

Council Motions: January 12-13, 2005
- Baton Rouge, Louisiana

This document contains the full chronology of motions made at the full Council session of the Gulf Council meeting held January 12-13, 2005 in Baton Rouge, Louisiana. This includes failed, substituted, and amended motions as well as those that passed. Motions that passed (excluding motions to amend) are indicated in bold.

Administrative Policy Committee

Motion: That Council members and/or anyone listed on the Council member mailing list have the option to receive scanned e-mail individually or as a group all day/every day.

Motion carried with no objection.

Motion: That the Council consider providing information on the Intranet.

Motion carried with no objection.

Habitat Protection Committee

Motion: That Proposal B, page 20, Article 4.2.1, as modified by technical information provided by Flower Gardens Bank National Marine Sanctuary staff (particularly the latitude/longitude modification handout exhibit A and maps [as delineated by the green lines] exhibit B, attach referenced document), be the Preferred Alternative for defining HAPCs in the northwestern Gulf of Mexico.

Substitute Motion: To adopt Proposal B on page 20.

Substitute Motion failed by a vote of 5 to 7.

Original motion carried by voice vote.

Motion: That for implementing fishing restrictions in the Northwestern Gulf HAPCs that in Proposal B with the addition of Stetson Bank, on page 24, Section 4.3.1 of the Amendment, East and West Flower Garden Banks, Stetson Bank, and McGrail Bank, be the Preferred Alternative.

Amendment: to delete Stetson Bank.

Amendment failed by vote of 5 to 7.

Original motion carried.

Motion: That for the Pulley's Ridge HAPC that the large box as shown in Proposal C on Figure 12 be designated as HAPC.

Substitute Motion: That the area defined as HAPC be reduced to the smaller box, as in Proposal D.

Substitute Motion failed by a vote of 6 to 7.

Original motion carried by vote of 8 to 4.

Motion: That for implementing fishing restrictions in the Pulley's Ridge HAPC that the Council adopt the polygon, approximately 104 square nautical miles, depicted in MRAG's PowerPoint presentation, slide 33, exhibit C, labeled USGS, as the Preferred Alternative.

Motion carried by voice vote.

Motion: That the Council adopt, as a regulation, to apply to all of the areas previously described where fishing restrictions will apply within HAPCs, Actions 1, 2, and 3 under Section 4.3.1, on page 24 of the Amendment.

Amendment: to include a 10-pound limit.

Substitute Motion: That the Council adopt, as a regulation, to apply to all of the areas previously described where fishing restrictions will apply within HAPCs, Actions 2, and 3 under Section 4.3.1, on page 24 of the Amendment.

Substitute Motion carried by voice vote.

Motion: That the Council adopt Action 4 in Section 4.3.1, page 24 of the Amendment.

Motion carried with no objection.

Motion: That the Council approve the following description for Coral EFH: the total distribution of coral species and life stages throughout the Gulf of Mexico including: coral reefs in the North and South Tortugas Ecological Reserves, East and West Flower Garden Banks, McGrail Bank, and the southern portion of Pulley Ridge; hard bottom areas scattered along the pinnacles, reefs, and banks from Texas to Mississippi along the shelf edge and at the Florida Middle Grounds; the southwest tip of the Florida reef tract, and the predominant patchy hard bottom offshore of Florida from approximately Crystal River south to the Keys (Figure 8, updated).

Amendment: to replace "hard bottom" with "live coral".

Amendment withdrawn.

Original motion carried.

Motion: To implement fishing restrictions numbers 2 and 3 on page 24 within the green lines shown on Exhibit B and delineated by latitude and longitude on Exhibit A for Sonnier and Alderdice.

Motion failed by voice vote.

Motion: To add to a proposed action in Section 4.3.1: to create an education program for recreational and commercial fishermen on the protection of coral reefs when using various fishing gear on coral reef areas.

Motion carried with no objection.

Motion: To submit to the Secretary of Commerce for implementation Generic Amendment 3, which addresses essential fish habitat in all of our FMPs.

Motion carried by a vote of 11 to 3 with 3 absences.

Motion: To approve the exempted fishing permit to the Georgia Aquarium as presented in Tab M, but that they not allow fishing traps in areas that may damage EFH.

Motion carried with no objection.

Joint Artificial Reef/Reef
Fish Management Committee

Motion: That the Council forward the Alabama and Mississippi requests for Special Management Zones to the Monitoring Team for evaluation.

Motion carried by voice vote.

