

**GULF COUNCIL MOTIONS
AUGUST 20-23, 2012
NEW ORLEANS, LOUISIANA**

Ad Hoc Restoration

Motion: To direct Council staff to solicit and collect marine fisheries restoration project concepts from this week's restoration committee presenters, Council members, Southeast Fisheries Science Center, the regional office, and Gulf States Marine Fisheries Commission that address fishery resource impacts and loss of use resulting from the Deepwater Horizon oil spill, and present a list of these options for Council consideration at the October meeting with the purpose of Council submitting a list of recommended restoration project ideas to NOAA shortly after that meeting for funding consideration as NRDA Restoration projects and RESTORE Act.

Motion carried with no opposition.

Motion: That a letter be sent addressed to Dr. Lubchenco at NOAA and Ken Salazar at the U.S. Department of Interior requesting coordination to define the Council's formal consultation role in the development of the RESTORE Act Marine Science Fund research priorities.

Motion carried with no opposition.

Budget/Personnel

Motion: To approve the Proposed Timeline for Executive Director recruitment as outlined in Tab I, No. 3.

Motion carried with no opposition.

Data Collection

Dealer Reporting Amendment

Motion: To clarify that it is the Council's intent that in the Generic Amendment for Dealer Permits and Electronic Reporting, permitted vessels can only sell to permitted dealers in those fisheries where a dealer's permit exists.

Motion carried with no opposition.

Motion: In Action 3, that the preferred alternative be Alternative 2.

Alternative 2: “No purchase forms” must be submitted at the same frequency, via the same process, and for the same species as specified for “purchased forms” in Actions 1 and 2. A dealer would only be authorized to receive commercially-harvested species if the dealer’s previous reports have been submitted by the dealer and received by NOAA Fisheries in a timely manner. Any delinquent reports would need to be submitted and received by NOAA Fisheries before a dealer could receive commercially harvested species from a federally-permitted U.S. vessel.

Motion carried with no opposition.

Amendment: To add at the end of the first sentence, “unless a dealer is out of business for four or more weeks, then one report stating the period of time the dealer would be out of business would suffice for that period of time”.

Amendment withdrawn.

Motion: To approve the Modifications to Federally-Permitted Seafood Dealer Reporting Requirements Amendment.

Substitute motion: To forward the Modifications to Federally-Permitted Seafood Dealer Reporting Requirements Amendment to the Secretary of Commerce, deem the regulations necessary and appropriate, allowing staff to make changes in the codified text, and giving the Chairman the authority to re-deem as required.

Motion carried by roll call vote with one abstention.

Dr. Crabtree	Yes	Mr. Riechers	Yes	Dr. Dana	Yes
Mr. Matens	Yes	Mr. Sanchez	Yes	Mr. Fischer	Yes
Dr. Shipp	Yes	Mr. Pearce	Yes	Mr. Anson	Yes
Mr. Boyd	Yes	Mr. Riley	Yes	Mr. Greene	Yes
Ms. Williams	Abstain	Ms. Bademan	Yes	Dr. Abele	Yes
Mr. Perret	Yes	Mr. Diaz	Yes		

Other Data Collection Motions

Motion: To request that Council staff work with Southeast Fishery Science Center advisors on developing an amendment to require electronic reporting for for-hire charter vessels.

Motion carried with no opposition.

Motion: That the amendment should include options to bring the headboat reporting requirements in line with the Science Center’s requirement for electronic reporting.

Motion carried with no opposition.

Joint Artificial Reef/Habitat Protection

Motion: To form an Ad Hoc Artificial Substrate Advisory Panel made up of members of the petroleum industry, state artificial reef biologists, and others as appropriate, to assist the Council with our our amendment that deals with fixed petroleum platforms and artificial reefs as potential essential fish habitat.

Motion carried with no opposition.

Motion: To table the Fixed Petroleum Platforms and Artificial Reefs as Essential Fish Habitat Options Paper until the Council receives input from the newly formed ad hoc advisory panel.

Motion to table carried with no opposition.

Motion: That the charge for the Ad Hoc Artificial Substrates Advisory Panel be as in the handout provided by Dr. Bortone.

Charge: In order to consider artificial substrates for description and identification as EFH, and to conduct subsequent EFH consultations, the Council requires information and advice regarding the implications of including manmade substrates and structures for federally managed fish species. Specifically, the ad hoc advisory panel should consider:

1. The myriad of similar artificial substrates in the aquatic environment that provide structure and habitat functions for fishery resources;
2. Emerging scientific research and economic activities related to artificial habitats and fisheries;
3. Ocean dumping and debris disposal that otherwise mimics the establishment of an “artificial reefs”; and
4. Perspectives from industry representatives relative to the potential impacts of considering artificial substrates as Essential Fish Habitat in the Gulf of Mexico.

