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## Outreach & Education Advisory Panel Forming

The Council is forming an Outreach & Education Advisory Panel, and is currently recruiting for four positions - one media representative and three public representatives. One of the four representatives should have a technology background.

Members are not compensated; however travel expenses are reimbursed.

For more information, please contact Charlene Ponce at 813-348-160 or [charlene.ponce@gulfcouncil.org](mailto:charlene.ponce@gulfcouncil.org).

## Council asks NMFS to draft interim rule for gag

The Gulf Council during its June meeting requested NOAA Fisheries Southeast Regional Office to draft an interim rule to address the overfishing of gag until Reef Fish Amendment 30B can be implemented later next year.

A draft Interim rule will be presented to the Council in August, and will contain alternatives consistent with what is outlined in Amendment 30B as it relates to gag. Implementation of the interim rule is expected for January 2009.

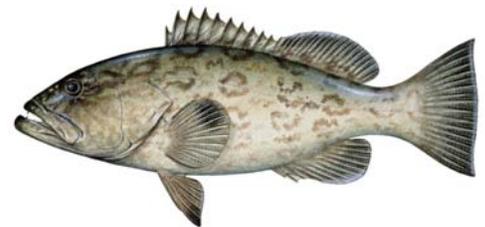
The interim rule is needed because, once a stock is determined to be undergoing overfishing, the Magnuson Stevens Act requires the Council to end overfishing within one year of that determination.

The Council continues to refine the amendment, and at its June meeting

developed a new preferred alternative for Action 9, which sets the recreational harvest of gag and red grouper.

That new alternative will achieve the needed 25% reduction in recreational harvest of gag by implementing a four-fish grouper aggregate bag limit, a two-fish gag bag limit within the aggregate, and a two-fish red grouper bag limit within the aggregate, along with a February 1 – March 31 closed season.

*See 30B, page 3*



## Council closer to approving grouper & tilefish IFQ

With the commercial grouper and tilefish fisheries marked by overcapacity there is a need to rationalize effort in those fisheries. The Council is moving forward with Amendment 29 to its Reef Fish Fishery Management Plan in an attempt to rationalize effort. Specifically, the Council is looking at implementing an individual fishing quota (IFQ) program, and during its June meeting, moved to send a letter to the Secretary of Commerce requesting that the referendum process be initiated for such a program.

In accordance with the Magnuson Stevens Reauthorization Act, the Council also moved to restrict participation in the referendum to commercial reef fish permit holders who have substantially fished in the grouper and tilefish fisheries.

*See IFQ page 3*

## Aquaculture Amendment update

### Public hearing scheduled in the Florida Keys with final action anticipated in October

More revisions to the draft Generic Offshore Aquaculture Amendment were approved by the Council, including one that changes the document from a generic amendment to an Aquaculture Fishery Management Plan (FMP).

Some of the other changes include the following:

- Added to Action 1 a permit requirement for any hatcheries located in the EEZ
- Include in Action 2 - 25% of the planned grow-out structures proposed within the first two years or the applicant must resubmit a new application
- Allow transferability of permits in Action 1
- Remove the prohibition of siting aquaculture facilities in marine sanctuaries from Action 6
- Strike the words "one or more of" from Action 6, preferred Alternative 3
- Add a new sub-alternative to preferred Alternative 3, Action 6 requiring a benthic habitat survey

- That the preferred alternative for Action 9 be Alternative (b) MSY=OY and the proxy for optimum yield would be (d) 64 million pounds
- That the preferred alternative for Action 9 be Alternative 2, Option (c) 20% of optimum yield
- Add to Action 2 that the operator can request modifications to the time schedule and reporting schedules in response to a natural catastrophe

The Aquaculture FMP is an effort to develop a regional permitting process for regulating aquaculture in the federal waters of the Gulf of Mexico. That process is intended to ensure any aquaculture operations undertaken in the Gulf are environmentally sound and sustainable, and provides maximum benefits to the Nation.

A public hearing is scheduled for July 21, 2008 at the Radisson Hotel, 3820 N. Roosevelt Boulevard in Key West. The hearing will begin at 5:30 pm and end no later than 9:00 pm. Final action on the Aquaculture FMP is not anticipated until October.



