

Gulf Council Motions Report
April 4-7, 2016
Austin, TX

REVIEW OF PROPOSED RULE

Motion: To accept the letter as written based on changes suggested at Full Council.

SCIENCE UPDATE: HOW THE OIL SPILL IMPACTED FISHERIES

Motion: Council invite Chris Doley from NOAA's Restoration Center (or his designee) to the June council to present highlights from the Final BP Deepwater Horizon Programmatic Damage Assessment Restoration Plan (PDARP) focusing on relevant open ocean and fishery resources and the process and timeframe for identifying projects.
Motion passed with no opposition.

SHRIMP

IV. Biological Review of the Texas Closure (Tab D, Nos. 4a and 4b)

Motion: To recommend the Texas closure run concurrent with the date that the state of Texas recommends, out to 200 miles, for the 2016 season.
Motion passed with no opposition.

VII. Options Paper for Shrimp Amendment 17B (Tab D, No. 7)

Motion: To follow the IPT's suggestion and remove Alternative 3, in Action 3.

Alternative 3. Set a threshold number of valid or renewable Gulf shrimp vessel permits based on the predicted number of active permitted vessels (those with landings from offshore waters) during 2009, which is the threshold level of effort for the incidental take statement for sea turtles in the 2014 biological opinion (1,074 permits).

Motion passed 14 to 0.

Motion: To remove Option 6b and Option 6c from Alternative 6 in Action 3.

Alternative 6. Set a threshold number of valid or renewable Gulf shrimp vessel permits based on the predicted number of active permitted vessels (those with landings from offshore waters) in a year with relatively high CPUE in the offshore fishery during the moratorium without substantially reduced landings.

Option 6a. 2007 (1,133 permits)

~~Option 6b. 2012 (990 permits)~~

~~Option 6c. 2013 (909 permits)~~

Substitute Motion: To remove Option 6c from Alternative 6 in Action 3.

Alternative 6. Set a threshold number of valid or renewable Gulf shrimp vessel permits based on the predicted number of active permitted vessels (those with landings from offshore waters) in a year with relatively high CPUE in the offshore fishery during the moratorium without substantially reduced landings.

Option 6a. 2007 (1,133 permits)

Option 6b. 2012 (990 permits)

~~**Option 6c.** 2013 (909 permits)~~

Motion passed 14 to 2.

Motion: To remove Options 7a, 7b, and 7c in Alternative 7 in Action 3.

Alternative 7. Set a threshold number of valid or renewable Gulf shrimp vessel permits based on the number of valid permits at:

~~**Option 7a.** the beginning of the moratorium (1,933 permits)~~

~~**Option 7b.** the end of 2009 (1,722 permits)~~

~~**Option 7c.** the end of 2011 (1,582 permits)~~

Option 7d. the end of 2013 (1,501 permits)

Option 7e. the end of 2014 (1,470 permits)

Option f. the end of the initial moratorium, October 26, 2016 (number of permits unknown).

Motion passed with no opposition.

Motion: To move Action 5 to an Appendix in the document for possible future consideration.

Action 5. Issuance of Reserved Gulf Shrimp Vessel Permits

Motion failed 0 to 15.

Motion: In Action 4, to add a new Alternative 4.

Alternative 4. When the number of valid or renewable permits reaches 1,300, the Council will form a review panel to review the details of a permit pool and other options. If the number of permits reaches the threshold set in Action 3, any permits that are not renewed within one year of the expiration date on the permit will go into a Gulf Shrimp Vessel Permit Reserve Pool. The panel would consist of Shrimp AP members, SSC members, and NMFS and Council staff.

Motion passed with no opposition.

Motion: In Action 5, under all Alternatives, to accept the AP and IPT recommendations to modify the language in Option d and add Option e.

Alternative 2. NMFS will maintain a waiting list for Reserved Gulf Shrimp Vessel Permits and notify individuals in the order in which they appear on the list when a Reserved Gulf Shrimp Vessel Permit becomes available. Once notified, the individual must submit a completed and up-to-date application to NMFS to be issued a Reserved Gulf Shrimp Vessel Permit. To be eligible for a Reserved Gulf Shrimp Vessel Permit the applicant must meet the requirements selected

below. A Reserved Gulf Shrimp Vessel Permit may only be transferred to an individual who also meets the eligibility requirement.

