



GULF FISHERY NEWS



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GULF FISHERY NEWS is a publication of the Gulf of Mexico Fishery Management Council for persons interested in the Gulf's fishery resources. Editor: Steven Atran.

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NEW RULES FOR GROUPEL FISHING EFFECTIVE JULY 15, 2004

New rules to end overfishing and rebuild the red grouper resource in the Gulf of Mexico, and to prevent unintended consequences to other fisheries from effort shifting, have been approved by NOAA Fisheries. These new rules implement the approved regulatory actions in Secretarial Amendment 1 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, and are effective July 15, 2004.

The new rules will:

1. Establish a red grouper commercial quota of 5.31 million pounds (MP), gutted weight (GW).
2. Establish a shallow-water grouper commercial quota of 8.80 MP, GW.
3. Include a provision that would close the entire shallow-water grouper commercial fishery when either the red grouper quota or the

shallow-water grouper quota is reached.

4. Establish a deep-water grouper commercial quota of 1.02 MP, GW.
5. Establish a commercial quota of 0.44 MP, GW, for all tilefishes in the management unit, combined.
6. Establish a 2-fish red grouper recreational bag limit (within the aggregate 5-fish grouper bag limit).

NOAA Fisheries has prepared a Regulatory Impact Review (RIR) and a Final Regulatory Flexibility

NEXT COUNCIL MEETING

September 13-17, 2004
Edgewater Beach Resort
11212 Front Beach Road
Panama City Beach, Florida 32407



Analysis (FRFA) that augments the findings of the FMP's RIR. The FRFA is available from the Fisheries Economics Office, NOAA Fisheries Southeast Regional Office, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Written copies of the final rule may be obtained from the NOAA Fisheries Southeast Regional Office, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Electronic copies of the final rule may be obtained from the *Federal Register* website at <http://www.gpoaccess.gov/fr/index.html>.

Additional Quota Monitoring Information

The Southeast Fisheries Science Center has provided the following preliminary landings estimates for the Gulf grouper commercial fishery for the period January 1, 2004, through June 30, 2004. All landings are in pounds gutted weight.

Since the deep-water grouper fishery is already estimated to have reached the new quota of 1.02 million pounds, the deep-water grouper fishery closed at 12:01 a.m. local time on July 15, 2004 when the new quota took effect.

Shallow-water grouper landings for January through June 2004.**

Month	Adjusted Weight***
Jan	824,395
Feb	516,139
Mar	386,640
Apr	938,036
May	793,979
June	493,897
Total	3,953,086
Quota	8,800,000 pounds gutted weight

Deep-water grouper landings for January through June 2004.**

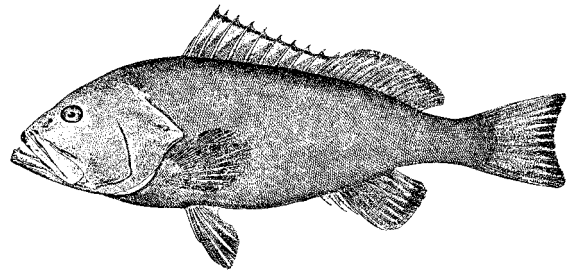
Month	Adjusted Weight***
Jan	96,529
Feb	165,838
Mar	245,468
Apr	227,745
May	196,562
June	102,458
Total	1,034,600
Quota	1,020,000 pounds gutted weight

Red grouper landings for January through June 2004.**

Month	Non-Adjusted Weight***
Jan	479,361
Feb	348,259
Mar	182,282
Apr	468,649
May	438,703
June	344,320
Total	2,261,574
Quota	5,310,000 million pounds gutted weight

** Source: Southeast Fisheries Science Center, Quota Monitoring Program, Miami, Florida.

*** Adjusted means that the quota monitoring data are expanded by 3.5% for shallow-water grouper and 7% for deep-water grouper to account for dealers that were not selected to report and may have purchased these species. Note, the "adjustments" have been changed as a result of quality assurance (QA) analyses for the data from January-March. The QA analyses indicated that the red grouper data do not need to be adjusted for non-selected dealers.



PUBLIC TESTIMONY ON GROUPEL QUOTAS AND TRIP LIMITS SCHEDULED DURING REEF FISH COMMITTEE SESSION OF SEPTEMBER COUNCIL MEETING

The quota closure of the commercial deep-water grouper fishery on July 15 and the possibility of a quota closure later in the year for shallow-water grouper has raised concerns among commercial grouper fishermen about disruptions to the fishery from extended closed seasons. Trip limits have been suggested as a way to achieve a year-round grouper season and avoid these disruptions. The Council is seeking input from commercial fishermen as to whether a trip limit should be implemented for

groupers, and if so, what that limit should be. Consequently, the Council has scheduled a special public testimony session specifically for this issue. **Public testimony on the issue of grouper quotas and commercial trip limits will be taken during the Reef Fish Committee meeting of the September Council meeting in Panama City Beach, on Tuesday, September 14, 2004 from 1:00 pm until 5:30 pm at the Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida 32407.** Please note that this public testimony is limited to 2 hours and is separate from the regular public testimony session before the full Council on Thursday of that week. Associations should select spokespersons to present their views.