## NMFS to Hold Public Meetings on Annual Catch Limits

The National Marine Fisheries Service has announced three public meetings to solicit comments on the proposed revisions to the guidelines for National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act.

Meeting dates and locations are as follows:

July 10, 2:00 pm - 4:00 pm EDT  
NOAA Science Center  
1301 East West Highway  
Silver Spring, MD  
301-713-2341

July 15, 3:45 pm - 5:45 pm EDT  
NMFS Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, FL  
727-824-5301

July 24, 4:00 pm - 6:00 pm PT  
Hilton Seattle Airport &  
Conference Ctr  
17620 International Boulevard  
Seattle, WA  
206-244-4800

The NMFS previously published in the Federal Register proposed revisions to the National Standard 1 Guidelines, which would update the guidelines to include guidance on how to comply with new annual catch limit (ACL) and accountability measure (AM) requirements for ending overfishing of fisheries managed by federal fishery management plans.

The revisions also clarify the relationship between ACLs, maximum

sustainable yield, optimum yield, and other applicable reference points.

The intent of this action is to facilitate compliance with requirements of the MSA to end and prevent overfishing, rebuild overfished stocks, and achieve optimum yield.

A copy of the proposed revisions to the National Standard 1 Guidelines may be downloaded from the Federal Register Web Site at <http://www.gpoaccess.gov/fr/Index.html>, or by visiting <http://frwebgate6.access.gpo.gov/cgi-bin/waisgate.cgi?WAISSdocID=49951235438+0+0&WAISSaction=retrieve>.

## Public hearings set for IFQ amendment

July 21, 2008

Best Western  
5914 Seawall Boulevard  
Galveston, Texas

Radisson Hotel,  
3820 N. Roosevelt Blvd.  
Key West, FL 33040

July 22, 2008

Hilton New Orleans Airport  
901 Airline Drive  
Kenner, LA

Banana Bay  
4590 Overseas Highway  
Marathon, FL 33050

July 23, 2008

Wingate Inn  
12009 Indian River Road  
Biloxi, MS

Doubletree Hotel  
2649 S. Bayshore Drive  
Miami, FL 33133

July 24, 2008

City of Orange Beach  
27235 Canal Road  
Orange Beach, AL

Clarion Hotel  
12635 S. Cleveland Avenue  
Ft. Myers, FL

July 30, 2008

Quorum  
700 N. Westshore Blvd,  
Tampa, FL 33609

July 31, 2008

NMFS Lab  
350 Dellwood Beach Drive  
Panama City, FL 32408

All meetings begin at  
5:30 p.m. and end no  
later than 9:00 p.m.

## Amendment 30B *continued from page 1*

These proposed regulations would also allow approximately a 4% increase in recreational red grouper harvest.

The proposed amendment also contains an action - Action 11 – that considers creating marine reserves and time/area closures.

While the Council previously selected an alternative that establishes a new area closure within the gag spawning area - the Edges 40 fathom contour reserve - with all fishing prohibited January through April and all fishing allowed May through December, members agreed during the June meeting to add an option that prohibits all fishing March – April,

with all fishing allowed May – February.

They also approved a motion that eliminates the February 15 – March 15 gag, red, and black grouper commercial closure if a seasonal area closure is ultimately adopted.

In addition, the Council redefined its preferred alternative for Action 8 – Application of Quota Closures – and included as its preferred alternative an option for a 200-pound incidental harvest trip limit.

Final action on Amendment 30B is expected in August when the Council meets in Key Largo, Florida.

## IFQ *continued from page 1*

**What is substantially fished?** Anyone with combined average grouper and tilefish landings of at least 8,000 pounds per year, per permit. Landings must be from qualifying years and confirmed by logbooks. Votes will not be weighted by catch history.

The Council also agreed to convene via conference call the Ad Hoc Grouper IFQ Advisory Panel for one day to discuss the multi-use allocation and flexibility measures.

Public hearings for Reef Fish Amendment 29 are scheduled in July, and the Council is expected to take final action at its August meeting in Key Largo, Florida.

## SEDAR Q&A with John Carmichael

Reprinted from the South Atlantic Update - a SAFMC publication

### Why SEDAR?

Because stock assessments are too complex and consequential to be left to a single individual.

