

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

197<sup>TH</sup> MEETING

Edgewater Beach Resort

Panama City, Florida

October 14, 2004

THURSDAY MORNING SESSION

- - -

**VOTING MEMBERS**

Degraaf Adams ..... Texas  
Karen Bell ..... Florida  
Maumus Claverie ..... Louisiana  
Roy Crabtree ..... Regional Administrator, NMFS - SERO  
..... St. Petersburg, Florida  
James Fensom ..... Florida  
Karen Foote (designee for James Jenkins) ..... Louisiana  
Joseph Hendrix ..... Texas  
Phil Horn ..... Mississippi  
Joe Jewell (designee for William Perret) ..... Mississippi  
Vernon Minton ..... Alabama  
Julie Morris ..... Florida  
Robin Riechers ..... Texas  
Walter Thomassie ..... Louisiana  
Bobbi Walker ..... Alabama  
Kay Williams ..... Mississippi  
Roy Williams ..... Florida

**NON-VOTING MEMBERS**

LCDR John Sherlock (designee for RADM Robert Duncan), USCG,  
..... District 8, New Orleans, LA  
Columbus Brown ..... Georgia

**STAFF**

Steven Atran ..... Population Dynamics Statistician  
Kathy Conlon ..... Transcription Specialist  
Joseph Graham ..... Court Reporter  
Lela Gray ..... Transcription Specialist  
Shepherd Grimes ..... NOAA General Counsel  
Stu Kennedy ..... Fisheries Biologist  
Rick Leard ..... Deputy Executive Director  
Cathy Readinger ..... Administrative Officer  
Wayne Swingle ..... Executive Director

**OTHER PARTICIPANTS**

Pam Baker .....Environmental Defense, Corpus Christi, Texas  
Marianne Cufone .....Environment Matters, Tampa, Florida  
Virginia Fay .....NMFS-SERO, St. Petersburg, Florida  
Martin Fisher ...Gulf Fisherman's Association, St. Petersburg, FL  
George Geiger .....South Atlantic Council  
John Merriner .....Houston, Texas  
Dave McKinney .....NOAA Enforcement, Austin, Texas  
Dennis O'Hearn .....St. Petersburg, Florida  
LCDR Scott Rogers ..... 7<sup>th</sup> Coast Guard District, Miami, Florida  
Eric Schmidt .....Fort Myers, Florida  
Bob Spaeth .....Madeira Beach, Florida  
Phil Steele .....NMFS-SERO, St. Petersburg, Florida  
Bob Zales, II .Panama City Boatmen's Association, Panama City, FL

15 The Gulf of Mexico Fishery Management Council convened in  
16 Ballroom A of the Edgewater Beach Resort, Panama City, Florida,  
17 Thursday morning, October 14, 2004, and was called to order at  
18 8:30 o'clock a.m. by Chairman Bobbi Walker.

19  
20 **CHAIRMAN BOBBI WALKER:** Good morning. My name is Bobbi Walker,  
21 and as chairman of the Gulf of Mexico Fishery Management  
22 Council, I welcome you all. This is the 197<sup>th</sup> meeting of the  
23 council.

24  
25 Members of the public will be permitted to present oral  
26 statements in accordance with the schedule published in the  
27 agenda. Please advise the council staff if you desire to  
28 address the council.

29  
30 Please give written statements to the council staff. 1996  
31 amendments to the Fishery Management Act require all oral or  
32 written statements to include a brief description of the  
33 background and interests of the person and the subject of the  
34 statement.

35  
36 All written information shall include a statement of the source  
37 and date of such information. It is unlawful for any person to  
38 knowingly and willfully submit to a council false information  
39 regarding any matter the council is considering in the course of  
40 carrying out the Fisheries Act.

41  
42 If you have a cell phone, pager, or similar device, we ask that  
43 you keep them on silent or vibrating mode during the council and  
44 committee sessions. A tape recording is used for the public  
45 record. Therefore, for the purpose of voice identification,  
46 each member is requested to identify themselves, starting on my  
47 left.

48  
49 **MS. JULIE MORRIS:** Julie Morris from Florida.

50  
51 **MR. GEORGE GEIGER:** George Geiger, South Atlantic Fishery  
52 Management Council liaison.

53  
54 **LCDR JOHN SHERLOCK:** John Sherlock from New Orleans, Louisiana,  
55 8<sup>th</sup> Coast Guard District.

56  
57 **LCDR SCOTT RODGERS:** Lieutenant Commander Scott Rodgers from the  
58 7<sup>th</sup> Coast Guard District in Miami, Florida.

59  
60 **MS. KAREN FOOTE:** Karen Foote, Louisiana.

61  
62 **MR. WALTER THOMASSIE:** Walter Thomassie, Louisiana.

