

Council Motions: August 8-12, 2005 - Fort Myers  
Beach, Florida

*This document contains the full chronology of motions made at the full Council session of the Gulf Council meeting held August 8-12, 2005 in Fort Myers Beach, Florida. This includes failed, substituted, and amended motions as well as those that passed. Motions that passed (excluding motions to amend) are indicated in bold.*

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AP Selection Committee

Motion: that the Council assemble an Ad Hoc Grouper IFQ AP as shown in Tab I, No. 3a as modified to include as voting members: 4 vertical line fishermen, 4 longline fishermen, 1 trap fisherman, 1 diver with a reef fish permit, 1 multi-species/multi-gear fisher (grouper, kingfish, charter) and 3 dealers; and as non-voting members: 1 economist, 1 fishery scientist, 1 NMFS Enforcement, and 2 NGOs.

Motion passed with no objection

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Coral Management Committee

MOTION: For Council to write a letter to NMFS supporting the listing of *Acropora palmata* and *A. cervicornis* as threatened.

Motion passed with no objection

MOTION: That the Council proceed with an RFP that would consolidate the research efforts in the Western and Eastern Gulf into one proposal.

Motion passed with no objection

MOTION: Recommend that the Council ask the Coral SSC to develop a research approach to identify locations of deep-water corals.

Motion passed with no objection

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Joint Reef Fish/Mackerel Management Committee

MOTION: Recommend to Council to submit to the Secretary for implementation our preferred Alternative 4 under 3.  
Management Alternatives: Establish a limited access system on for-hire reef fish and CMP permits. Permits will be renewable and transferable in the same manner as currently prescribed for such permits. The Council will have periodic reviews at least every 10 years on the effectiveness of the limited access system.

Motion passed with no objection by roll call vote

MOTION: Table discussion regarding the issue of having a Joint Mackerel SSC meeting with the South Atlantic FMC until another meeting.

Motion passed with no objection

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### Reef Fish Management Committee

#### Red Snapper Stock Assessment

MOTION: That the Council look at yield streams from production and bycatch F's from a 10% to 60% reduction, and look at that alone and also in a linked or proportional fashion; and in the delinked portion, look at a directed fishery of 3, 6 and 9 million pounds.

Motion passed with no objection

MOTION: The Committee recommends, and I so move, that the Council begin development of a joint plan amendment to the Shrimp FMP and the Reef Fish FMP to address bycatch in the shrimp fishery and in the red snapper directed fishery, and to address the rebuilding of the red snapper stock.

Motion passed with no objection

MOTION: That the Council asks the Southeast Fisheries Science Center to facilitate correspondence between the review panel and the assessment panel to review differences in the age-0 and age-1 density dependence.

SUBSTITUTE MOTION: To table the motion until September. That the Council asks the Southeast Fisheries Science Center to facilitate correspondence between the review panel and the assessment panel to reconcile differences in the age00 and age01 density dependence.

Substitute Motion failed by voice vote.

SUBSTITUTE MOTION: That the Council asks the Southeast Fishery Science Center at the September Council meeting to provide us an explanation of the rationale behind the differences in the inclusion of age-0 and age-1 and the implications of those differences.

Substitute motion carried with no objection

Amendment 26 (IFQ for Red Snapper)

Section 4.1 MOTION: Alternative 2 be the Preferred Alternative for Action 1: Implement an individual transferable fishing quota (IFQ) program in the GOM.

Motion passed with one objection

Section 4.2 MOTION: Alternative 2a be the Preferred Alternative for Action 2: Do not limit the duration of the IFQ program. However, require a program evaluation every 5 years.

Motion passed with no objection

Section 4.3 MOTION: Alternative 3 be the Preferred Alternative for Action 3: For any single fishing year, no person shall possess IFQ shares that represent a percentage of the total, which exceeds the maximum percentage, issued to a recipient at the time of the initial apportionment of IFQ shares (e.g. – 8%).