### How is this process different from the way stock assessments have been done in the past?

SEDAR was developed because the previous assessment process expected too much of individual analysts, allowed too much separation between data collectors and assessment analysts, seldom included a thorough evaluation of input data series, and provided no independent peer review.

SEDAR's three step process addresses these concerns in several ways.

First, by increasing participation and convening a series of workshops, those who collect data participate in decisions related to data usage and assessment decisions.

Second, those participants are charged with thoroughly evaluating all input data and assessment decisions in light of the currently available information and scientific standards.

*See SEDAR, page 5*

## Gulf of Mexico Fishery Management Council

Richard Leard  
Deputy Director

### Appointed Voting Members

William Daughdrill Panama City, FL 850-814-5468	Michael Ray Austin, TX 512-389-4649
Robert Gill Crystal River, FL 352-795-1916	Robert Shipp Vice Chair Mobile, AL 251-460-6351
Joseph Hendrix Houston, TX 281-597-1620	Susan Villere Mandeville, LA 985-845-3557
Thomas McIlwain Chair Ocean Springs, MS 228-818-8866	Bobbi Walker Orange Beach, AL 251-981-2300
Julie Morris Sarasota, FL 941-487-4527	Kay Williams Vanceleave, MS 228-826-2160
Harlon Pearce Kenner, LA 504-467-3809	

### State/Federal Voting Members

Robin Riechers Austin, TX 512-389-4864	Corky Perret Biloxi, MS 228-374-5000
Bill Teehan Tallahassee, FL 850-487-0554	Karen Foote Baton Rouge, LA 225-765-2383
Vernon Minton Gulf Shores, AL 251-968-7576	Roy Crabtree SERO 727-824-5301

### Non-voting Members

Sam Hamilton USF&WS 404-679-4000	Larry Simpson GSMFC 228-875-5912
Radm Joel Whitehead Eighth USCG District 504-589-6223	David Hogan Foreign Affairs 202-647-2335

## NOAA proposes rule to require saltwater angler registration

NOAA Fisheries has released a proposed rule on the National Saltwater Angler Registry, a requirement of the reauthorized Magnuson-Stevens Act and an important component of the broader initiative to improve the quality of recreational fishing data.

The national registry of saltwater anglers is the key to closing a major gap in information on recreational fishing. This "phonebook" will improve the efficiency and accuracy of our surveys.

It will also help NOAA demonstrate the economic value of saltwater recreational fishing on local and national economies and provide for a more accurate picture of the level of participation in saltwater fishing by the American public.

Beginning in January 2009, recreational anglers who fish in federal waters are required to register each year with NOAA Fisheries Service. Registration will be free the first two years.

The proposed rule also requires registration by those who may catch anadromous species, such as salmon, striped bass, and shad that spawn in rivers and streams and spend their adult lives in estuaries and the ocean.

The proposed rule outlines the process NOAA Fisheries will use for registering saltwater recreational anglers. It also addresses the qualifications and procedures for exempting states and



YOUR TRUSTED SOURCE FOR FISHING DATA

their anglers from the federal registration requirement.

Anglers may be exempt from federal registration if they fish in a state that already has a program in place to account for all of its saltwater anglers.

The proposed rule outlines possible exemptions for states that have a comprehensive saltwater fishing license or a regional angler survey program approved by NOAA Fisheries.

In addition, anglers fishing from licensed for-hire vessels and anglers under the age of 16 are also exempt.

### Next Steps

NOAA is accepting public comments on the proposed rule until August 11, 2008. A final rule based on those comments is expected in November 2008, with the requirement going into effect January 1, 2009. Comments may be sent to:

John Boreman, Director  
Office of Science & Technology  
NMFS  
1315 East-West Highway  
Silver Spring, MD 20919  
Attn: Gordon Colvin

Comments can also be submitted electronically at  
<http://www.regulations.gov>



## SEDAR *continued from page 3*

Finally, SEDAR culminates in an independent peer review, where the inputs, methods, and assumption are evaluated by national and international experts who are truly independent, and have no ties to the assessments or the agencies which must act on the assessments.

Previous assessments were typically prepared by a single person who requested data from various sources to prepare a model which was reviewed informally by people who may have contributed to the assessment effort and likely held some responsibility to provide management recommendations based on the results.