Motion carried with no opposition.

Mackerel

Amendment 19

Motion: To change the language in Alternative 3 to read:

For a person to sell King or Spanish mackerel in or from the EEZ of the Gulf of Mexico or Atlantic, those fish must have been harvested aboard a vessel on a commercial trip with a commercial vessel permit/endorsement, and must have a king mackerel permit to sell king mackerel and a Spanish mackerel permit to sell Spanish mackerel.

Motion carried with no opposition.

Motion: In Action 1, that the preferred alternative be Alternative 3.

Alternative 3. For a person to sell King or Spanish mackerel in or from the EEZ of the Gulf of Mexico or Atlantic, those fish must have been harvested aboard a vessel on a commercial trip with a commercial vessel permit/endorsement, and must have a king mackerel permit to sell king mackerel and a Spanish mackerel permit to sell Spanish mackerel.

Motion carried with no opposition.

Motion: In Action 2, to move Alternative 5 to the considered but rejected section.

Alternative 5. Prohibit sale of cobia caught under the bag limit.

Option a: South Atlantic Council's jurisdiction

Option b: Gulf Council's jurisdiction.

Motion carried with no opposition.

Motion: In Action 2, that the preferred alternative be Alternative 1.

Alternative 1. No Action - no federal permit requirement to sell cobia. Sale of cobia harvested under the possession limit is allowed for persons that possess the necessary state permits. However, if a commercial closure has been implemented, the sale or purchase of cobia of the migratory group, subzone, or gear type, is prohibited, including any cobia taken under the possession limit.

Motion carried with one opposition.

Motion: In Action 3, that the preferred alternative be Alternative 3.

Alternative 3. Prohibit the sale of tournament-caught king mackerel.

Motion carried.

Motion: To adopt the language for Action 3, South Atlantic Preferred Alternative 2 (dealing with tournament permits) as approved by the IPT in Tab C, No. 3(b).

South Atlantic Preferred Alternative 2. Establish a federal king mackerel tournament permit to be obtained by tournament organizers in order to sell or donate tournament-caught king mackerel. Sale is prohibited during a commercial closure, and all fish sold or donated shall be counted against the recreational allocation of the ACL.

Motion carried with no opposition.

Motion: That the tournament sales Action 3 be removed from Amendment 19 and be placed in a stand-alone amendment.

Motion carried with no opposition.

Motion: That Action 4 – Elimination of Latent Commercial King Mackerel Permits be moved to the considered but rejected section.

Motion carried with no opposition.

Motion: In Action 5, Alternative 2, Options a and b, Suboptions ii., iv., and v. be moved to the considered but rejected section.

Option a.

Suboption ii. Average of the best 11 years of the 12 years

Suboption iv. At least two of the 12 years

Suboption v. At least three of the 12 years

Option b.

Suboption ii. Average of the best nine of ten years

Suboption iv. At least two of the ten years

Suboption v. At least three of the ten years

Motion carried with no opposition.

Motion: In Action 5, Alternative 3, Option a. be moved to the considered but rejected section.

Option a. The fishing year ending June 30, 2009.

Motion carried with no opposition.

Motion: In Action 5, Alternative 3, to change the date in Options b and c from June 30, 2009, to September 30, 2010.

Motion carried with no opposition.

Motion: In Action 5, to reword Alternative 4:

Revised Alternative 4. Allow transfer of latent commercial king mackerel permits only to immediate family members. Permits will be considered latent if average landings did not meet the threshold (defined below) during:

Option a. All years with data available (1998/1999-2009/2010)

Suboption i. Average of all years

Suboption ii. At least one of the 12 years

Option b. Ten years (1999/2000-2008/2009 or 2000/2001-2009/2010)

Suboption i. Average of all years

Suboption ii. At least one of the ten years

Option c. The threshold for average reported landings would be:

Suboption i. 1 lbs

Suboption ii. 100 lbs

Suboption iii. 500 lbs

Suboption iv. 1,000 lbs.

Amendment: To amend the previous motion with the IPT language in Action 5, Alternative 4 as noted in Tab C, No. 3(b).

Amendment carried.