SCOPING HEARINGS ON THE RED SNAPPER INDIVIDUAL FISHING QUOTA (IFQ) DOCUMENT SCHEDULED

The Gulf of Mexico Fishery Management Council (Council) will hold 10 hearings on a scoping document to solicit public input on the alternative that should be used for an amendment that will create an individual fishing quota (IFQ) program for the commercial red snapper fishery. The scoping document presented at the hearings will consist of two parts. First it includes a section on vessel monitoring systems (VMS) with alternatives for requiring (or not requiring) participants in the red snapper IFQ program to have VMS to enhance the enforceability of the IFQ program. The second and principal part of the scoping document is an IFQ profile which contains numerous alternatives for structuring the IFQ program. The Council is soliciting public comment on which of these alternatives, and for other alternatives, that should be considered by the Council in developing the IFQ program. Persons with commercial reef fish licenses will be mailed a copy of the scoping document. Others may obtain a copy from the Council's web page: <http://www.gulfcouncil.org> or by calling 813-228-2815. The Council is soliciting public comment on these issues through the scoping hearings, by mail and by e-mail; and must be received by the Council on or before September 3, 2004.

The public hearings will be held beginning at 7:00 p.m. and concluding no later than 10:00 p.m. at the following locations and dates:

Wednesday, August 11, 2004

Harrah's Lake Charles Casino Hotel
505 N. Lakeshore Drive
Lake Charles, LA 70601
337-437-1546

Thursday, August 12, 2004

Holiday Inn Houma
210 S. Hollywood Road
Houma, LA 70360
877-800-9383

Friday, August 13, 2004

Hilton New Orleans Airport
901 Airline Drive
Kenner, LA 70062
504-469-5000

Monday, August 16, 2004

Holiday Inn Emerald Beach
1102 South Shoreline Boulevard
Corpus Christi, TX 78401
361-883-5731

Tuesday, August 17, 2004

Palacios Recreation Center
2401 Perryman
Palacios, TX 77465
361-972-2387

Wednesday, August 18, 2004

The San Luis Resort
5222 Seawall Boulevard
Galveston, TX 77551
409-740-8616

Monday, August 23, 2004

MS Department of Marine Resources
1141 Bayview Drive
Biloxi, Mississippi 39530
228-374-5000

Tuesday, August 24, 2004

Perdido Beach Resort
27200 Perdido Beach Blvd.
Orange Beach, AL 36561
251-981-9811

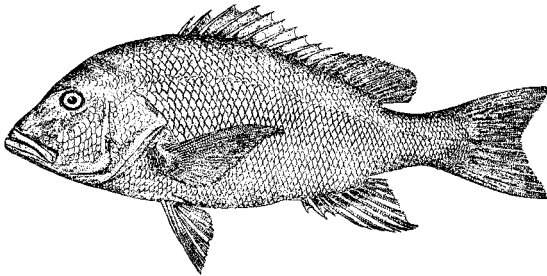
Monday, August 30, 2004

National Marine Fisheries Service
3500 Delwood Beach Road
Panama City, Florida 32408
850-234-6541

Tuesday, August 31, 2004

Radisson Bay Harbor Hotel
7700 Courtney Campbell Causeway
Tampa, Florida 33607
813-281-8900

These meetings are open to the public and are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office by August 6, 2004.



COUNCIL SEEKS SCIENTISTS FOR AN ECOSYSTEM SSC

The Gulf Council is seeking scientists with a background and interest in ecosystem issues to serve on an Ad Hoc Ecosystem Scientific and Statistical Committee (SSC). The SSC will review the scientific input and provide recommendations to the Council's newly formed Ecosystem Management Committee as it develops ecosystem approaches to fishery management in the Gulf of Mexico. Appointments to the SSC will be made at the September 13-17, 2004 Council meeting. If you are interested, please submit a letter indicating your interest and a vitae by August 31, 2004 to the Gulf of Mexico Fishery Management Council, 3018 North U.S. Highway 301, Suite 1000, Tampa, Florida 33619-2272 (or fax to 813-225-7015 or e-mail to gulfcouncil@gulfcouncil.org).

COUNCIL SEEKS MEMBERS FOR A REEF FISH IFQ AP

At the Council meeting in Houston, the Council voted to begin work on an individual fishing quota (IFQ) plan for the entire reef fish fishery, including both commercial and recreational sectors. Several Council members have expressed concern that single species management often results in unintended consequences on other fisheries or closed seasons that result in disruptions to both commercial and recreational fishing. A major drawback of closed seasons is increased release mortality of the species under a season closure while fishermen target other species.

A comprehensive plan of management that deals with reef fish species in a multi-species strategy can help to address the problems created by single species management. A core component of such a strategy might be an IFQ system that could reduce or eliminate the need for closed seasons. For the commercial sector, the IFQ system currently under development for red snapper would continue to be developed, but an IFQ that applies to all reef fish would also be given consideration. For the recreational sector, a system such as the tarpon tag program used by some states is a form of IFQ that could possibly be used as a starting point for developing a recreational reef fish IFQ system. Development of a comprehensive reef fish IFQ system will not happen overnight. In addition to allocation and distribution procedures, a data collection system will need to be developed to monitor the effectiveness of such a system. Also, consideration will need to be given to creating an IFQ system that can be effectively enforced for both the commercial and recreational sectors.

To assist in the development of a reef fish IFQ system, the Council will form an Ad Hoc Reef Fish IFQ Advisory Panel. Persons are being sought who would be interested in serving on this panel. Appointments to the panel will be made at a subsequent Council meeting. If you are interested, please submit a letter indicating your interest and a vitae to the Gulf of Mexico Fishery Management Council, 3018 North U.S. Highway 301, Suite 1000, Tampa, Florida 33619-2272 (or fax to 813-225-7015 or e-mail to gulfcouncil@gulfcouncil.org).