**How can a stock be overfished or undergoing overfishing when what we're seeing on the water are more and bigger fish?**

The perceived separation between assessment results and 'real world observations' is a common criticism of stock assessments with many possible causes. It may be due to a biological factor, such as a strong year class entering the fishery.

Often it is related to the viewpoint of the observer – where they are located and the period over which they are making the comparison. It could also be an expected outcome of a successful rebuilding strategy.

A primary cause is simple geography – most fishermen's observations are based on relatively small area, whereas assessments are developed to reflect a stock which may range from Brownsville, Texas to the Florida Keys.

Even the most stressed stocks hopefully have some big, old fish lurking in their area of core distribution, and so the fishermen who fish in that area may perceive no problems while fishermen 3 states away have not seen that species in 2 years. This does not mean the observations are wrong, just as the presence of large old fish in one area does not mean the assessment is wrong. They just both reflect different portions of a larger picture.

Another reason is related to time. What's viewed as more and bigger today is relative to the period of recall. Some of our stocks have been overexploited since the early 1980's. In this situation, a stock could be improving, the perception that there are more larger fish today than observed 2 or 5 years ago is valid, yet the determination that a stock status remains below the level that can produce maximum sustainable yield is also valid.

It is likely that such perceptions will become more prevalent as stocks recover. Consider a stock that's determined to be at 50% of the legally mandated level that can produce maximum sustainable yield and is therefore under a 10 year rebuilding plan. By definition, the stock is overfished until the biomass reaches the biomass that can produce MSY.

Suppose that 8 years into the rebuilding period the stock is at 90% of the desired level. To the observers, there should be substantially more fish and many of those fish should be older and larger than they were when rebuilding began. To the managers, the stock remains overfished.

Both observations are valid, they are just being compared to different points of reference.

**Where do you get this data for stock assessments? Why are some data sets used and others are not?**

Data used in SEDAR assessments come from many sources, but nearly all data are either provided by fishermen or collected by scientists in some way.



Data are typically characterized as 'fishery-dependent', meaning they are derived from the fishery, or 'fishery independent', meaning they are derived from scientific sampling.

All of the data sources below contribute to the assessment.

Data provided by commercial fishermen include fishermen or dealer trip reports required by the states, logbooks required of federally-permitted fishermen, and submission of special purpose logbooks or surveys such as those used to collect economic or discard information.

Data provided by recreational fishermen are collected through a national statistically-designed survey called the "MRFSS" – Marine Recreational Fisheries Statistics Survey. The MRFSS has two main components: A phone survey used to estimate total effort,

## SEDAR *continued from page 5*

and dockside interviews used to estimate catch per trip and collect length samples.

Finally, the Gulf of Mexico Headboat Survey collects information from the headboat fishery using a combination of vessel reports and observers. All of these data are classified as 'fishery dependent'.

Scientists typically collect data to augment what's provided by the fishermen. Some of this is fishery-dependent and some is fishery-independent, depending, of course, on how it is collected.

As an example of fishery-dependent data of this type, scientists will conduct 'biological sampling' during which they

sample landed catches for species composition and to enable characterization of catches by length, age, and weight. Scientists conduct fishery-independent 'surveys' in which they fish with various gears across a large area to derive population trends over time.

Some scientists collect samples of individual fish, through both fishery sampling and scientific sampling, to evaluate age and growth and reproductive characteristics.

Still others conduct research projects to evaluate particular fishery or population characteristics, such as discard mortality rates, gear characteristics,

population migrations and movements, stock structure, and relations to environmental conditions.

### [What/who determines when stock assessments and updates are scheduled?](#)

SEDAR oversight is provided by a Steering Committee composed of the Executive Directors and Chairs of the three Fishery Management Councils in the Southeast Region, the Executive Directors of the Atlantic States and the Gulf States Marine Fisheries Commissions, the NOAA Fisheries Southeast Fisheries Science Center Director and the Southeast Regional Administrator. The assessment schedule is determined by the Steering Committee.



## Gulf of Mexico Fishery Closures

### Recreational Closures:

#### Red Snapper

Reminder that the 2008 recreational red snapper season will close at 12:01 a.m. local time August 5. The season will reopen on June 1, 2009, the beginning of the 2009 federal recreational red snapper fishing season.