Motion: That the Council adopt the members of the SMZ Monitoring Team as listed on Tab E, No. 4.

Motion carried with no objection.

Joint Reef Fish/Mackerel Management Committee

Motion: Establish an indefinite limited access system on For-Hire Permits for Gulf of Mexico Reef Fish and CMP fisheries.

All vessels with valid moratorium permits on the date that this amendment is approved will retain a moratorium permit. Permits will be renewable and transferable in the same manner as currently prescribed for such permits.

Motion carried with no objection.

Motion: That Section 3.2 be moved to Considered but Rejected.

Motion carried with no objection.

Mackerel Management Committee

Motion: That the Council approve Amendment 15 to the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Atlantic and Gulf of Mexico for submission to NOAA Fisheries for implementation.

Motion carried with no objection and 3 absences.

Other Business

Motion: That the Council approve the participants listed on the Gulf Council Participants for South Atlantic/Gulf of Mexico Spiny Lobster Assessment Workshop.

Motion carried with no objection.

Reef Fish Management Committee

Motion: That Reef Fish Amendment 24 be sent to the Secretary of Commerce for implementation.

Motion carried with no objection and 3 absences.

Motion: That the proposed Amendment include alternatives that include the entire commercial grouper fishery as opposed to just the longliners.

Amendment: "proposed amendment" is replaced by "proposed buy-out plan".

Amendment Carried.

Motion as amended: That the proposed buy-out plan include alternatives that include the entire commercial grouper fishery as opposed to just the longliners.

Substitute Motion: To table this item until an industry committee has been appointed.

Substitute Motion carried.

Motion: That the minor edits presented in Tab B - 12 be incorporated into Amendment 18A.

Motion carried with no objection.

Motion: Not to allow VMS units to be transferred between vessels.

Amendment: To add "without prior approval by NMFS".

Amendment carried with no objection.

Motion as amended: Not to allow VMS units to be transferred between vessels without prior approval by NMFS.

Motion as amended carried.

Motion: To include in Amendment 18A reasonable and prudent alternatives for sea turtle release protocols as described in the biological opinion.

Motion carried with no objection.

Shrimp

Motion: That the Council recommend that NMFS continue the closure of the EEZ off Texas to the 200-mile limit in conjunction with the closure of the Texas Territorial Sea for the 2005 season.

Motion carried with 1 abstention.

Motion: That the Preferred Alternative be Alternative 1.B - Require a separate commercial royal red shrimp permit to harvest royal red shrimp from the Gulf EEZ.

Motion carried with no objection.

Motion: The Preferred Alternative be Alternative 2.B - MSY for royal red shrimp is 650,000 pounds of tails, annually.

Motion carried with no objection.

Motion: That the Preferred Alternative be Alternative 3.D - OY for royal red shrimp is equal to 90% of MSY.

Motion carried with no objection.

Motion: That the Preferred Alternative be Alternative 4.C - The overfishing threshold for royal red shrimp is defined as a fishing mortality rate (F) that results in an annual catch exceeding MSY for

2 consecutive years.

Motion carried with no objection.

Motion: That the Preferred Alternative be Alternative 5.D - The royal red shrimp stock would be considered as overfished when the spawning stock biomass (B) is less than 50% of Bmsy.

Motion carried with no objection.

Motion: That the Preferred Alternative be Alternative 6.B - MSY for the penaeid shrimp stocks falls within the range of values defined by the lowest and highest landings taken annually from 1990-2000 that does not result in recruitment overfishing:

MSY for the brown shrimp stock is between 67 and 104 MP of tails

MSY for the white shrimp stock is between 35 and 71 MP of tails

MSY for the pink shrimp stock is between 6 and 19 MP of tails

Motion carried with no objection.

Motion: That the Preferred Alternative be Alternative 7.B - OY for the penaeid shrimp stocks equals MSY.

Motion carried with no objection.

Motion: That the Preferred Alternative be Alternative 8.A, Option 3 - Improve the shrimping effort data by requiring that federally permitted shrimp vessels complete an effort logbook and submit it to NMFS on a monthly, bimonthly, or quarterly basis that includes:

- a. the size and number of shrimp trawls deployed for each set
- b. the time of deployment and the time of retrieval for each set
- c. the number of sets per trip
- d. the length/duration of each trip
- e. the area fished for each set

The list of shrimp vessel permit holders would be used to develop a statistically valid sample of shrimp vessels operating in the EEZ to participate in the program.