Option a – no eligibility requirements

Option b – be a U.S. citizen or business

Option c – assign the permit to a vessel that is of at least **X** length on the application

Option d – assign the permit to a vessel with a United States Coast Guard (USCG)

Dockside Safety Exam for fishing activity beyond 3 miles

Option e – after receiving a Reserved Gulf Shrimp Vessel Permit, the permit holder must show proof of shrimp landings associated with the vessel through trip tickets or other applicable landings data programs within 12 months of the issuance of the permit or the permit will not be renewed

Motion passed with one opposed.

Motion: In Action 5, under Alternatives 2-4, remove Option b.

Option b – be a U.S. citizen or business

Motion failed 2 to 14.

REEF FISH

V. *Final Action: Framework Action to Modify Red Grouper ACL (Tab B, Nos. 4a, 4b, 4c, and 4d)*

Motion: To select Alternative 4 as a preferred alternative

Alternative 4: Use the constant catch OFL and ABC recommended by the SSC but set the ACL and ACT below the constant catch OFL and ABC. Base the ACL and ACT on the minimum ABC of 10,770,000 lb gw from the declining yield stream. Use the current allocations on the minimum ABC to establish ACLs. Set ACTs for each sector where the commercial ACT (quota) is set at 95% of the commercial ACL and the recreational ACT is 92% of the recreational ACL.

Motion passed with no opposition.

Motion: To approve the Framework Action to Modify Red Grouper ACL and that it be forwarded to the Secretary of Commerce for review and implementation, and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate.

Motion passed by roll call vote with no opposition.

Ms. Bademan – yes

Diaz – yes

Dr. Lucas – yes

Dr. Crabtree – yes

Mr. Williams – yes

Dr. Dana – yes

Matens – yes

Mr. Sanchez – yes

Mr. Swindell – yes

Boyd – yes

Mr. Walker – yes

Ms. Bosarge – yes

Riechers – yes

Dr. Stunz – yes

Mr. Anson – yes

Greene – yes

Mr. Fischer – yes

VI. *Options Paper for Amendment 46 – Modify Gray Triggerfish Rebuilding Plan (Tab B, No. 5)*

Motion: To add an Alternative 4 to Action 3:

To add a recreational closed season starting January 1 through February 28, open March 1, and keep June 1 through July 31 a closed season

Motion passed with no opposition.

Motion: To add an Alternative 5 to Action 3:

To add a recreational closed season starting January 1 through January 31, open February 1, and keep June 1 through July 31 a closed season

Motion passed with no opposition.

VII. *Draft Amendment 41 – Red Snapper Management for Federally Permitted Charter Vessels (Tab B, Nos. 6 and 7)*

Motion: In Action 2, to add a new Alternative 5.

Alternative 5: Establish a red snapper management program for charter vessels. The program would include only charter vessels with a valid or renewable federal for-hire permit for reef fish who elected to join the red snapper management program for charter vessels. An endorsement to the federal for-hire permit for reef fish would be issued to those charter operators who elected to join the red snapper management program for charter vessels. Opportunities to opt in to the red snapper management program for charter vessels are offered every year.

Motion passed with no opposition.

Motion: In Alternatives 2-4 in Action 2, to add a sentence in each one that any vessel opting out from the federally permitted red snapper charter for-hire program will not be able to harvest red snapper.

Motion passed with no opposition.

Motion: In Action 3, to adopt the Advisory Panel's recommendation to add a new alternative to distribute quota using the parameters in Alternatives 2, 3 and 5:

- Distribute quota equally among charter permit holders (Alt 2)
- Based on the lesser of the COI of the vessel or permit capacity (Alt 3)
- Distribute quota based on historical/regional landings (Alt 5)

Options for the previous motion's new alternative:

	Option A	Option B	Option C	Option D	Option E
Alt 2 (equal)	25%	20%	30%	40%	75%
Alt 5 (regional history)	50%	50%	40%	30%	12.5%
Alt 3 (passenger capacity)	25%	30%	30%	30%	12.5%

Substitute Motion: to ask staff to add or modify the proposed alternative with a range of options of 25-75% for each option with 25% increments, and an option for equal weighting of the three components.

