

Re: Crew size on dual permitted vessels

Dear Council members,

My name is Ed Walker. I have been a Gulf charter fisherman for 22 years. I fish out of Tarpon Springs, Florida. I am also an outdoor writer and hold 18 IGFA world records. I have been active in management issues and have participated in research projects for species such as gag, amberjack, goliath grouper, to name a few. Several years ago I was nominated by the Governor for the rec seat on the Gulf Council and currently am on the Coastal Migratory Pelagics AP.

I am writing to you today about removing the crew size limit issue for dual permitted vessels. I am one of the 172 vessel owners and the current restriction on crew size causes me and the others like me a great deal of difficulty and handicaps us against all other commercial boats even though today it serves very little purpose.

No longer necessary with the IFQ and VMS system.

Today we dual permitted vessels are required to maintain full time tracking via VMS, we must log out when departing, give 3 hours advance notice before returning to shore, report the fish onboard in advance, and land only at NOAA approved landing locations. That alone would make it nearly impossible to “double dip” with a paying charter group on a commercial trip. Please then consider that we have also now notified law enforcement of our pending arrival and given them ample time to be at the dock when we arrive, which they often are. Next consider that it is illegal for us to remove any fish from the boat unless it is at an official offload to a fish wholesaler. There is essentially no way anyone is going to get away with running an illegal charter under these regulations.

Now I ask you to ponder; is it fair that I would face severe federal fines and penalties for having 4 or 5 people onboard while I am legally logged in as a commercial trip? All other commercial vessels have no crew size limits, just ours. Should I be arrested for having 3 crew members helping me catch my legal quota? I have never had a violation for anything, but, if I were charged with one extra person on a commercial trip would the penalty be justified? Is it fair that the addition of a single crew member (from 3 to 4) CHANGES my official VMS declaration from commercial to charter when I am not running a charter?

We dual permitted vessel owners are not looking for a way to cheat. We jump through more hoops than most. We feel we are being penalized for something we are not doing. What we are asking you to do is to treat us the same as all other commercial vessels when we declare our trips

with NOAA enforcement as commercial. That means the same crew size limit-none. To quote Alternative 3 from a recent GMFMC options list *“This would simplify regulations and would place dual-permitted vessels when fishing commercially under the same regulations as commercial only permitted vessels.”* I am not aware if removing the crew size restriction is still listed as Alternative 3 but, if it is I ask that you to choose it. “Double dipping” would still be illegal and in reality it simply isn’t happening anymore. Today’s IFQ system and requirements has eliminated any possibility of it. Please, eliminate the crew size limit for all vessels that are logged in with NOAA as commercial. It is an outdated rule that continues to penalizing us today.

Thank you for your consideration,

Ed Walker

3219 Bluff Blvd

Holiday, Fl 34691

727-421-0346

info@lighttacklecharters.com

Subject: question about commercial/charter dive boat
Date: Sunday, May 9, 2010 9:14 PM
From: Benjamin Bateman <capt_ben_bateman@hotmail.com>
To: John Milner <GulfCouncil@gulfcouncil.org>
Conversation: question about commercial/charter dive boat

dear council,

i currently work on a commercial spearfishing boat in the gulf of mexico that also has charter permits. as far as i understand the law right now only allows three persons to be aboard the boat during a commercial spearfishing trip. is there any way to get a waiver for the boat to allow for a fourth person during a commercial spearfishing trip? the reason for the fourth person is for safety. we dive with two divers in the water and this leaves only one person in the boat. if the one person in the boat were to injure themselves, have a heart attack, fall overboard, ect... the two divers in the water would be left at sea with no way to contact help. if we left two people in the boat and one person underwater this would violate one of the primary rules of diving, always dive with a buddy!

please let me know what you think and what we can do to make our boat more safe.

thank you for your time,

capt. Ben

Subject: FW: CREW SIZE
Date: Wednesday, March 10, 2010 7:48 AM
From: Trish Kennedy <trish.kennedy@gulfcouncil.org>
To: Charlene Ponce <charlene.ponce@gulfcouncil.org>
Conversation: CREW SIZE

From: GJabd@aol.com [mailto:GJabd@aol.com]
Sent: Monday, February 01, 2010 10:58 AM
To: roy.crabtree@noaa.gov
Subject: CREW SIZE

Dear Council Members,

I support the letter below, written by Capt. Ed Walker.
Since the Commercial / Charter Boats are now required to have VMS, and the laws have been updated requiring commercial boats to maintain 100% accountability, I see no reason to keep the crew size at three, on a dual permitted charter boat while they are commercial fishing. I suggest, that the law be amended, allowing one more crew for the commercial trips.

I am a law abiding commercial fisherman, with a charter permitted commercial vessel.

I would also support a new strict rule that would revoke all permits from any commercial boat cheating in any way.

Thanks,
Bill Cochrane

Subject: FW: Crew restrictions on charter/commercial vessels
Date: Wednesday, March 10, 2010 7:49 AM
From: Trish Kennedy <trish.kennedy@gulfcouncil.org>
To: Charlene Ponce <charlene.ponce@gulfcouncil.org>
Conversation: Crew restrictions on charter/commercial vessels

From: GJabd@aol.com [mailto:GJabd@aol.com]
Sent: Sunday, January 31, 2010 11:30 AM
To: rshipp@jaguar1.usouthal.edu
Cc: roy.crabtree@noaa.gov
Subject: Fwd: Crew restrictions on charter/commercial vessels

Mr Chairman, those of us who are dual permit holders that fish as Charter for hire and commercial fishing have been caught in a pickle. We have 2 federal regulations that are forcing us to pick which one we are going to violate. Please pass this on to all the other gulf council members so we can address this issue at the Mobile meeting. I will be there to talk with you and the council. I am forwarding these e-mails between myself and Capt Ed Walker .These e-mails explain our problem , and confusion on what we should do . We want to be law abiding fishermen but the conflicting regulations are making that impossible. Thank you for your help in this matter. Capt Gasry Jarvis

Subject: eliminate crew limit for duel permit holders
Date: Thursday, October 20, 2011 3:35 PM
From: JTHUNT@aol.com
To: John Milner <GulfCouncil@gulfcouncil.org>
Conversation: eliminate crew limit for duel permit holders

I own/fish a duel permitted vessel out of Key West Florida. I urge you to eliminate the crew limit restrictions of 3 people for my commercial trips. This is not necessary because the VMS requires me to declare any commercial trip with the targeted fishery. I do not mix charter and commercial trips. The current restriction discriminates against me because of my multiple permits.

Thank you for reviewing and changing this un-needed regulation.

Sincerely,
James M. Thomas
Tightlines FL5055LS