THE GULF OF MEXICO FISHERY MANAGEMENT COUNCIL WELCOMES TWO NEW COUNCIL MEMBERS

At its July meeting, the Gulf Council said goodbye to Council members Irby Basco (Texas) and David Saucier (Mississippi). Their terms will expire on August 10th, 2004. Irby Basco is completing his third consecutive 3-year term and is not eligible to serve another consecutive term. David Saucier is completing one 3-year term and elected not to seek reappointment. Each received a plaque stating the appreciation the Council has had for their tireless service.

Two new members to the Council were appointed by the Secretary of Commerce to fill these two open positions, and one Council member was reappointed to a second term. The Council welcomes Norman D. Adams III from Texas and Philip D. Horn from Mississippi. In addition, Julie Morris from Florida was re-appointed to a second term with the Council. The following are brief biographies of these members:

Degraaf Adams III - Mr. Adams is a resident of Richmond, Texas. He is employed by Aon Corporation, the second largest insurance brokerage in the world, where he serves as vice-president in Houston specializing in marine and energy insurances. Some of his duties have included insuring commercial shrimp vessels, and fish farms both onshore and offshore. Mr. Adams is a past President of the Coastal Conservation Association's (CCA) Houston Chapter, and presently serves on CCA's Texas State Board of Directors, Texas State Executive Board, and National Board of Directors. He is a past Chair of the Galveston National Bay Estuary Program and currently serves on its Management Council. Mr. Adams also currently serves on the Gulf States Marine Fisheries Commission's Commercial/Recreational Advisory Council and the NOAA Fisheries Methylmercury in Fisheries Advisory Committee.

Philip D. Horn - Mr. Horn is a seafood dealer/processor with Clark Seafood in Pascagoula, Mississippi. He was previously a Gulf Council member for three consecutive 3-year terms, 1989-1998, and served as Chair of the Council in 1992/1993. Since he has been off of the Council for many years, he is again eligible for appointment for up to three consecutive terms. Mr. Horn served as a Commissioner for the Mississippi Commission on

Marine Resources from 1998 to 2000. He was a member of the Gulf Council's Red Snapper Advisory Panel and Reef Fish Advisory Panel from 1998 to 2004. He presently serves on the Gulf States Marine Fisheries Commission's Commercial Fisheries Advisory Committee, and he is a Trustee for the Gulf and South Atlantic Fisheries Foundation.

Julie Morris - Ms. Morris was originally appointed to the Council in 2001 and has been re-appointed to a second consecutive term. She moved to Sarasota Florida in 1970 after spending her childhood in southeastern Wisconsin. She graduated from New College in 1974 with a degree in biology/ecology. She worked as an environmental consultant for several years and then became the coordinator of the New College Environmental Studies Program. She currently is co-director of Environmental Studies and Assistant to the Provost at New College of Florida. She has held many state and national volunteer leadership positions in the Sierra Club. Ms. Morris was a charter member of Florida's Nongame Wildlife Advisory Council in the 1980s and has served on the Board of The Myakka Conservancy, Inc. (a local land trust) since 1990. In 1992 she was appointed Commissioner of the Florida Game and Freshwater Fish Commission, and reappointed in 1997. She served as the first Chair of the newly created Florida Fish and Wildlife Conservation Commission during 1999 and 2000. As a Council member, she has served as Chair of the Council's Habitat Protection Committee, Spiny Lobster Management Committee, and Ad Hoc Ecosystem Committee. In September 2003, she was elected Vice-Chair of the Gulf Council for the 2003/2004 year.

COUNCIL FINALIZES REEF FISH AMENDMENT 23 (VERMILION SNAPPER REBUILDING PLAN)

The Gulf Council reviewed public comments on Reef Fish Amendment 23 (vermilion snapper) at the July 12 - 15 meeting in Houston. The plan calls for the vermilion snapper stock to be rebuilt to its maximum sustainable yield of 3.37 million pounds by the end of 2013 using a stepped approach to control fishing effort. To achieve this rebuilding an initial overall harvest reduction of 25.5 percent is needed. However, in recent years the proportion of harvest taken by the commercial sector has increased from its

historical level of between 67 and 73 percent¹ to 79 percent. To compensate for this trend, the proposed regulatory changes are intended to achieve a slightly smaller reduction for the recreational fishery (21.5 percent) and a slightly higher reduction for the commercial sector (26.5 percent) while maintaining the overall 25.5 percent reduction.

For the recreational fishery, the Council selected an 11-inch minimum size and a 10-fish bag limit which will remain a part of the already established 20-fish aggregate bag limit for lane snapper, vermilion snapper, gray triggerfish, Almaco jack and tilefishes. For the commercial fishery, the Council was initially unable to decide on a single preferred alternative based on the public hearings and testimony at the Council meeting. Therefore, the Council formed an emergency ad hoc advisory panel of commercial fishermen present at the meeting to discuss options that would satisfy the proposed 26.5 percent commercial harvest reduction and be acceptable to the commercial fishermen who would be impacted. The result of that ad hoc advisory panel discussion was a number of suggestions all of which involved closed seasons. The Council subsequently chose an 11 inch minimum size and a forty day seasonal closure from April 22 through May 31 for the commercial fishery.

