

Council Motions: May 9-12, 2005 - Biloxi, Mississippi

This document contains the full chronology of motions made at the full Council session of the Gulf Council meeting held May 9-12, 2005 in Biloxi, Mississippi. 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: to adopt the below language in lieu of the language in blue font of Tab F, No. 3. This would also include deletion of the language in red font of the leave section.

4. Family and Medical Leave Act (FMLA) Leave:

Although the Council's administrative staff are not Federal employees, the Department of Commerce's Office of the General Counsel has determined that the administrative staff meet the FMLA definition of eligible employees and are subject to Title I of the FMLA. FMLA requires covered employers to provide up to twelve weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. FMLA permits employees to take leave on an intermittent basis or to work a reduced work schedule under certain circumstances provided both the employer and employee agree. The Council has posted a notice that summarizes FMLA provisions on its information bulletin board. Employees should review the FMLA notice or consult with the Executive Director for further details. Specific details can be accessed via the web at <http://www.dol.gov/esa/regs/statutes/whd/fmla.htm>.

Motion carried with no objection.

Motion: that the Executive Director develop and implement a policy of the options available under FMLA, and that a report is to be given to the Personnel Committee on an annual basis.

Motion carried with no objection.

AP Selection Committee

Motion: that the Council appoint the Council Chairs, Vice Chairs, and Executive Directors as a special Policy Advisory Panel to the Gulf Council with each of the seats being ex officio, i. e., held by the incumbent currently holding that position.

Motion carried with no objection.

Motion: that this Council recommend to the other councils to name this committee the Policy AP.

Motion carried with no objection.

Budget Committee

Motion: that Mr. Mike Jepson serve as the facilitator for workshops at a fixed price plus travel.

Motion carried with no objection.

Motion: to adopt the revised budget as indicated in Tab G, No. 4.

Motion carried with no objection.

Motion: to hold the Ecosystem Scoping Meetings in the following locations: Florida Keys; the Florida Panhandle; Tampa, Florida; Fort Myers, Florida during the July Council

meeting; Orange Beach, Alabama; Biloxi, Mississippi; New Orleans, Louisiana; Galveston, Texas; and Corpus Christi, Texas.

Motion carried with no objection.

Joint Reef Fish/Mackerel
Management Committee

Motion: that Alternative 4 be made the preferred alternative and be reworded to read: Establish a limited access system on For-Hire Permits for Gulf of Mexico Reef Fish and CMP fisheries. Permits will be renewable and transferable in the same manner as currently prescribed for such permits. The Council will have periodic reviews at least once every 10 years on the effectiveness of the limited access system.

Motion carried with no objection.

Motion: to send the Public Hearing Draft for Extension of Charter Vessel Permit Moratorium to public hearings.

Motion carried with no objection.

Reef Fish Management Committee

Amendment 18A

Motion: that the Council replace the alternatives in Section 5.1.1 with the IPT recommendations, and that the preferred alternative be Alternative 2: Vessels may simultaneously have commercial and charter vessel reef fish permits, provided the necessary NOAA Fisheries qualifications for each permit have been met. However, persons aboard may not retain reef fish species caught under recreational size and possession limits when the vessel

has commercial harvests of any reef fish species aboard.

Motion carried by a vote of 9 to 5.

Motion: that the words “unless otherwise allowed” be added to the end of the alternative.

Motion carried with no objection.

Motion: that in Preferred Alternative 2, the sub-option (a) Vessels in the fish trap fishery, and sub-option (i) South and East of Mobile Bay (statistical grids 1 to 10) be moved to considered but rejected. The preferred alternative will read:

Preferred Alternative 2: Require reef fish vessels engaged in the following fishing activities to be equipped with an electronic vessel monitoring system (VMS) that would be on seven days a week, 24 hours a day. The cost of the vessel equipment, installation, maintenance, and month-to-month communications is to be paid or arranged by the owners as appropriate. NOAA Fisheries will maintain and will publish in the Federal Register a list of type-approved units and communications protocols. VMS systems will be required for:

- a. Vessels in the longline fishery
- b. All gear-types of commercially permitted reef fish vessels, including charter vessels with commercial reef fish permits.

The geographic area where VMS would be required if Gulf-wide.

Motion carried by voice vote.

Motion: that the words “regulatory or” be deleted from the bold type for step 4b of

the TAC framework procedure (page 39).

Motion carried with no objection.

Motion: that Section 5.2 have only two alternatives with Alternative 2 as the preferred alternative as shown below:

Alternative 1: Status Quo. Do not modify the framework procedure for setting TAC.

Preferred Alternative 2: Adopt minor rewording changes and the changes to incorporate the SEDAR process to the framework procedure for setting TAC.

Motion carried with no objection.

Motion: that the wording in the handout be added to Section 5.3.1 as a new Alternative 6 as follows:

Alternative 6: Vessels with commercial and for-hire reef fish vessel permits must possess inside the wheelhouse, or within a waterproof case if no wheelhouse, a copy of the document provided by NMFS titled, "Careful Release Protocols for Sea Turtle Release With Minimal Injury", and must post inside the wheelhouse, or in an easily viewable area if no wheelhouse, the sea turtle handling and release guidelines provided by NMFS. Those permitted vessels with a freeboard height of three feet or less must have on board and meet the specifications described in 50 CFR 635.21(c)(5)(i)(G-L); a short-handled dehooker for ingested hooks, a short-handled dehokker for external hooks, long-nose or needle-nose pliers, bolt cutters, monofilament line cutters, and at least wo types of mouth openers/mouth gags. Those permitted vessels with a freeboard height of greater than three feet must have on board and meet the specifications described in 50 CFR 635.21(c)(5)(i) except that the extended reach handles described in 50 CFR 635.21(c)

(5)(i)(A-E) must have a minimum length of 4.5 feet or 150 percent of the freeboard of the vessel; and add life rings, seat cushions, life jackets, and life vests as alternatives to tires as cushioned surfaces as specified in 50 CFR 635.21(c)(5)(i)(F).