### Commercial Closures:

#### Deep-Water Grouper

NOAA Fisheries closed the commercial deep-water grouper fishery in the federal waters of the Gulf of Mexico effective 12:01 a.m.. local time, May 10, 2008. The fishery will remain closed until 12:01 a.m. January 1, 2009.

During the closure, no person aboard a vessel for which a commercial reef fish permit has been issued may fish for or retain misty grouper, snowy grouper, yellowedge grouper, Warsaw grouper, or speckled hind in federal waters of the Gulf of Mexico.

Additionally, during the closure, if commercial quantities of reef fish are onboard, a recreational bag limit of reef fish is not allowed.

#### Tilefish

The commercial fishery for tilefishes in the Gulf of Mexico closed effective 12:01 a.m. May 10, 2008 and will reopen at 12:01 a.m. January 1, 2009. During the closure, no person aboard a vessel for which a commercial reef fish permit has been issued may commercially fish for tilefishes in federal waters of the Gulf of Mexico.

#### Shrimp

Federal waters off Texas are closed to shrimp trawling and will reopen on or about July 15, 2008. Check with the Gulf Council for updates.

**Committee Agenda**  
**Gulf of Mexico Fishery Management Council**

The Hilton Key Largo  
 Largo Ballroom  
 Key Largo, FL  
 August 11 - 13, 2008

**Monday, August 11, 2008**

9:00 a.m. - 5:30 p.m.

Reef Fish Management Committee

- \* Final Reef Fish Amendment 30B (Gag/Red Grouper)
  - AP Recommendations
  - SSC Recommendations
  - LEAP Recommendations
  - Interim Rule Actions
  - Committee Recommendations
- \* Final Reef Fish Amendment 29 (Grouper/Tilefish IFQ)
  - SEP Recommendations
  - AP Recommendations
  - Public Hearing Comments
  - IFQ Referendum Language
  - Committee Recommendations
- \* SEDAR TOR for Black Grouper
- \* SEDAR TOR for Assessment Updates for Red Snapper, Gag, and Red Grouper
- \* Ad Hoc Recreational Red Snapper AP Recommendations

**Tuesday, August 12, 2008**

8:30 a.m. - 9:30 a.m.

Reef Fish Management Committee - Continued

9:30 a.m. - 12:00 noon

Administrative Policy Committee

- \* SSC Comments on ACL and AM Guidelines
- \* Revised SOPPs

1:30 p.m. - 3:30 p.m.

Ad Hoc Allocation Committee

- \* Fishing Communities and Social Aspects of Allocation
- \* FMP Objectives
- \* Net Benefits and Allocation
- \* Landings, TAC, and Allocation Changes by Sector
- \* Draft Allocation Principles
- \* Recommendations to Council

3:30 p.m. - 4:30 p.m.

Stone Crab/Spiny Lobster Committee

- \* Spiny Lobster Amendment
- \* Public Hearing Comments
- \* Spiny Lobster AP Recommendations
- \* Committee Recommendations

4:30 p.m. - 5:30 p.m.

Marine Reserves Committee

- \* Proposed Rule on Fishing Regulations in the FGBNMFS EIS

**Wednesday, August 13, 2008**

8:30 a.m. - 9:30 a.m.

Joint A Selection Committee/O & E Committee (CLOSED SESSION)

- \* Selection of O&E AP Members

9:30 a.m. - 11:00 p.m.

Joint Reef Fish/Mackerel/Red Drum Management Committee

- \* Aquaculture FMP
  - Presentation on IPT Revisions
  - Public Hearing Comments
  - Committee Recommendations

11:00 p.m. - 12:00 noon

Shrimp Management Committee

- \* Scoping Document for generic operator permits amendment
- \* Selection of Scoping Hearing Locations

1:30 p.m. - 3:30 p.m.

Data Collection Committee

- \* Recommendations of the Ad Hoc Recreational Red Snapper AP
- \* Comments on Proposed Rule for National Saltwater Angler Registry

3:30 p.m. - 4:30 p.m.