The Council will review the final document at their September 13 - 17, 2004 meeting in Panama City Beach and if approved, the document will be submitted to the Secretary of Commerce for implementation sometime before the October 30 deadline. The public will invited to comment on this rebuilding plan at that meeting on Thursday, September 16, at 8:45 am.

The Council's preferred alternatives for vermilion snapper are:

Section 4.1 - Biological Reference Points and Status Determination Criteria

Maximum Sustainable Yield (MSY) = 3.37 million pounds based on the output from the most recent stock assessment which was conducted in 2001.

¹ Reef Fish Amendment 1 calculated the proportion of vermilion snapper caught during 1979-1987 to be 67 percent commercial, 33 percent recreational. However, in 2004, NOAA Fisheries recalculated the proportion to be 73 percent commercial, 27 percent recreational based on revised estimates from the Marine Recreational Fishery Statistics Survey for the years 1981-1987 (1979-1980 were not used because the data from those years had not been computerized and are no longer available.)

Optimum Yield (OY) = the yield obtained by fishing at $0.75 * F_{MSY}$ which would be equal to approximately 94 percent of MSY, or 3.17 million pounds.

Maximum Fishing Mortality Threshold (MFMT) = equals F_{MSY} which would be a fishing mortality rate of 0.32.

Minimum Stock Size Threshold (MSST) = $(1-M) * B_{MSY}$ which would equal about 7.95 million pounds.

Section 4.2.2 - Rebuilding Strategy

Stepped Strategy - Hold harvest constant for an initial 4-year interval, then steps to two 3-year constant harvest intervals thereafter. The allowable annual harvest for the initial 4-year interval is 1.475 million pounds and equates to a 25.5 percent reduction in harvest based on the 2003 predicted landings.

Section 4.2.3.2 - Recreational Harvest Reduction Alternatives

Minimum Size Limit - 11 inches total length.

Bag limit per Person - 10 fish, which will be counted as part of the 20 fish aggregate bag limit for lane snapper, vermilion snapper, gray triggerfish, Almaco jack, and tilefishes.

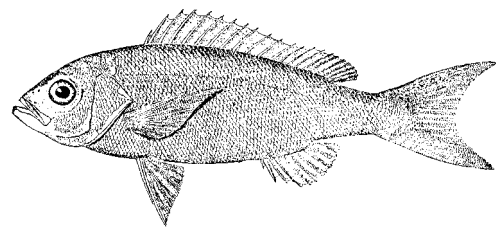
Note: This set of alternatives achieves a 21.5 percent harvest reduction in the recreational fishery.

Section 4.2.3.3 - Commercial Harvest Reduction Alternatives

Minimum Size Limit - 11 inches total length.

Closed Season - April 22 through May 31.

Note: This set of alternatives achieves a 26.3% harvest reduction in the commercial fishery.



REPORT RELEASED ON METHYL MERCURY IN THE GULF OF MEXICO

In June 2004, the Interagency Working Group on Methylmercury released a report titled *Methylmercury in the Gulf of Mexico: State of Knowledge and Research Needs*. The findings of this report were summarized for the Council at its July meeting by Columbus Brown, the Council's U.S. Fish and Wildlife Service representative. For several issues related to better understanding methylmercury, the Working Group report focused on what we know, what we don't know, and priority research needs.

Sources of Mercury

Most anthropogenic mercury comes from combustion of mercury-containing fuels or waste of both nearby and distant sources. However, within the Gulf of Mexico region, the relative importance of different source types and source regions to mercury deposition is not known.

Cycling, Fate, and Chemical Form of Mercury

Mercury is generally emitted from combustion sources in a gaseous elemental or ionic form, and is converted to Methylmercury through a process called methylation. Microbes are the primary methylating agents in the environment. Methylmercury bioaccumulates in organisms and biomagnifies upward in the food web, resulting in higher concentrations of mercury in predatory fish. There are no offshore Mercury Deposition Network sites in the Gulf of Mexico region, and extremely few studies on offshore mercury deposition rates. Little information is currently available on mercury methylation in marine systems.

Concentration and Regional Distribution of Mercury in Fish

Mercury data for fish and shellfish in the Gulf of Mexico region are collected by some agencies, but several states are just beginning to monitor estuarine and marine fish. States coordinate their mercury analysis methods via the Southern States Mercury Task Force. In addition, the NOAA Synoptic Survey of Total Mercury in Recreational Finfish of the Gulf of Mexico compares mercury levels in various species of fish from multiple geographic locations. Distribution of mercury in Gulf fish is not known in detail and there are substantial gaps in the data.

Risk Characterization for Methylmercury Exposure

Humans acquire methylmercury primarily by eating fish and shellfish that contain methylmercury. Developing fetus is most sensitive to exposure. Women of childbearing age are regarded as the population of greatest interest, but others may also be at elevated risk of methylmercury toxicity because of fish eating habits. Far higher blood levels of methylmercury are found in: 1) fishermen, 2) people eating fish for health reasons, and 3) people with a cultural or ethnic preference for fish.