Vessel permits will not be renewed for selected vessels that do not provide reports under the schedule established by NMFS;

and

The Preferred Alternative be Alternative 8. B, Option 3 - Improve the shrimping effort data by requiring that shrimp vessels operating in the EEZ participate in an electronic logbook program administered by NMFS to adequately determine the amount and location of effort that is occurring in the shrimp fishery of the EEZ. The list of shrimp vessel permit holders would be used to develop a statistically valid sample of shrimp vessels operating in the EEZ to participate in the electronic logbook program.

Vessel permits will not be renewed for selected vessels that do not participate in the electronic logbook program established by NMFS.

Substitute Motion: To have the Preferred Alternative 8.A be Action 1.

Substitute Motion failed by voice vote.

Original motion carried with 1 opposed.

Motion: That the Preferred Alternative be Alternative 8.C, Option 3 - Establish a bycatch reporting methodology by using the list of shrimp vessel permit holders from which NMFS will develop a

random selection procedure for determining vessels that will be required to carry observers in order to collect bycatch and effort information. In selecting vessels that will be required to carry observers, the NMFS will consider the suitability of the vessel for such purpose and ensure that vessels included are representative of all statistical subzones. The NMFS will use total effort estimates based on best available scientific information to extrapolate observer-collected data into overall estimates of total annual finfish and invertebrate bycatch. Vessel permits will not be renewed for vessels that do not carry observers in accordance with this process.

Motion carried by voice vote.

Motion: That the Preferred Alternative be Alternative 9.C - As a condition for receiving or renewing a federal shrimp vessel permit, a vessel owner or operator is required to provide to the NMFS a completed Gulf Shrimp Vessel and Gear Characterization Form that will be provided by NMFS to the permit holder if the vessel owner or operator is part of a subset of permit holders that have been randomly selected to complete the form.

Motion carried with one opposed.

Motion: That the Preferred Alternative be Alternative 10.B - Establish a 10-year moratorium on the issuance of commercial shrimp vessel permits. To be eligible for a commercial shrimp vessel permit under the moratorium, vessels must have been issued a valid commercial shrimp vessel permit by NOAA Fisheries prior to and including December 6, 2003.

NOTE: Prior to the implementation date of this amendment, commercial shrimp vessel permits are non-transferrable.

Following the implementation of this amendment, commercial shrimp vessel permits are freely transferrable either with the sale of the vessel or to another person (corporate or otherwise). However, during this non-transferrable period the following shall apply for vessels and owners that met the criterion under Alternative 10.B:

(1) An owner (corporate or otherwise) who sells his vessel, has his vessel repossessed, or otherwise loses or loses the use of his vessel (through damage, sinking, unaffordable repairs, etc.), but obtains a valid commercial shrimp vessel permit for the same vessel or another vessel that is equipped for offshore shrimp fishing and is at least 5 net tons prior to the date of publication of the final rule implementing this amendment shall be eligible to renew such permit under the moratorium.

(2) Other than as described in "1", only those vessels that met the preferred criterion as established in Alternative 10. B shall be eligible to renew a commercial shrimp vessel permit under the moratorium.

Amendment: to add "of equal or greater in size" instead of "at least 5 net tons".

Amendment failed by voice vote.

Original motion carried.

Motion: That the Preferred Alternative be Alternative 11.B - During the moratorium, all owners/operators of permitted commercial shrimp vessels shall be required to report and certify the vessel's landings to the NMFS.

Motion carried with no opposition.

Motion: To approve the list of public hearings (Mobile, AL Biloxi, MS, Abbeyville,

LA, Houma, LA, Tampa, FL, Aransas Pass, TX, Brownsville, TX, Palacios, TX, Galveston, TX, New Orleans, LA) except drop Aransas Pass, TX and add Key West, FL.

Motion carried with one opposed.

Motion: That the Council requests of NMFS that hen they make the annual Texas Closure report to the Council they include an analyses of the impact on bycatch of continuing or not continuing the Texas Closure in the EEZ.

Motion carried.

By consensus, the Council concurred with holding a SEP review of Shrimp Amendment 13/SEIS.

Motion: to Send Shrimp Amendment 13 to public hearings.

Motion carried with no objection.

Sustainable Fisheries/Ecosystem

Motion: That Dr. Holiman and Dave McKinney be allowed to serve on the Special Ecosystem SSC.

Amendment: to replaced "allowed" with "invited".

Amendment carried.

Motion as amended: That Dr. Holiman and Dave McKinney be be invited to serve on the Special Ecosystem SSC.

Motion as amended carried