Motion carried with no objection.

Motion: that the wording from Alternative 6 regarding presence/absence of a wheel house be added to Alternative 2, so that Alternative 2 now reads:

Alternative 2: Require vessels with commercial reef fish vessel permits to comply with the sea turtle release protocols required for the HMS bottom longline fishery specified in 50 CFR 635.21(a)(3) and 635.21(d)(3), i.e., must possess inside the wheelhouse, or within a waterproof case if no wheelhouse, a copy of the document provided by NMFS entitled, "Careful Release Protocols for Sea Turtle Release With Minimal Injury", must post inside the wheelhouse, or in an easily viewable area if no wheelhouse, the sea turtle handling and release guidelines provided by NMFS, and must possess and use line clippers, dip nets, corrodible hooks and a dehooking device which meet NMFS standards.

Motion carried with no objection.

Motion: that a new Alternative 7 be added to Section 5.3.1 as follows:

Alternative 7: Require vessels with commercial reef fish permits and vessels with reef fish for-hire permits to:

- Keep sawfish in the water at all times
- If it can be done safely, untangle the line if it is wrapped around the saw

- Cut line as close to the hook as possible
- Do not handle the animal or attempt to remove any hooks on the saw, except for with a long-handled de-hooker.

Motion carried with no objection.

Motion: that Amendment 18A public hearings be held in conjunction with the Reef Fish Amendment 25/Mackerel Amendment 17 public hearings.

Motion carried with no objection.

Motion: that the public hearings on the red grouper interim rule be added to the June public hearings for Reef Fish Amendment 18A/Reef Fish Amendment 25/Mackerel Amendment 17.

Motion carried with no objection.

Red Grouper Regulatory Amendment:

Motion: that Section 3.1 – Red Grouper Annual TAC for 2006 through 2008 be moved to the considered but rejected section.

Motion carried with no objection.

Motion: that a section be added to the red grouper regulatory amendment to consider prohibiting the captain and crew from having a red grouper bag limit.

Motion carried with one in opposition.

Motion: that the section on recreational red grouper size limits be removed from the considered but rejected section and put back into the Red Grouper

Regulatory Amendment.

Motion carried with no objection.

Amendment 26:

Motion: that the following locations be authorized for public hearings for Reef Fish Amendment 26 (Red Snapper IFQ) , except that the Louisiana location can be changed at the request of the Louisiana delegation: Port Aransas, TX; Galveston, TX; New Orleans, LA; Biloxi, MS; Orange Beach, AL; Panama City, FL; Madeira Beach, FL.

Motion carried with no objection.

Motion: to continue with separate alternatives until later in the document.

Motion carried with a 9 to 5 vote and one abstention.

Motion: that the Council form an Ad Hoc Grouper IFQ Panel.

Motion carried by a vote of 10 to 5.

Shrimp Management Committee

Amendment 13

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
- f. The type of BRD and TED
- g. The catch of shrimp per tow

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 vehicles that do not provide reports under the schedule established by NMFS.

Motion failed without support.

Motion: that Alternatives 10.E and 10.F be moved to an appendix as considered but rejected.

Motion: to table the motion.

Motion failed by a vote of 8 to 9.

Motion carried by a vote of 9 to 8.

Substitute Motion: to make Alternative 10.F the preferred alternative: In addition to vessels and entities that may qualify for a commercial shrimp vessel permit under the moratorium as with Alternatives 10.B and 10.C, a vessel would also qualify for a permit under the moratorium if that vessel can demonstrate that it has obtained a valid shrimp vessel permit by May 2, 2005, is a documented vessel or is at least 40 feet in length, and had a valid permit to land shrimp in a state at some time between December 6, 2002 and March 9, 2005.

Substitute Motion failed by a vote of 8 to 9.

2nd Substitute Motion: that the preferred alternative be Alternative 10.E: 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 May 2, 2005.

2nd Substitute Motion failed by a vote of 8 to 9.

Motion: to establish Alternative 10.C as the preferred alternative: 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 May 18, 2004.

Motion failed by a vote of 7 to 10.

Substitute Motion: to establish Alternative 10.A as the preferred alternative: No action- Continue to issue non-transferable commercial shrimp vessel permits.

Substitute Motion failed by a vote of 8 to 9.

2nd Substitute Motion: that the preferred alternative be Alternative 10.D: 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 during the 365-day period prior to and including the date of publication of the final rule implementing this amendment.

2nd Substitute Motion failed by a vote of 8 to 9.

Motion: to recommend that the Council approve Amendment 13 for transmittal to the Secretary of Commerce for approval.

Motion: to table the motion until tomorrow morning.

Motion failed by voice vote.

Motion carried by a vote of 9 to 8.

Other Business

Motion: to send a \$500 contribution to the Gladys Porter Zoo, Kemps Ridley Project.

Motion carried with no objection.