Motion as amended: In Action 5, to reword Alternative 4:

Revised Alternative 4. Allow transfer of latent commercial king mackerel permits only to immediate family members and allow transfer to another vessel owned by the same entity. Permits will be considered latent if average landings did not meet the threshold (defined below) during:

Option a. All years with data available (1998/1999-2009/2010)

Suboption i. Average of all years

Suboption ii. At least one of the 12 years

Option b. Ten years (1999/2000-2008/2009 or 2000/2001-2009/2010)

Suboption i. Average of all years

Suboption ii. At least one of the ten years

Option c. The threshold for average reported landings would be:

Suboption i. 1 lbs

Suboption ii. 100 lbs

Suboption iii. 500 lbs

Suboption iv. 1,000 lbs.

Motion as amended carried.

Motion: In Action 5, to add a new alternative to establish an appeals process.

Motion failed.

Substitute motion: To move Action 5 – Elimination of Latent King Mackerel Permits to the considered but rejected section.

Substitute motion withdrawn.

Motion: In Action 6, that the preferred alternative be Alternative 1.

Alternative 1. No Action - All vessels with federal commercial king and/or Spanish mackerel permits, as well as CMP charter permits are subject to applicable federal CMP regulations when fishing in the EEZ, and are subject to applicable state CMP regulations when fishing in state waters.

Motion carried with no opposition.

Motion: In Action 7, that the preferred alternative be Alternative 3.

Alternative 3. Eliminate income requirements for commercial king and Spanish mackerel permits.

Motion carried with no opposition.

Motion: In Action 7, to move Alternative 4 to the considered but rejected section.

Alternative 4. Replace the current income requirements for king and Spanish mackerel (and cobia, if applicable) with a Coastal Migratory Pelagics landings requirement, such that in one of the three years preceding the application, landings must be greater than:

- Option a.** 500 lbs of coastal migratory pelagic species
- Option b.** 1,000 lbs of coastal migratory pelagic species
- Option c.** 5,000 lbs of coastal migratory pelagic species
- Option d.** 10,000 lbs of coastal migratory pelagic species

Motion carried with no opposition.

Motion: In Action 8, to change the date to September 30, 2010, as recommended by the IPT.

Motion carried with no opposition.

Motion: In Action 2, Alternatives 2 and 3, to replace “on a commercial trip” with “under a commercial quota” as recommended by the IPT.

Motion carried with no opposition.

Motion: In Action 6, to add a new Alternative 3 as recommended by the IPT.

Alternative 3. If a cobia permit is established in Action 2, all vessels with federal commercial cobia permit must comply with federal cobia regulations when fishing in state waters if the federal regulations are more restrictive.

Motion carried with no opposition.

Mackerel 20

Motion: In Action 1, Alternative 3, that Suboption ii. in Options b and c be removed.

Alternative 3. Modify the Florida West Coast subzones and reallocate quota?

Option a. Retain the subzones but modify the boundary between the Northern and Southern subzones to the Dixie/Levy County line.

Option b. Create a third subzone from the Collier/Lee County line to the Dixie/Levy County line with an allocation based on:

Suboption i. Reallocating x pounds from the Southern Subzone hook-and-line fishery

Suboption ii. Reallocating x pounds from the East Coast Zone, Gill Net allocation, and Southern Subzone allocation

Suboption iii. Reallocating 2% from the recreational sector allocation based on a temporary reallocation for the next 5 years

Option c. Retain the subzones but increase the allocation to the Northern Subzone based on:

Suboption i. Reallocating x pounds from the Southern Subzone hook-and-line fishery

Suboption ii. Reallocating x pounds from the East Coast Zone, Gill Net allocation, and Southern Subzone allocation

Suboption iii. Reallocating 2% from the recreational sector allocation based on a temporary reallocation for the next 5 years

Motion carried with no opposition.

Motion: In Action 1, Alternative 3, that Suboptions i. and iii. be added to Option a.

Suboption i. Reallocating x lbs from the Southern subzone hook-and-line fishery.

Suboption iii. Reallocating 2% from the recreational sector allocation based on a temporary reallocation for the next 5 years.

Motion carried with no opposition.

Motion: In Action 4, to add a new alternative as recommended by the IPT:

Alternative 4. Establish a transit provision for fish harvested in the EEZ off Monroe County to be landed in Collier County when the rest of the west coast of Florida is closed with the following provisions:

Only from April 1 – July 1

Only with direct and continuous transit and gear stowed

Only for fishermen holding a federal commercial king mackerel permit

Motion carried with no opposition.

Motion: To remove Actions 6, 8, and 9 from Amendment 20 to be placed in a later amendment to be developed after the completion of SEDAR 28.

Motion carried with no opposition.