SUBSTITUTE MOTION: That the preferred alternative be Alternative 2a. For any single fishing year, no person shall possess IFQ shares that represent a percentage of the total, which exceeds the maximum percentage, issued to a recipient at the time of the initial apportionment of IFQ shares (e.g. – 2%).

Substitute Motion failed for lack of a second

Motion passed with some opposition.

Section 4.3 MOTION: That the following change be made to Alternative 2: Delete the phrase, “or fish annual allocations”, so that the first sentence will read, “For any single fishing year, no person shall possess IFQ shares which comprise more than the following percent of the total quota allocated to the IFQ program”.

Motion passed with no objection

Section 4.4 MOTION: That Alternative 3 be the Preferred Alternative for Action 4, with wording deletions (strike-out) and additions (underlined): “Restrict initial eligibility to persons who own” a ~~current~~ Class 1 or Class 2 license.

~~Current~~ Permanent resident aliens who currently own a Class 1 or Class 2 license will be included in the initial allocation subject to any other qualifications included in this alternative IFQ program." In addition, delete the word "current" from the first and second sentences of Alternative 2.

Motion passed with no objection

Section 4.5 MOTION: That Alternative 2(A)(ii) (with no preferred sub-option for time period), and Alternative 2(B)(i) (iii) be the Preferred Alternatives for Action 5: Allocate initial IFQ shares proportionately among eligible participants based on the average annual landings associated with their current license(s). These data are available for the years 1993 through 2004 for Class 1 license holders, and for the years 1998 through 2004 for Class 2 license holders.

- A. Allow Class 1 license holders (if eligible) to select ten consecutive years of data during the time period (no preferred time period selected).
- B. Allow Class 2 license holders (if eligible) to select five years of data during the time period 1998 through 2004.

SUBSTITUTE MOTION: that Alternative 2(A)(ii), and Alternative 2(B)(i)(iii) be the Preferred Alternatives for Action 5: Allocate initial IFQ shares proportionately among eligible participants based on the average annual landings associated with their current license(s).

- A. Allow Class 1 license holders (if eligible) to select ten consecutive years of data during the time period 1990 through 2004
- B. Allow Class 2 license holders (if eligible) to select five years of data during the time period 1998 through 2004

Substitute motion passed

MOTION: For Alternative 2A, suboptions iv, v, and vi, the phrase "no data available 1990-1992" be changed to "Incomplete data available 1990-1992."

Motion passed with no objection

Section 4.6 MOTION: The Committee recommends that Alternative 2 be the Preferred Alternative for Action 6: 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.

Motion passed with no objection

Section 4.7 MOTION: that Alternative 2 be the Preferred Alternative for Action 7: IFQ shares/allocations can be transferred only to individuals/vessels with a valid commercial reef fish permit. Eligible individuals must be natural persons, who are U.S. citizens or permanent resident aliens.

Substitute motion that the preferred Alternative be Alternative 4

2<sup>nd</sup> Substitute motion that the preferred Alternative be Alternative 6

2<sup>nd</sup> Substitute Motion failed by a vote of 7 to 7

Substitute Motion failed by a vote of 4 to 8

Motion failed

Motion to reconsider Alternative 6 as the Preferred Alternative.

Motion to reconsider passed

Motion to adopt Alternative 6 as the Preferred Alternative.

SUBSTITUTE MOTION: to choose a Preferred Alternative after public testimony at the next meeting.

Motion failed.

Motion failed by vote of 7 to 7

Motion to remove the footnotes regarding Preferred Alternatives from the document.

Motion withdrawn

MOTION: that any discussions referring to natural persons would be changed to persons throughout Action 7.

SUBSTITUTE MOTION: that any discussions referring to natural persons would be changed to persons through the entire document.

Substitute motion failed by vote of 7 to 7

Motion passed with one abstention

MOTION: to make Alternative 6 the Preferred Alternative in Action 7.