- Distribute quota equally among charter permit holders (Alt 2)
- Based on the lesser of the COI of the vessel or permit capacity (Alt 3)
- Distribute quota based on historical/regional landings (Alt 5)

Options for the previous motion's new alternative:

	Option A	Option B	Option C	Option D	Option E
Alt 2 (equal)	25%	20%	30%	40%	75%
Alt 5 (regional history)	50%	50%	40%	30%	12.5%
Alt 3 (passenger capacity)	25%	30%	30%	30%	12.5%

Motion passed with no opposition.

Motion: In Action 3, to add 2 new options to Alternative 5:

Option 5d) using average landings for years 2003 to 2012, excluding landings in 2010.

Option 5e), to establish a timeline as found in Amendment 40.

50% 1986-2013

50% 2006-2013 excluding landings from 2010.

Motion passed with no opposition.

Motion: In Action 3, Alternative 5, to remove 5a, 5b, and 5c.

Alternative 5: Distribute quota based on average landings of charter vessels in each geographic region using:

~~Option 5a: Average landings for 2004-2012.~~

~~Option 5b: Average landings for 2004-2012, excluding landings from 2010.~~

~~Option 5c: Average landings for 2011-2012.~~

Motion passed 15 to 0.

Motion: In Action 1, add an alternative to establish a PFQ program that uses annual allocation but not shares.

Motion passed with no opposition.

Motion: Staff time permitting, to reconvene the Charter For-hire Advisory Panel, prior to the June Council meeting, in order to continue their work on recommendations for Amendment 41. Motion passed with no opposition.

Motion: That the AP take up the harvest tag program that provides recreational participants with annual allocation distributed in the form of harvest tags and specifically evaluate this Alternative 5. Motion passed with no opposition.

Motion: To move Alternative 3 in Action 1, and Section C – Fishing cooperatives to the considered but rejected section Motion passed with no opposition.

Motion: To have staff examine the following traditional measures and report back to the Council how these measures impact season length for the charter for hire sector.

- 1) 1 fish bag limit
- 2) Split seasons
- 3) A range of size limits

Motion passed 16 to 0

VIII. Draft Amendment 42 – Federal Reef Fish Headboat Management (Tab B, No. 8)

Motion: To ask the NMFS to publish a control date of December 31, 2015 for participation in the reef fish headboat program. Motion passed with no opposition.

IX. Public Hearing Draft Amendment 43 – Hogfish Stock Definition, SDC, ACL and Size Limit (TAB B, No. 9)

Motion: In Action 2, under Preferred Alternative 3, Option 3(b) be the Preferred Option for MSST.

Preferred Alternative 3: $MSY = \text{equilibrium yield at } F_{30\% \text{ SPR}}$

$MFMT = F_{30\% \text{ SPR}}$

$MSST =$

Preferred Option 3b: $0.75 * SSB_{30\% \text{ SPR}}$

Motion passed with no opposition.

Motion: In Action 3, the Preferred Alternative be Alternative 1.

Alternative 1: No Action. ACL = 208,000 lbs ww, and ACT = 179,000 lbs ww. Weights are based on the Generic ACL/AM Amendment and Tier 3a (using 1999-2008 landings) of the ABC control rule.

Substitute Motion: In Action 3, to modify Alternative 3, to read as follows and make it the Preferred Alternative.

Alternative 3: A constant catch ACL is set at 219,000 lbs ww based on the constant catch ABC recommendation for the years 2016-2018 of the SSC. The ACL will remain at 219,000 lbs after 2018 until modified.

Option 3a: ACT will not be defined
Motion passed with no opposition.

Motion: In Action 4, the Preferred Alternative be Alternative 4.

Alternative 4: Set the hogfish minimum size limit at 16 inches FL.
Motion passed with no opposition.

Motion: In Action 5, Alternative 2 be the Preferred Alternative.

Alternative 2: Remove the provision in 50 CFR 622.35(a)(1) that exempts hogfish from the prohibition on the use of powerheads to take Gulf reef fish in the stressed area.
Motion passed with no opposition.