Motion: In Action 10, to modify Alternative 2 as recommended by the IPT as follows:

Gulf Preferred Alternative 2. Modify the framework procedure to include changes to ABCs, ABC/ACL control rules, and accountability measures (AMs) under the standard documentation process for open framework actions. Accountability measures that could be changed would include:

Inseason AMs

- Closures and closure procedures
 - Trip limit reductions or increases
 - Designation of an IFQ program as the AM for species in the IFQ program
 - Implementation of gear restrictions
- Postseason AMs
- Adjustment of season length
 - Implementation of a closed season
 - Adjustment or implementation of bag, trip, or possession limit
 - Reduction of the ACL to account for the previous year overage
 - Revoking a scheduled increase in the ACL if the ACL was exceeded in the previous year
 - Implementation of gear restrictions
 - Reporting and monitoring requirements

Motion carried with no opposition.

Motion: In Action 10, that Alternative 4 be an additional preferred alternative.

Alternative 4. Modify the framework procedure to include designation of responsibility to each Council for setting regulations for the migratory groups of each species.

Motion carried with no opposition.

Reef Fish

Motion: To instruct staff to develop a plan amendment scoping document for a Gulf-wide regional management system for recreational red snapper to be discussed at the October meeting.

Substitute motion: That the Council prepare a scoping document relating to the reef fish fisheries management plan to allow Louisiana to engage in a pilot regional management program of red snapper recreational harvest. The Council will maintain authority to create the regional quota and size limit for red snapper. Louisiana will gain authority to set its regional seasons, bag limits, and harvest tracking methods, and Louisiana and NMFS employees will work in cooperation with the Council. Accountability measures will apply to overharvest.

Substitute motion failed 6 to 9.

Second substitute motion: That the Council instruct staff to develop a plan amendment scoping document for a regional management system in the Gulf of Mexico for recreational red snapper to be discussed at the October 2012 meeting.

Second substitute motion carried with one opposed.

Motion: To instruct staff to develop some options including analysis on states going non-compliant for the 2013 red snapper fishing season.

Motion carried.

Motion: To table discussion on Amendment 28 until the Council receives the 2013 red snapper benchmark assessment.

Motion to table carried 11 to 5.

Motion: To request an emergency rule based on the Reef Fish AP's recommendation for vermilion snapper that the 2012 ACL be 4.19 million lbs.

Motion carried by roll call vote.

Mr. Sanchez	Yes	Mr. Riley	Absent	Mr. Pearce	Yes
Dr. Shipp	Yes	Mr. Boyd	Yes	Mr. Diaz	Yes
Mr. Fischer	Yes	Mr. Robinson	Yes	Mr. Anson	Yes
Dr. Dana	Yes	Dr. Crabtree	No	Ms. Bademan	Yes
Mr. Matens	Yes	Mr. Greene	Yes	Mr. Perret	Yes
Dr. Abele	Yes	Ms. Williams	Yes		

Vermilion Snapper ACL Options Paper

Motion: In the Vermilion Snapper ACL Options Paper, to remove Alternative 4 from Action 1.

Action 1 - Establish Vermilion Snapper Stock Annual Catch Limits from 2013-2016+
Alternative 4: (old Alternative 3a) Set the stock ACL, as recommended by the Reef Fish AP (October 2011 meeting), as an ascending yield stream, such that it does not exceed the equilibrium ABC. The stock ACT would not be used (i.e., ACT = ACL). An ascending ACL is achieved through the use of a diminishing buffer:

- In 2013, set a 15% buffer between the ABC and stock ACL.
- In 2014, set a 10% buffer between the ABC and stock ACL.
- In 2015+, set a 5% buffer between the ABC and stock ACL.

Ascending Stock ACL		
Year	ABC	Stock ACL
2013	4.41 mp	3.75 mp
2014	4.34 mp	3.91 mp
2015	4.33 mp	4.11 mp
2016+	4.33 mp	4.11 mp

Motion carried.

Amendment 37 – Gray Triggerfish

Motion: In Action 3.2, to add a new alternative for a 25 lb. whole weight trip limit.

Motion carried with no opposition.

Motion: In Action 3.1, that the preferred alternative be Alternative 2.

Alternative 2: Establish a fixed closed season for gray triggerfish during peak spawning (June 1- July 31).

Motion carried with no opposition.

In Action 4.1, that Alternative 3 be the preferred alternative.

Alternative 3: Establish a fixed closed season for gray triggerfish during peak spawning (June 1-July 31).

Motion carried with one opposed.

Motion: In Action 4.2, to change the preferred alternative to Alternative 3.

Alternative 3: Establish a 2-gray triggerfish per angler bag limit within the 20-reef fish aggregate bag limit.

Motion carried with no opposition.

Motion: In Action 4.3, to recommend an additional preferred alternative, Alternative 4b.