Motion passed by vote of 9 to 4

Section 4.8 MOTION: that Alternative 1 be the Preferred Alternative for Action 8: No action. Do not specify a minimum landings requirement (e.g., use it or lose it provision) for retaining IFQ shares.

Motion passed with no objection

Section 4.9 MOTION: that Alternative 2 be the Preferred Alternative for Action 9: Allocate adjustments in the commercial quota proportionately among recognized IFQ shareholders (e.g., those on record at the time of the adjustment) based on the percentage of the commercial quota each holds at the time of the adjustment.

Motion passed with no objection

Section 4.10 MOTION: that Alternative 2, with no preferred sub-option for responsibility for costs, be the Preferred Alternative for Action 10: Require all fishing vessels engaged in harvesting red snapper under the IFQ program to be equipped with VMS. The purchase, installation, and maintenance of VMS equipment must conform to the protocol established by NMFS in the Federal Register.

Motion passed with some opposition

Section 4.11 MOTION: that Alternative 3 A (i), B (i), and C (i) be the Preferred Alternatives for Action 11.

Motion passed with no objection

MOTION: To add under Section 4.4 Alternative 4; persons are ineligible to own or purchase IFQ shares if they have been convicted or plead guilty to 3 or more fishery violations within the past 10 years from date of implementation.

SUBSTITUTE MOTION: That this be referred to LEAP's next meeting and report back to Council.

Substitute motion withdrawn

Motion fails by roll call vote of 5 to 9 with 3 absent

MOTION: To strike eligibility requirements that qualifying individuals would be required to demonstrate minimum average catches of 100 pounds during the qualifying years. The annual record of red snapper landings provided to the Southeast Fisheries Science Center on logbooks required for all vessels since 1993 would define individual catch histories.

Motion passed with one objection and one abstention.

Draft Red Grouper Regulatory Amendment

Red Grouper Interim Rule

MOTION: That the Council request that NMFS close only red grouper fishing for the months of November and December in the NMFS interim rule.

Motion failed by a roll call vote of 7 to 7

Section 3.1 Commercial Grouper Trip Limits

MOTION: To allow Staff editorial rights to develop alternatives that, based on models, would project a 335 day fishery and to start with a trip limit of \_\_\_\_pounds and to increase/decrease to \_\_\_\_ pounds – if X% of the quota has been captured by November 1.

SUBSTITUTE MOTION: that an alternative be added for a 5,500 pound trip limit.

SECOND SUBSTITUTE MOTION: For an alternative that shows a slate of trip limits that includes increase/decrease of trip limits on a specified trigger date.

Motion withdrawn

Motion withdrawn

Motion withdrawn

MOTION: To allow staff editorial rights to develop alternatives based on models with an initial 4,000-pound trip limit during the year with adjustments to project a 335 day fishery year.

Motion passed with no objections

MOTION: For Preferred Alternative to set a 5,500-pound trip limit for the year.

Motion passed with no objection

Section 3.3.1 Recreational Grouper Harvest Limits

MOTION: To add a new Alternative for a one red grouper per person bag limit and a with a 21" size limit

Motion passed with no objection

MOTION: To change the wording in Alternative 2 in 3.3.1 that the red grouper recreational bag limit within the aggregate grouper bag limit is reduced to 1 per person per trip or 3 per vessel, whichever is less, excluding headboats in the NMFS headboat survey. Reduces red grouper harvest by 31 percent.

SUBSTITUTE MOTION: To change the wording in Alternative 2 in Section 3.3.1 that the red grouper recreational bag limit within the aggregate grouper bag limit is reduced to 1 per person per trip or 3 per vessel, whichever is less; for COI vessels with capacities greater than six – 1 red grouper per 2 paying passengers.

Substitute motion passed with no objection

MOTION: To retain Alternative 2 renumbered as Alternative 7: the red grouper recreational bag limit within the aggregate grouper bag limit is reduced to 1 per person per trip or 3 per vessel, whichever is less. Reduces red grouper harvest by 31 percent.