Sustainable Fisheries Ecosystem Committee

- \* Ecosystem SSC recommendations

**Council Agenda**  
**Gulf of Mexico Fishery Management Council**

The Hilton Key Largo  
 Largo Ballroom  
 Key Largo, FL  
 August 13 - 15, 2008

**Wednesday, August 13, 2008**

- I. Call to Order and Introductions - Mcllwain
  - II. Adoption of Agenda <sup>1</sup> - Mcllwain
  - III. Approval of Minutes - Mcllwain
  - IV. Committee Reports - Mcllwain
    - a. Ad Hoc Allocation - Morris  
( 4:30 p.m. - 5:30 p.m.)
- Open Public Question and Answer Session  
(6:00 p.m. - 7:00 p.m.)

**Thursday, August 14, 2008**

- V. Public Testimony <sup>2,3</sup> - Mcllwain
  - a. Exempted Fishing Permits (EFP) (if any)
  - b. Final Reef Fish Amendment 30B
  - c. Amendment 8 to the Joint Spiny Lobster FMP
  - d. Open Public Comment Period <sup>2,4</sup>
- VI. Committee Reports - Continued
  - a. Reef Fish Management - Minton
  - b. Joint Stone Crab/Spiny Lobster - Gill
  - c. Joint Reef Fish/Mackerel/Red Drum - Foote/Minton/Teehan
  - d. Marine Reserves - hendrix
  - e. Administrative Policy - Morris  
(1:30 p.m. - 5:30 p.m.)

**Friday, August 15, 2008**

- VII. Committee Reports - Continued
  - d. Shrimp Management - Perret
  - e. Data Collection - Riechers
  - f. Sustainable Fisheries/Ecosystem - Gill
- VIII. Other Business - Mcllwain
  - a. Written Reports
  - b. Other Items
  - c. Election of Chairman and Vice-Chairman  
(8:30 a.m. - 11:30 a.m.)

<sup>1</sup>The established times for addressing items on the Council and committee agendas, except for those setting times for public testimony or open public comment, may be adjusted as necessary to accommodate the timely completion of discussion relevant to the agenda items. Such adjustments may result in the meeting being extended from, or completed prior to the date established by these agendas.

<sup>2</sup>Persons wishing to testify for either public testimony or open public comment must turn in a registration card before the beginning of the public testimony period; otherwise persons wishing to testify may be denied. One card must be completed for each issue on which persons wish to testify.

<sup>3</sup>Persons wishing Council members to have copies of written testimony or information should provide 30 copies to staff for distribution to members. All written information shall include a statement of the source and date of such information. Any oral or written statement shall include a brief description of the background and interests of the person testifying.

<sup>4</sup>The Council has set aside this time for open public comment regarding any fishery issue or concern. People wishing to speak before the Council should complete a public comment card, making sure to check the box marked Open Public Comment. A note about open public comment: In the interest of giving everyone an opportunity to speak, speakers are asked to limit comments to three minutes. If your sentiments are reflected in comments made by others, please state so and allow the next speaker to address the Council. Individuals may be asked to reduce speaking time even further in order to accommodate all those who wish to speak. The open public comment period will end no later than the time scheduled on the agenda regardless of the number of persons wishing to comment.



## NOAA/NMFS – Southeast Division Office for Law Enforcement Quarterly Report

### Gulf of Mexico Enforcement Operations Significant Actions

#### ESA

NOAA/NMFS officers from Slidell, LA, were notified by GCEL that the shrimp fishing vessel GYPSY WIND was issued a sanction for all Federal Permits applied for and/or issued. This permit sanction is in conjunction with a \$22,000.00 NOVA.

NOAA/NMFS agents from Galveston, TX, received notification from NOAA General Counsel of a \$2,500 NOVA issuance to a commercial shrimp vessel captain for failure to utilize an approved TED. This investigation was initiated by the Texas Parks and Wildlife Department and investigated by NOAA/NMFS OLE.

#### MSFCMA

NOAA/NMFS agents from Niceville, FL, received notification from NOAA GCEL that Captain Zach BREEDING and Saga Enterprises, owner of the F/V MARIE ANN received NOVA's of \$17,500 and \$12,500 respectively. BREEDING was cited for longline fishing for reef fish inside a closed area.