Alternative 4: Add an overage adjustment to the accountability measure. The overage adjustment is:

If the recreational gray triggerfish ACL is exceeded, at or near the beginning of the following fishing year, the Assistant Administrator for Fisheries shall file a notification with the Office of the Federal Register to reduce the ACL (and the ACT if Alternative 2 is selected as preferred) for that following year by the amount of the ACL overage in the prior fishing year, unless the best scientific information available determines that a greater, lesser, or no overage adjustment is necessary. The overage adjustment will be applied:

Option b: Only if the ACL is exceeded and the gray triggerfish stock is overfished or in a rebuilding plan.

Motion carried with one opposition.

Motion: To send Amendment 37 – Gray Triggerfish Rebuilding Plan to public hearings.

Motion carried with no opposition.

Motion: To request NMFS extend the interim rule for gray triggerfish for another 186 days.

Motion carried with no opposition.

Amendment 38 – Shallow-water Grouper

Motion: To approve Amendment 38 – Shallow-water Grouper Accountability Measures and Framework Procedure Revision, send to the Secretary of Commerce for implementation, and deem the regulations necessary and appropriate.

Motion carried by roll call vote with one opposition.

Dr. Shipp	Yes	Ms. Williams	No	Mr. Riley	Yes
Dr. Crabtree	Yes	Mr. Sanchez	Yes	Mr. Pearce	Yes
Mr. Riechers	Yes	Mr. Greene	Yes	Dr. Dana	Yes
Mr. Matens	Yes	Mr. Perret	Yes	Mr. Diaz	Yes
Dr. Abele	Yes	Ms. Bademan	Yes	Mr. Boyd	Yes
Mr. Anson	Yes	Mr. Fischer	Yes		

Framework Action – 2013 Recreational Gag Season

Motion: In Section 2.1, Action 1, to add a new Option 3(e) under Alternative 3 for a new subseason:

April 1-April 30
July 1-July 31, and
November 15 until the ACT is projected to be reached

Motion carried with no opposition.

Motion: To add new alternatives that would consider a reduced bag limit of 1 per person, per day.

Motion carried with no opposition.

Motion: In Action 2.1, that the preferred alternative be Alternative 2, Option 2b.

Alternative 2: Retain a single season that will remain open until the date that the ACT is projected to be reached. The opening date for the season will be:

Option 2b: June 1 (beginning of red snapper season)

Motion withdrawn.

Motion: To send the Framework Action – 2013 Recreational Gag Season to public hearings.

Motion carried with no opposition.

Other Reef Fish Motions

Motion: That the Council convene a panel of dealers, commercial fishermen, NOAA Fisheries, (SEFSC, Southeast Regional Office, HMS personnel), Gulf States Marine Fisheries personnel, as well as state data collection agents and other stakeholders, to consolidate reporting requirements and avoid redundancy.

Motion withdrawn.

Motion: To request that the Southeast Fisheries Science Center rerun the red snapper projections incorporating the most recent landings.

Motion carried with no opposition.

Motion: To direct staff to begin development of a plan amendment for regional management of recreational gag grouper harvest.

Motion carried 8 to 7.

Motion: Instruct staff to develop a scoping document for a “days-at-sea” pilot program for the for-hire sector for red snapper.

Motion carried 9 to 5.

Motion: To approve the joint Council process that respective Council committees would work out differences on joint issues as shown in Tab B, No. 12.

Motion carried with no opposition.

Shrimp

Motion: To direct staff to draft a letter to the appropriate entity(s) to support funding of the Electronic Logbook Program with continuous restoration funding.

Motion carried with no opposition.

Motion: To direct staff to begin work on a scoping document amendment to develop a cost sharing program for the Electronic Logbook Program for the Gulf shrimp fishery.

Motion carried 10 to 7.

Other Motions

Motion: To recommend that the new Exempted Fishing Permit for Louisiana be approved.

Motion carried.

Motion: To accept the public hearing locations as listed on the presentation provided by Council staff.

<u>Drive Time</u>		Triggerfish	Gag Season / SWG Closure
6	Key West, FL		
2.5	Naples, FL		X
7.5	Madeira, FL	X	X
	Destin, FL	X	X
2	Gulf Shores, AL	X	X
2	Gulfport, MS	X	X
1.5	New Orleans, LA	X	X
6	Galveston, TX	X	
4.5	Corpus Christi, TX	X	

Motion carried.

Motion: To nominate Doug Boyd as Chair.

Motion carried by acclamation.

Motion: To nominate the following as Vice Chair:

Kevin Anson
Kay Williams

Kevin Anson elected by secret ballot.