Risk Management and Mitigation

Use and release of mercury in products and industrial processes has been reduced both nationally and

globally. Recent reductions in methylmercury in the Florida Everglades are likely the result of targeting specific mercury sources within the region, and similar reductions may be possible for some estuarine and marine water bodies in the Gulf of Mexico region. Efforts to reduce mercury emissions from coal-fired power plants in the United States are ongoing, both legislatively and through the rulemaking process. In addition, the risk of methylmercury exposure may be reduced through careful monitoring and communication of mercury levels in fish. State and Federal agencies currently issue advisories for mercury in fish, and a Gulf-wide advisory is currently under consideration. The EPA and FDA currently advise that women of childbearing age and young children avoid eating shark, swordfish, king mackerel, or tilefish. For others, the recommendations are to eat up to 12 ounces (2 average meals) a week of a variety of fish and shellfish that are lower in mercury (such as shrimp, canned light tuna, salmon, pollock, and catfish). Since albacore (white) tuna has more mercury than canned light tuna, you may eat up to 6 ounces (one average meal) of albacore tuna per week. Recreational anglers should check local advisories about the safety of fish caught in local lakes, rivers, and coastal areas. If no advice is available, eat up to 6 ounces per week of fish you catch from local waters. For young children, recommendations are the same, only smaller portions.

Structure and Process to Address Mercury Issues in the Gulf of Mexico Region

The working group report identified a number of research and information priorities. The Interagency Working Group on Methylmercury recommends that the research and information priority areas identified in the report be provided to the Program Director of the EPA's Gulf of Mexico Program for consideration in the science and budget planning processes of the Program, and that the Gulf of Mexico Program develop and update a research strategy for Federal agencies to address mercury issues in the Gulf of Mexico region that will be implemented through the planning and budget processes of its member agencies.

The complete report of the Interagency Working Group on Methylmercury is available on the internet at:

<http://www.ostp.gov/html/MethylmercuryGulfMexicoNSTC04.pdf>.

NOAA ENFORCEMENT NOVA QUARTERLY REPORT

April 1, 2004 through June 30, 2004

Case No.	Respondent's Name	Vessel Name	Area	LE Unit	Case Description	NOVA Amount	NOPF Amount	NOPS Duration
SE020262FM	Bradley J. Whetstone The Rhonda M, Inc.	RHONDA M	GOM	FFWCC/ NMFS	exceed recreational shark limit and/or fail to maintain shark in its proper form	\$12,000.00		30 days
SE025412MS	Geraldo Dieguez	JERRY II	FKNMS	FFWCC	operate a vessel in such a manner as to strike or injure coral, seagrass or other immobile organism including prop scarring	\$ 650.00		
SE025414MS/ FM	Robert Sierpiejko William Roberts Leopoldo Planell	LUCKY LINDY	FKNMS	NMFS/F FWCC	fish in Tortugas South Ecological Reserve and/or fish during area closure	\$15,000.00	19 fish traps	30 days
SE030177FM	William M. Ward, III Captain's Finest Seafood, Inc.	i) SUNDOWNER ii) DOG GONE iii) VALKYRIE iv) JOSHUA v) BARBARA J vi) PELAGIA ELLIE vii) BENJAMIN K viii) SCORCHER ix) DAISY MAI VI x) JOLLY ROGER II xi) KING'S KID xii) DOUBLE VISION xiii) WHALER xiv) unidentified	GOM	NMFS	i - xiv) purchase Gulf reef fish without Federal reef fish dealer permit	i) \$ 8,000.00 ii) \$ 400.00 iii) \$ 4,000.00 iv) \$ 800.00 v) \$ 2,800.00 vi) \$ 800.00 vii) \$ 2,000.00 viii) \$ 800.00 ix) \$ 400.00 x) \$ 6,800.00 xi) \$ 800.00 xii) \$ 800.00 xiii) \$ 400.00 xiv) \$1,200.00		175 days
SE030332FM	Robert Kane Janice Ann, Inc.	JANICE ANN	So.Atl./ Bahamian EEZ	NMFS	i) land/sell fish harvested contrary to regulations of another country ii) fail to comply with restrictions on sale and purchase of swordfish	i) \$10,000.00 ii) \$ 1,500.00		30 days
SE030369FM	<u>Rio San Marcos, Inc.</u> Felix Lopex-Garcia (charged individually)	RIO SAN MARCOS	GOM	USCG TPW NMFS	fishing for shrimp without a permit	<u>\$30,000.00</u> \$ 1,500.00		
SE030397FM	Glenn Untermeyer Kelli Untermeyer	LUCKY U	GOM	USCG	i) TED violation ii) TED violation iii) destroy, stave, damage or dispose of fish or gear, cargo or other matter after communication from officer	i) \$ 8,000.00 li) \$ 8,000.00 iii) \$ 3,000.00		
SE030421ES	Hong Van Nguyen	JIMMY & JOHNNY, JR.	So. Atl.	GDNR	TED violation	\$6,000.00		