NOAA/NMFS enforcement personnel (agents and enforcement officer) from Slidell, LA, were notified by GCEL that several cases investigated by the office had been acted upon as follows:

A Notice of Violation and Assessment (NOVA) in the amount of \$30,000.00, a 45 day permit sanction, and a Notice of Proposed Forfeiture for the seized proceeds in the amount of \$34,273.75 were issued to the F/V KIM THANH PN for affixing live bait to pelagic long line.

The fishing vessel BILLY B was issued a NOVA in the amount of \$3,500.00 for violation of the Magnuson Stevens Fishery Conservation and Management act. The BILLY B was in possession of undersized Red Snapper and in possession of filleted finfish.

The F/V CECELIA II reached a NOVA settlement agreement in the amount of \$12,500. The vessel was originally sent a \$30,000 NOVA and 60 day Notice of Permit Sanction (NOPS) for illegally using live bait while actively fishing with pelagic long line gear in Federal EEZ Waters.

Mr. Glenn COLEMAN and Mr. Dwight ANDREWS were issued a \$3,500 NOVA for illegally landing 79 red snapper during a closed season and 4 red drum (prohibited species) while fishing in Federal EEZ Waters.

The F/V VIET PRIDE recently settled a NOVA in the amount \$2,250.00 and a 15 day permit sanction for failing to land fish intact.

A NOVA, in the amount of \$4,462.50, was issued to Tran Van HA the owner operator of the fishing vessel SEA HORSE. This vessel was cited for failure to maintain shark in its proper form.

NOAA/NMFS agents from Galveston, TX, were notified by GCEL that several cases they had investigated had been acted upon as follows.

The F/V ST PAUL PETER was assessed a \$30,000 NOVA and a 30 day permit sanction for fishing with live bait attached to long line gear in the Gulf of Mexico. The NOVA also includes

the forfeiture of \$11,500 worth of illegal catch.

A \$9,000 NOVA and 30 days Notice of Permit Sanction was issued in a case involving a commercial reef fish vessel with a Gulf Red Snapper IFQ Endorsement.

The investigation showed, on at least three (3) separate occasions, the owner/operator of the vessel failed to have an adequate amount of IFQ allocation at the time of landing and offload.

#### LACEY ACT

NOAA/NMFS agents from Slidell, LA, were notified by the AUSA in the Eastern District of Louisiana that John R. SMITH, owner of CAPTAIN JOHNNY SMITH's OYSTERS was sentenced in Federal Court for criminal violation of the Lacey Act.

SMITH claimed financial hardship and provided support documentation that persuaded the magistrate to go below the sentencing guidelines and plea agreement previously accepted. SMITH illegally purchased, processed and subsequently transported across state lines over a million dollars worth of oysters.

SMITH was sentenced to a \$5000 criminal penalty, \$250 restitution, \$25 special court assessment and one (1) year probation.

#### MMPA

NOAA/NMFS agents from Galveston, TX, received notification from NOAA GCSE that Hamlin Johnston of Matagorda, TX was issued a \$1,000.00 penalty for the unlawful take of a Marine Mammal (Porpoise) in the Gulf of Mexico. This incident occurred on the

## Enforcement Report *continued from page 8*

commercial red snapper vessel, F/V ANGELA C.

### COPPS/OUTREACH

NOAA/NMFS agents from Galveston, TX, met with the tournament organizer of a local fishing tournament that included the targeting of HMS Sharks. The tournament had not registered in the past, nor do the operators of vessels obtain the required HMS Angling permits.

It was made very clear to the organizer that we would be inspecting and enforcing these regulations during the upcoming year.

As a result of this outreach, the tournament and many others will come into compliance with HMS requirements.

NOAA/NMFS agents from Slidell, LA, gave a presentation to the Aqua Aces Recreational Spearfishing Club. Agents explained the NOAA OLE mission to club members and discussed the laws NOAA OLE enforces, specifically those that effect recreational fishers.

NOAA/NMFS agents from Galveston, TX, met with an HMS tournament organizer responsible for the Texas Deep Sea Rodeo. The tournament has been advertising categories of HMS fish such as tuna and marlin, but has not registered as of yet. It is scheduled for the last week in July.

The organizer agreed to bring the tournament into complete compliance and was appreciative of the outreach effort by the agents.