X. Draft Amendment 45 –Extend or Eliminate the Red Snapper Sector Separation Sunset Provision (Tab B, No. 10)

Motion: To select Alternative 2 with Option 2a as the Preferred Alternative and Preferred Option.

Alternative 2: Extend the separate management of the federal for-hire and private angling components (sector separation) for an additional:

Option 2a: 3 calendar years (to be effective through the end of the 2020 fishing year).
Motion passed 12 to 3.

Substitute Motion: That Alternative 1 be the Preferred Alternative.

Alternative 1: No Action. The separate management of the federal for-hire and private angling components (sector separation) will be effective through the end of the 2017 fishing year under the existing sunset provision.
Motion failed 11 to 5.

Motion: To take Amendment 45 to in- person public hearings to the following locations:

Alabama: Mobile
Florida: St. Petersburg
Panama City Beach (first choice) / Panama City (second choice)
Louisiana: Closer to New Orleans–Gretna Area
Mississippi: Biloxi or Gulfport
Texas: Houston/Galveston Aransas Pass/Corpus Christi Area

Motion passed with no opposition.

XII. Final Action – Framework Action to Modify Commercial Gear Requirements and Recreational/Commercial Fishing Year for Yellowtail Snapper (Tab B, No. 12a, 12b, and 12c)

Motion: In Action 1, to make Alternative 5 the Preferred Alternative

Alternative 5: Remove the requirement to use circle hooks when commercial fishing with natural bait for yellowtail snapper south of 25° 09’ north latitude on the west coast of Monroe County, Florida (Cape Sable) south to the Gulf Council jurisdictional boundary.

Motion passed with no opposition.

Motion: To approve the Framework Action to Modify Commercial Gear Requirements and Recreational/ Commercial Fishing Year for Yellowtail Snapper and that it be forwarded to the Secretary of Commerce for review and implementation, giving staff editorial license to make the necessary changes in the document.

Substitute Motion: To approve the Framework Action to Modify Commercial Gear Requirements and Recreational/Commercial Fishing Year for Yellowtail Snapper and that it be forwarded to the Secretary of Commerce for review and implementation, and deem the codified text as necessary and appropriate giving staff editorial license to make the necessary changes in the document.

Motion passed by roll call vote with no opposition.

Dr. Dana – yes	Mr. Walker – yes	Mr. Diaz – yes
Mr. Williams – yes	Dr. Stunz – yes	Mr. Fischer– yes
Ms. Bademan – yes	Mr. Riechers – yes	Ms. Bosarge – yes
Dr. Crabtree – yes	Mr. Greene – yes	Mr. Matens – yes
Dr. Lucas – yes	Mr. Boyd – yes	Mr. Anson – yes
Mr. Swindell – yes	Mr. Sanchez – yes	

MACKEREL

IV. Final Action for CMP Amendment 26: Changes in Allocations Stock Boundaries and Sale Provisions for Gulf of Mexico and Atlantic Migratory Groups of King Mackerel (*Tab C, No. 4*)

Motion: In Action 2-2, to make Alternative 2 the Preferred Alternative.

Alternative 2: Revise the ACL and recreational ACT based on the ABC levels selected under Action 2-1. ACL = OY = ABC, recreational ACT = [0.5 or (1-PSE), whichever is greater].

Motion passed with no opposition.

Motion: In Action 4, to make Alternative 2 the Preferred Alternative.

Alternative 2. Allocate the Atlantic Southern Zone quota for Atlantic king mackerel into two split season quotas: 60% to the period March 1 – September 30 (season 1) and 40% to the period October 1 – the end of February (season 2). Any remaining quota from season 1 would transfer to season 2. Any remaining quota from season 2 would not be carried forward. When the quota for the season is met or expected to be met, commercial harvest of king mackerel in the Atlantic Southern Zone will be prohibited for the remainder of the season.

Motion passed with no opposition.

Motion: In Action 5, to concur with the South Atlantic Council and to make Alternative 3, Option 3b and Alternative 4, Option 4a the Preferred Alternatives.