Case No.	Respondent's Name	Vessel Name	Area	LE Unit	Case Description	NOVA Amount	NOPF Amount	NOPS Duration
SE030422ES	Miss Carly Paige, Inc. Joseph Bennett	MISS CARLY PAIGE	So. Atl.	GDNR	TED violation	\$7,500.00		
SE035165MS	Kevin Rivero	FL3650KA	FKNMS	FFWCC	operate a vessel in such a manner to strike or otherwise injure coral, seagrass or other immobile organism including prop scarring	\$ 650.00		
SE035251MS	Thomas A. Contreras	FL2378KG	FKNMS	FFWCC	spearfishing in Key Largo Management Area	\$ 650.00		
SE035272MS	Ignacio R. Yartu	FL4836KA	FKNMS	FFWCC	spearfishing in Key Largo Management Area	\$ 650.00		
SE035315MS	Michael A. Konders	FL4349GU	FKNMS	FFWCC	fish in sanctuary preservation area	\$ 650.00		
SE035333MS	Pedro S. Perez	FL9724EN	FKNMS	FFWCC	spearfishing in Key Largo Management Area	\$ 1,500.00		
SE035334MS	Roberto A. Guerra	FL9724EN	FKNMS	FFWCC	spearfishing in Key Largo Management Area	\$ 1,500.00		
SE035335MS	Maikel Llanes	FL2489BK	FKNMS	FFWCC	spearfishing in Key Largo Management Area	\$ 1,500.00		
SE035336MS	Yunior Lorenzo	FL2489BK	FKNMS	FFWCC	spearfishing in Key Largo Management Area	\$ 1,500.00		
SE035338MS	Asley Valdespino	FL2489BK	FKNMS	FFWCC	spearfishing in Key Largo Management Area	\$ 1,500.00		
SE035339MS	Javier A. Bravo	FL2489BK	FKNMS	FFWCC	spearfishing in Key Largo Management Area	\$ 1,500.00		
SE035360MS	Alan O. Kay	FL2827AY	FKNMS	FFWCC	operate a vessel in such a manner to strike or otherwise injure coral, seagrass or other immobile organism including prop scarring	\$2,500.00		
SE035377MS	Brian Cone	FL4892MA	FKNMS	FFWCC	fish in sanctuary preservation area	\$3,000.00		
SE040003MM	<u>Austin Webber</u> <u>Oscar Rangel</u> <u>Carl Hubbell</u> (charged individually)	N/A	N/A	NMFS	possess and/or transport a marine mammal	<u>\$3,000.00</u> <u>\$ 500.00</u> <u>\$ 500.00</u>		
SE040011FM	Gary Gibbs	GETYA SUM	GOM	USCG	fish in closed area (Madison-Swanson sites)	\$5,000.00		
SE040020FM	Vin Del Mar Fisheries, Inc. Sebastian Scola	MIDNIGHT SUN	GOM	FFWCC/ NMFS	i) shark finning ii) impede or interfere with an NMFS-approved observer	i) \$3,480.00 ii) \$10,000.00	\$1,740.00	30 days
SE040051FM	Peter G. Fill	YANKEE STAR	GOM	NMFS	fish for Atlantic shark with unauthorized gear (harpoon)	\$2,500.00		
SE040055FM	Joe A. Stokley Francis Dailey	NETTIE Q	GOM	USCG	i) fish during closure and/or possess undersize red snapper ii) possess prohibited species (red drum)	I) \$2,500.00 II) \$ 600.00		

Case No.	Respondent's Name	Vessel Name	Area	LE Unit	Case Description	NOVA Amount	NOPF Amount	NOPS Duration
SE040077FM	Carrabelle Dive Charters, Inc. Clay W. Bailey	TERMINATOR	GOM	NMFS/ FFWCC	fish during red snapper closure	\$8,000.00	\$1,672.00	15 days
SE040094FM	Gulf Coast Harvest, Inc. Phi Van Pham	CAPT. MAI	GOM	USCG	fish during recreational and commercial red snapper closure	\$ 750.00		
SE040104ES	Dinh Nguyen	BIG LUCAS	GOM	USCG	TED violation	\$8,000.00		
SE040135ES	Giong V. Nguyen M&S Marine, Inc.	AMERICAN GULF	GOM	USCG	TED violation	\$8,500.00		
SE043016FM	James M. Griffin	FL1854KL	GOM	NMFS/ FFWCC	fish in closed area (Madison & Swanson sites)	\$4,000.00		
SE043023FM	Mark J. McMillen	FL1145CW	GOM	NMFS/ FFWCC	fish during recreational red snapper closure	\$ 750.00	\$247.50	
SE043024FM	Calvin L. Bodenstein	BOGIE III	GOM	NMFS/ FFWCC	fish during recreational red snapper closure	\$1,500.00	\$161.25	
SE043025FM	Robert E. Bowles, Jr.	FL1273MH	GOM	NMFS/ FFWCC	fish during recreational red snapper closure	\$ 750.00	\$65.25	
SE043028FM	John W. Hawkins, Jr.	FL9194JN	GOM	NMFS/ FFWCC	fish during recreational red snapper closure	\$ 750.00		
SE043030FM	James E. Thiesen	FL5952MM	GOM	NMFS/ FFWCC	fish during recreational red snapper closure	\$ 750.00	\$150.75	
SE043035FM	John T. Rayburn	MI5509BH	GOM	MDMR/ NMFS	i) fish during recreational red snapper closure ii) fail to maintain Atlantic HMS in manner specified and/or possess Atlantic HMS less than minimum size and/or possess Atlantic HMS without valid permit	i) \$ 900.00 li) \$ 750.00		
SE045029MS	Third Tower, Inc. Jesus Guerra Moreno	HM TOWER	FKNMS	FFWCC	fish in Tortugas North Ecological Reserve	\$15,000.00		
SE045057MS	Miguel Enrique Espinosa	FL2464KK	FKNMS	FFWCC	fish in Conch Reef Special Use Area	\$ 650.00		
SE045068MS	Two Pirates, Inc. Phillip Beresford Clark	PIRATE'S SON	FKNMS	FFWCC	fish in Tortugas North Ecological Reserve	\$15,000.00		
SE045069MS	Eric Group, LLC Luis Torres Santiago	CAPT ERIC II	FKNMS	FFWCC	fish in Tortugas North Ecological Reserve	\$15,000.00		