NOAA/NMFS agents from Galveston, TX, represented NOAA OLE at the NOAA OCEAN DISCOVERY DAY in Galveston, Texas. This event was sponsored by the Flower Garden Banks National Marine Sanctuary.

Exhibits will include ongoing projects by NOAA offices, hands on educational activities, displays of the history of Fort Crockett (now the NOAA facility), tours of the turtle facility, walking tours of the grounds, and other exciting exhibits showcasing the many local programs that directly affect the community.

This year's featured guests are Jacqueline Stanley and Joel Hickerson.

### VMS & Other Enforcement Technologies

A SED VMS Technician detected a vessel fishing inside the Gulf of Mexico Longline Buoy Gear Restricted Area (LLBGRA) while conducting bottom long lining. NOAA/NMFS Agents from St. Petersburg, FL requested the USCGC HAWK respond which intercepted and escorted the vessel back to port for further investigation.

Based on the investigative efforts, the agents seized and sold the vessels catch which consisted of 3,312 lbs (\$11,192.25) of reef fish. A SED VMS Technician detected that a Pelagic Longline vessel had remained stationary at a known live bait site off the Mississippi Delta before proceeding offshore to commence longlining.

The CGC RESOLUTE was diverted to board the vessel and located the aft tanks filled with live baitfish which is prohibited for Gulf Pelagic Longlining. The vessel was escorted into Venice, LA where NOAA/NMFS Agents seized the catch consisting of six Yellowfin Tuna which sold for \$2100.

A SED VMS Technician detected a Pelagic Longline vessel longlining in both the High Seas and Bahamian waters without a high seas permit.

The vessel was tracked as it continued fishing well offshore before it proceeded up the east coast.

The vessel's ETA was passed to NOAA/NMFS Agents in Morehead City, NC who met the vessel and conducted a boarding. Based on their investigative efforts, the agents seized the catch consisting of 2,772lbs of assorted fish which sold for \$7,630.

A SED VMS Technician detected that a Pelagic Longline vessel had visited three known live bait sites south of Grand Isle, LA before proceeding offshore to commence longlining. The VMS staff tracked the vessel and an offshore boarding was coordinated with Coast Guard District Eight as the vessel was over 200NMs offshore.

The CGC RESOLUTE boarded the vessel and located two aft tanks containing over 400 live baitfish. The vessel was escorted back to Grand Isle, LA where NOAA/NMFS Agents seized the catch consisting of 27 Yellowfin Tuna and two Bluefin Tuna which sold for \$11,000.

A SED VMS Technician detected a fishing vessel inside the Gulf of Mexico Longline Buoy Gear Restricted Area (LLBGRA) while conducting bottom longlining. NOAA/NMFS Agents from Niceville, FL requested that FWC respond. FWC intercepted the vessel and cited them for fishing within the LLBGRA.

A SED VMS Technician detected a fishing vessel anchored inside the Tortugas Ecological Reserve. NOAA/NMFS Agents from Key West, FL notified the FL FWCC who arranged for a Dry Tortugas National Park Service Officer to board the vessel and cite them for anchoring inside a closed Ecological Reserve.



The Gulf Council would like to hear from you! Please contact us regarding fishery questions, comments, or concerns you would like to see covered in the **Gulf Fishery News**. Anyone interested in submitting information, such as articles, editorials, or photographs pertaining to fishing or fisheries management is encouraged to do so. Submissions may be mailed to Charlene Ponce, Public Information Officer, Gulf of Mexico Fishery Management Council, 2203 N. Lois Avenue, Suite 1100, Tampa, FL 33607.

Materials can also be sent via fax to 813-348-1711, or by e-mail to [charlene.ponce@gulfcouncil.org](mailto:charlene.ponce@gulfcouncil.org).

The Gulf of Mexico Fishery Management Council is one of eight regional fishery management councils established by the Magnuson-Stevens Fishery Conservation and Management Act of 1976. The Council is responsible for the development and modification of fishery management plans (FMPs) that are designed to manage fishery resources in the exclusive economic zone (EEZ) of the Gulf of Mexico from state boundaries to the 200-mile limit.

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A publication of the Gulf of Mexico Fishery Management Council Pursuant to National Oceanic and Atmospheric Administration Award No. NA05NMF4410003

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*Protecting our marine resources*

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