Alternative 3: In the Atlantic Southern Zone, the trip limit north of the Flagler/Volusia county line is 3,500 lbs. For the area south of the Flagler/Volusia county line, establish a trip limit of 50 fish from March 1- March 31, and 75 fish for the remainder of season 1 (as designated in Action 4).

Option 3b: At any time during season 1, if 75% of the season 1 quota has been taken, the trip limit will be 50 fish.

Alternative 4: In the Atlantic Southern Zone, the trip limit north of the Flagler/Volusia county line is 3,500 lbs. For the area south of the Flagler/Volusia county line, establish a trip limit of 50 fish for season 2 (as designated in Action 4).

Option 4a: Beginning on February 1 and continuing through the end of February--

(1) If 70 % or more of the season 2 quota has been taken, the trip limit is 50 fish.

(2) If less than 70 % of the season 2 quota has been taken, the trip limit is 75 fish.

Motion passed with no opposition.

Motion: In Action 8, to make Alternative 4, Options b and f the Preferred Alternative.

Alternative 4: Conditionally transfer a certain percentage (*Options a-d*) of the stock ACL to the commercial sector until such a time that recreational landings reach a predetermined

threshold (*Options e-g*). If this threshold is met, the recreational and commercial allocations will revert to 68% for the recreational sector and 32% for the commercial sector.

Conditional Quota Transfer (MUST CHOOSE ONE):

Option b: Transfer 10% of the stock ACL to the commercial sector.

Recreational ACL Threshold (MUST CHOOSE ONE):

Option f: Revert to the status quo sector allocations if 90% of the adjusted recreational sector ACL is landed.

Motion failed 3 to 13.

Motion: To approve CMP Amendment 26 and that it be forwarded to the Secretary of Commerce for review and implementation, and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate.

Motion passed by roll call vote with no opposition.

Dr. Lucas – yes

Mr. Greene – yes

Mr. Riechers – yes

Dr. Dana – yes

Mr. Swindell – yes

Dr. Crabtree – yes

Mr. Walker – yes

Mr. Sanchez – yes

Mr. Matens – yes

Mr. Diaz – yes

Mr. Fischer – yes

Mr. Boyd – yes

Mr. Williams – yes

Ms. Bademan – yes

Dr. Stunz – yes

Ms. Bosarge – yes

Mr. Anson – yes

V. *Other Business*

Motion: Staff begin development of a document which will address the utilization of uncaught quota and any associated accountability measures for king mackerel.

Motion passed 16 to 0.

ADMINISTRATIVE/BUDGET

IV. *Review of 2014 No Cost Extension, 2015 & 2016 Budgets (Tab G, No. 4)*

Motion: To recommend accepting the 2016 budget and activities as written.

Motion passed with no opposition.

LAW ENFORCEMENT

IV. *Law Enforcement Technical Subcommittee (Tab L, No. 4)*

Motion: To approve the Proposed Protocol Form for Background Checks on Gulf Council Advisory Panel Applicants as revised.
Motion passed with no opposition.

VI. *Other Business*

Motion: To send a 2nd letter to the office of law enforcement emphasizing that complimentary boardings be given the lowest rating possible or not be considered .
Motion passed with no opposition.

Data Collection Committee Motions

IV. *Review Electronic Reporting Flowchart (Tab F, No. 4)*

Motion: *To convene the Technical Data Committee to review the minimum data elements that the SEFSC deems necessary and look at different hardware/software options and advise the Council on findings.*
Motion carried without opposition.

GULF SEDAR

V. *SEDAR schedule review (Tab I, No. 5)*

Motion: To recommend to the Council chair and Executive Director that an assessment of King mackerel be conducted in 2018 in conjunction with the Gulf of Mexico large marine ecosystem joint project with Mexico, of the same species.
Motion passed with no opposition.

Motion: To propose for the 2019 schedule, the following species:
▪ Gray triggerfish – at the appropriate level
Motion passed with no opposition.

Motion: To propose for the 2019 schedule, the following species:

- Cobia

Motion passed with no opposition.

Motion: To propose for the 2019 schedule, the following species:

- Spanish Mackerel

Motion passed with no opposition.

Motion: To propose for the 2019 schedule, the following species:

- Yellowedge grouper and tilefish

Motion passed with no opposition.