 2.11 the Preferred Alternative be 2(b)(iii)

Establish a seasonal closed area to protect grouper spawning aggregations:

Option b. The Edges 40 fathom contour reserve (appr. 390 sq. nm)

Boundaries: NW = 28° 51'N, 85° 16'W
NE = 28° 51'N, 85° 04'W
SW = 28° 14'N, 84° 54'W
SE = 28° 14'N, 84° 42'W

New Option iii. All fishing prohibited January through April, all fishing allowed May through December.

Substitute motion carried with no objection

Motion: Section 2.8 to request NMFS continue develop alternatives for Action 8 in addition to those already included and provide them at the June Council meeting

Motion carried

Motion: in Section 2.11 for alternatives 2, 3 and 4 have sub-alternatives added to establish new reserve areas as seasonal closures from January through April.

Committee Motion ruled moot

Motion: Section 2.12, Action 12 that the preferred alternative be alternative 1a: No action. Reserves created under Action 11 will be monitored for effectiveness, and will remain in effect unless terminated in a subsequent amendment.

a. The Madison-Swanson and Steamboat Lumps reserves will also remain in effect unless terminated in a subsequent amendment.

Motion carried

Motion: Section 2.13, the preferred alternative be Alternative 1: No action. All vessels with federal commercial or charter reef fish permits are subject to applicable federal reef fish regulations when fishing in the EEZ, and are subject to applicable state reef fish regulations when fishing in state waters.

Motion failed due to tie vote 7 to 7

Report of the Ad Hoc Recreational Red Snapper AP

Motion: to request that the Ad Hoc Recreational Red Snapper AP meet again to discuss the following items from their report:

6, 7, 8, 9, 15, 16, 17, 18, 21, 23

Motion withdrawn as it was not a committee motion

Council Closed Session Motions

Motion: To approve the language of Tab M, No. 4 (a) LWOP section of the SOPPs.

Motion Carried

Motion: to have staff revise the rating sheet and incorporate the evaluation factors included in the announcement on USA jobs.

Motion carried by consensus

Motion: to appoint Mr. Ed Swindell to the CMP AP

Motion carried

Motion: to appoint Mr. Gary Parsons to the FL/AL Habitat AP.

Motion carried

Motion: to appoint Mr. Ed Swindell to the Red Drum AP

Motion carried

Motion: to add Mr. Gary Parsons to the Red Snapper AP

Motion carried

Motion: to remove from the Shrimp AP:

Mr. Dan Dumont
Mr. Chris Nelson
Mr. Walter Thomassie

Motion carried

Motion: to appoint to the Shrimp AP:

Mr. Glenn Delaney, Mr. Patrick Riley, Mr. Thomas
Shultz, Mr. John Williams

Motion carried

Motion: to add Mr. Ed Swindell to the Ad
Hoc Aquaculture AP

Motion carried

Motion: to remove Mr. Bobby Carter from the Ad
Hoc Recreational Red Snapper AP

Motion carried

Motion: to remove Mr. Louis Rossignol from the Ad
Hoc Recreational Red Snapper AP

Motion carried

Motion: to remove the Ad Hoc Special BRD AP

Motion carried

Motion: to remove the following panels:

Billfish AP
Ad Hoc Charterboat AP
Deep Water Crab
Highly Migratory Species

Motion carried

Motion: to add Leslie Hartman to the Special Shrimp SSC

Motion carried

Motion: to appoint Doug Peter to the Special Reef
Fish SSC

Motion carried

Motion: to appoint Wei Wu to the Ecosystem SSC

Motion carried

Other Motions

Motion: that the Gulf Council supports the principle of flexibility as expressed in the Jones Amendment to the current Magnuson-Stevens Act.

Motion carried 7 to 3 with one abstention

Motion: to allow the current chairman the authority to choose the meeting cities and dates for 2009 and subsequent chairs would select the cities and dates for the subsequent full year after being elected

Motion carried