**NOAA ENFORCEMENT SETTLEMENTS BETWEEN
APRIL 1, 2004 AND JUNE 30, 2004**

Case No.	Respondent Name	Area	LE Unit	Vessel Name	Case Description	Final Amount	Forfeited Amount	Days of Sanction
SE010509FM	David E. Morris Fleet Products, Inc.	GOM	USCG	TRACY & LANEE (now MISS ANGELA KAY)	BRD violation	\$1,500.00		
SE025420ES	Darrin M. Coulon	GOM	USCG	DRAKE'S DREAM	TED violation	\$1,500.00		
SE030397ES	Glenn Untermeyer Kelli Untermeyer	GOM	USCG	LUCKY U	i) TED violation ii) TED violation iii) destroy, stave, damage or dispose of fish or wildlife, gear, cargo or other matter after communication from authorized officer	\$9,575.28		
SE033050FM	Frank R. Lee Slightly North of Broad	S. Atl.	NMFS/SC	NA	purchase Atlantic HMS without dealer permit	\$1,000.00	\$32.50	
SE035361MS	William Stogsdill, Jr.	FKNMS	FFWCC	ALIENATION OF AFFECTION II	operate a vessel in such a manner as to strike or otherwise injure coral, sea grass or other immobile organism, including prop scarring	\$1,500.00		
SE035377MS	Brian D. Cone	FKNMS	FFWCC	FL4892MA	fish in a sanctuary preservation area	\$ 150.00		
SE035379MS	David Burchard MTG Charters LLC	FKNMS	FFWCC	COTTON RANCH	operate a vessel in such a manner as to strike or otherwise injure coral, sea grass or other immobile organism, including prop scarring	\$1,000.00		
SE035380MS	Theodore Reese	FKNMS	FFWCC	CADENCE	operate a vessel in such a manner as to strike or otherwise injure coral, sea grass or other immobile organism, including prop scarring	\$3,000.00		
SE040020FM	Sebastian Scola Vin Del Mar Fisheries, Inc.	GOM	FFWCC/ NMFS	MIDNIGHT SUN	i) shark finning ii) impede or interfere with an NMFS-approved observer aboard a vessel	\$6,740.00	\$1,740.00	
SE040051FM	Peter G. Fill	GOM	NMFS	YANKEE STAR	fish for Atlantic shark with unauthorized gear (harpoon)	\$1,500.00		
SE040077FM	Carrabelle Dive Charter, Inc. Clay W. Bailey	GOM	NMFS	TERMINATOR	fish during closure of commercial fishery for red snapper	\$5,280.00	\$1,672.00	15 days
SE040094FM	Phi Van Pham Gulf Coast Harvest, Inc.	GOM	USCG	CAPT. MAI	fish during closure of recreational and commercial fisheries for red snapper	\$ 600.00		
SE043023FM	Mark J. McMillen	GOM	NMFS FFWCC	FL1145CW	fish during closure of the recreational fishery for red snapper	\$ 600.00	\$ 247.50	
SE043024FM	Calvin L. Bodenstein	GOM	NMFS FFWCC	BOGIE III	fish during recreational red snapper closure	\$1,125.00	\$ 161.25	
SE043025FM	Robert E. Bowles	GOM	NMFS FFWCC	FL1273MH	fish during recreational red snapper closure	\$ 600.00	\$ 65.25	
SE043030FM	James E. Thiesen	GOM	NMFS FFWCC	FL5952MM	fish during recreational red snapper clousre	\$ 600.00	\$ 150.75	

**TENTATIVE AGENDA FOR THE SEPTEMBER
GULF COUNCIL MEETING**

COMMITTEE SCHEDULE

Monday, September 13, 2004

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

Joint Personnel/Administrative Policy Committees (**Tab I**)

- Disciplinary Action Section of SOPPs
- SEDAR Process and Pool Section of SOPPs

9:30 a.m. - 10:30 a.m.

Budget Committee (**Tab L**)

- 2005 - 2009 Budget

10:30 a.m. - 11:30 a.m.

Joint Reef Fish/Mackerel Management Committee (**Tab F**)

- Public Hearing Draft of Mackerel Amendment 15/EA
- Public Hearing Draft of Reef Fish Amendment 24/EA

- recess -

1:00 p.m. - 3:30 p.m.

Shrimp Management Committee (**Tab D**)

- NMFS BRD Technical Developments
- Proposed Revision of BRD Certification Rule
- Report on Shrimp Summit Meeting
- Draft Shrimp Amendment 13/SEIS

3:30 p.m. - 5:30 p.m.

Ecosystem Management Committee (**Tab E**)

- NMFS Ecosystem Management Presentation (Murawaski)
- SAFMC Approach to Ecosystem Management

- recess -

Tuesday, September 14, 2004

8:00 a.m. - 9:30 a.m.