Motion passed with no objection

MOTION: To make the Preferred Alternative Alternative 3 - to raise the red grouper size limit to 22 inches TL. Reduces red grouper harvest by 32 percent.

Motion failed

MOTION: That the revised Alternative 2 become the Preferred Alternative: that the red grouper recreational bag limit within the aggregate grouper bag limit is reduced to 1 per person per trip or 3 per vessel, whichever is less; for COI vessels with capacities greater than six – 1 red grouper per 2 paying passengers.

Motion failed by a vote of 6 to 8

MOTION: That the new Alternative for a one red grouper per person bag limit and a 21" size limit be the Preferred Alternative.

Motion failed

MOTION: To add an additional Alternative as the Preferred Alternative: The red grouper recreational bag limit within the aggregate grouper bag limit is reduced to 1 per person per trip and a closed season for red, gag and black grouper is established during February 15 through March 15.

Motion passed 10 to 4



### Sec 3.3.2 Recreational For-Hire Captain and Crew Bag Limits

MOTION: For Council to pass on 3.3.2 for a Preferred Alternative Substitute Motion that Alternative 2 be the Preferred Alternative.

Motion failed by a vote of 6 to 7 to 1

MOTION: That there not be a Preferred Alternative

Motion passed by voice vote

### Sec 3.3.4 Recreational Aggregate Grouper Bag Limit

MOTION: That the Preferred Alternative be Alternative 3; that the aggregate bag limit is 3 fish

Motion passed

### Reef Fish Amendment 18A

Section 4.1.1 MOTION: To strike the last sentence from the Preferred Alternative in order to allow recreational allowances on a commercial vessel

Motion failed

Section 4.1.2 MOTION: To strike i.e. (currently crew of four) in the preferred

Motion passed

MOTION: To strike "not to exceed a total crew of three"

Motion carried with no objection

Section 4.1.3 MOTION: To make Alt 4 a sub option under both Alt 2 and 3

Motion passed with no objection

Section 4.1.4 MOTION: To allow staff editorial liberty to restructure Alternative 3 so that it follows the format of Alternative 2

Motion passed with no objection

MOTION: To direct staff to make changes in Appendix E to allow hourly pings outside of buffer areas and 15-minute pings within buffer areas to be defined in the future

Motion passed with no objection

Section 4.2 no action (Previously selected Alternative 2 remains the Preferred Alternative)

Section 4.3 MOTION: That Amendment 18A Reef Fish Fishery Management Plan, section 4.3, Alternative 6, be replaced by the document handed out by Peter Hood, so noted as P. H. Handout

Motion passed with no objection

MOTION: To accept Alternative 6 as the Preferred Alternative.

Motion passed with no objection

MOTION: To accept Alternative 7 as the second Preferred Alternative

Motion passed with no objection

MOTION: That we hold hearings on Reef Fish (Red Grouper) Regulatory Amendment in the following location(s): Tampa Bay Area

Motion passed with no objection

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### Shrimp Management Committee

MOTION: That the Council begin development of a joint plan amendment to the Shrimp and Reef Fish FMPs to address bycatch in the shrimp and red snapper directed fisheries and address rebuilding of the red snapper stock.

Motion passed with no objection

MOTION: That the Council begin development of a regulatory amendment to consider changes to the BRD certification criterion and red snapper reduction, to consider certification of the 3 funnel type BRDs, and potentially decertify the Fisheye BRD.

Motion passed with no objection

MOTION: That Action 6, Alternatives to eliminate permits for shrimp vessels that are not active participants, be included in an appendix of Alternatives Considered But Rejected.

Motion passed with no objection

## Sustainable Fisheries/Ecosystem Committee

MOTION: To table consideration of the Sustainable Fisheries/Ecosystem Committee report to a subsequent meeting.

Motion passed with no objection.

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## Other Business

MOTION: to convene the Administrative Policy Committee at the September Council Meeting.

Motion passed with no objection

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