Data Collection Committee (**Tab C**)

- NMFS Discussion of Recreational Data Needs and Update on Recreational Data Collection (Sminkey)

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

Habitat Protection Committee (**Tab J**)

- Preliminary Public Hearing Draft of Generic EFH Amendment
- Report on NMFS LNG Facilities Workshop (Rester)

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

Reef Fish Management Committee (**Tab B**)

- Final Reef Fish Amendment 23 (Vermilion Snapper Rebuilding Plan)

- Options Paper for Reef Fish 18A
- Scoping Comments on IFQ Profile
- Public Testimony on Grouper Quota and Trip Limits

- recess -

1:00 p.m. - 5:30 p.m.

Reef Fish Management Committee (Continued)

Wednesday, September 15, 2004

8:30 a.m. - 10:30 a.m.

Highly Migratory Species Committee (**Tab M**)

- NMFS HMS/Billfish Amendments
 - Billfish/HMS AP Recommendations
 - Shark/Oceanic SSC Recommendations

10:30 p.m. - 1:30 p.m.

Sustainable Fisheries Committee (**Tab G**)

- Draft Proposed Guidelines for National Standard One
 - SSC/SAP Comments
 - Committee Recommendations

-recess-

3:00 p.m. - 5:00 p.m.

Coral Management Committee (**Tab H**)

- Draft Letter on Oceana Petition for Rulemaking on Deep-Water Coral
 - Coral SSC/AP Recommendations
 - Committee Recommendations

5:00 p.m. - 5:30 p.m. (CLOSED SESSION)

Joint AP/SSC Selection Committees (**Tab O**)

- Appointment of 2 persons to the Ad Hoc Red Snapper AP
- Appointment of members to the Ad Hoc Ecosystem SSC

- recess -

COUNCIL SCHEDULE

Thursday, September 16, 2004

- I. Call to Order and Introductions - B. Walker (8:30 a.m. - 8:35 a.m.)
- II. Adoption of Agenda - B. Walker (8:35 a.m. - 8:40 a.m.)
- III. Approval of Minutes (**Tab A**) - B. Walker (8:40 a.m. - 8:45 a.m.)
- IV. Public Testimony - B. Walker
 - a. Reef Fish Amendment 23/EIS
 - b. Applications for Exempted Fishing Permits (EFPs)

(8:45 a.m. - 10:00 a.m.)

- V. Committee Reports
 - a. Habitat Protection (**Tab J**) - Morris
(10:00 a.m. - 10:30 a.m.)
 - b. Joint Personnel/Administrative Policy (**Tab I**)
- K. Williams/Fensom
(10:30 a.m. - 10:45 a.m.)
 - c. Budget (**Tab L**) - Riechers
(10:45 a.m. - 11:00 a.m.)
 - d. Joint Reef Fish/Mackerel Management (**Tab F**) - Minton/Fischer
(11:00 a.m. - 11:15 a.m.)
 - e. Shrimp Management (**Tab D**) - Perret
(11:15 a.m. - 11:30 a.m.)

- recess -

- V. Committee Reports - (Continued)
 - f. Data Collection (**Tab C**) - Riechers
(1:00 p.m. - 1:15 p.m.)
 - g. Ecosystem Management (**Tab E**) - Morris
(1:15 p.m. - 1:30 p.m.)
 - h. Reef Fish Management (**Tab B**) - Minton
(1:30 p.m. - 3:30 p.m.)
 - i. Highly Migratory Species (**Tab M**) - Claverie
(3:30 p.m. - 5:00 p.m.)

- recess -

Friday, September 17, 2004

- V. Committee Reports - (Continued)
 - j. Sustainable Fisheries - (**Tab G**) - Hendrix
(8:30 a.m. - 9:30 a.m.)
 - k. Coral Management (**Tab H**) - R. Williams
(9:30 a.m. - 10:30 a.m.)
 - l. Joint AP Selection/SSC Selection (**Tab O**) - R. Williams/Foote
(10:30 a.m. - 10:45 a.m.)
- VI. ICCAT Advisory Committee - B. Walker
(10:45 a.m. - 11:00 a.m.)
- VII. Enforcement Reports - Sherlock/Rogers/McKinney
(11:00a.m - 11:15 a.m.)
- VII. Regional Administrator's Report - Crabtree
(11:15 a.m. - 11:30 a.m.)
- IX. Directors' Reports - R. Williams/Minton/Perret/
Foote/Riechers/Simpson/Brown/Fruge
(11:30 a.m. - 11:45 a.m.)
- X. Other Business (**Tab K**) - B. Walker
(11:45 a.m. - 12:00 noon)
- XI. Election of Chair and Vice-Chair - B. Walker
(12:00 noon - 12:15 p.m.)

Following Meeting:
November 7-10, 2004
Sheraton
South Padre Island, Texas

The above agenda is tentative and is not final until it becomes noticed. Updates to the agenda will be posted on the Gulf Council web site as they become available.



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The Gulf of Mexico Fishery Management Council is one of eight regional fishery management councils that were established by the Magnuson-Stevens Fishery Conservation and Management Act in 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. This is a publication of the Gulf of Mexico Fishery Management Council and financial assistance for this newsletter was provided by grant funds pursuant to National Oceanic and Atmospheric Administration Award No. NA04NMF4410020.

September Meeting:

September 13-17, 2004
Edgewater Beach Resort
11212 Front Beach Road
Panama City Beach, Florida 32407

November Meeting

November 7-10, 2004
Sheraton
310 Padre Boulevard
South Padre Island, Texas 78597

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

3018 North U.S. Highway 301
Suite 1000
Tampa, Florida 33619-2272

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