63 **DR. MAUMUS CLAVERIE, JR.:** Mau Claverie, New Orleans.  
64  
65 **MR. SHEPHERD GRIMES:** Shepherd Grimes, NOAA General Counsel,  
66 Southeast Region.  
67  
68 **DR. ROY CRABTREE:** Roy Crabtree, National Marine Fisheries  
69 Service.  
70  
71 **MS. VIRGINIA FAY:** Ginny Fay, NOAA Fisheries.  
72  
73 **MR. PHIL STEELE:** Phil Steele, NOAA Fisheries.  
74  
75 **MS. KAY WILLIAMS:** Kay Williams, Mississippi.  
76  
77 **MR. JOE JEWELL:** Joe Jewell, Mississippi.  
78  
79 **MR. PHILIP HORN:** Philip Horn, Mississippi.  
80  
81 **MR. DEGRAFF ADAMS:** Degraff Adams, Texas.  
82  
83 **MR. JOSEPH HENDRIX:** Joe Hendrix, Texas.  
84  
85 **MR. ROBIN RIECHERS:** Robin Riechers, Texas.  
86  
87 **MR. VERNON MINTON:** Vernon Minton, Alabama.  
88  
89 **MS. KAREN BELL:** Karen Bell, Florida.  
90  
91 **MR. ROY WILLIAMS:** Roy Williams, Florida.  
92  
93 **MR. JIM FENSOM:** Jim Fensom, Florida.  
94  
95 **MR. COLUMBUS BROWN:** Columbus Brown, Fish and Wildlife, Atlanta.  
96  
97 **EXECUTIVE DIRECTOR WAYNE SWINGLE:** Wayne Swingle, Gulf Council  
98 staff.  
99  
100 **CHAIRMAN WALKER:** Thank you. The next order of business is to  
101 swear in our three council members who have been reappointed.  
102 So I will ask Mr. Adams, Mr. Horn, and Ms. Morris to come to the  
103 front and Dr. Crabtree will swear them in.  
104  
105 (Whereupon, the newly appointed members of the council were  
106 administered the oath of office by Regional Administrator Roy  
107 Crabtree.)  
108  
109 **CHAIRMAN WALKER:** You have before you the agenda. Are there any  
110 additions or deletions?

111 **EXECUTIVE DIRECTOR SWINGLE:** The first one that would appear on  
112 the agenda, we do want to from Other Business the issue of the  
113 Mackerel SEDAR Report up to the first order of business.  
114 There's an error on the Friday schedule. It would start at 8:30  
115 rather than 8:00.

116  
117 We also need to schedule a closed council session at the end of  
118 today to consider the AP and SSC report and then you have three  
119 items listed under Other Business in your briefing book.

120  
121 The first of these you can ignore. They were requesting that we  
122 have a member on a Louisiana task team and they've decided Karen  
123 could serve instead and then Karen has a shrimp anti-dumping  
124 issue that she wants to bring up Other Business and there is a  
125 request from the Mississippi Fishing Banks to have the council  
126 designate its offshore reefs as special management zones and  
127 that one we will need to discuss.

128  
129 **DR. CRABTREE:** I would like to at some point today, whenever you  
130 feel it would be appropriate, to discuss some problems that  
131 we've encountered with the implementation of the charterboat  
132 permit moratorium.

133  
134 **CHAIRMAN WALKER:** Dr. Crabtree, would that be appropriate under  
135 the committee report of the Joint Reef Fish/Mackerel? Would  
136 that be acceptable?

137  
138 **DR. CRABTREE:** Yes, I believe that would be fine.

139  
140 **MR. WILLIAMS:** Madam Chairman, the Reef Fish Committee took  
141 testimony on the possibility of implementing trip limits in the  
142 Gulf grouper fishery, but never made any recommendations. Is  
143 that something that should be discussed during Reef Fish or  
144 under Other Business? As you know, they were asking for  
145 emergency action.

146  
147 **CHAIRMAN WALKER:** Would it be satisfactory for us to put it  
148 under the Reef Fish Management Committee? Is there any  
149 objection? Okay. Are there any other additions or deletions?

150  
151 **MR. MINTON:** Madam Chair, based on the committee meetings  
152 yesterday and the day before, it appears there's a chance we  
153 could finish most of the business today. If that appears so, I  
154 would like to suggest that we, in lieu of these different  
155 reports from the state directors and enforcement and so on, that  
156 they submit a written report if they have items that they want  
157 to share and allow us to possibly depart early in the morning or  
158 even late tonight.

159 **CHAIRMAN WALKER:** Is there any objection from the council  
160 members for us to try to continue and finish the meeting today  
161 and to accept written reports from VI down to X? Is there any  
162 objection?  
163

164 **MR. HORN:** Madam Chairman, there is a dinner scheduled for this  
165 evening. Is that correct?  
166

167 **EXECUTIVE DIRECTOR SWINGLE:** That is correct. Mr. Greg Abrams  
168 and Johnny Petronis, who is the owner of the restaurant, invited  
169 us tonight to Captain Anderson's Restaurant for supper at 6:30.  
170

171 **MR. HORN:** Let's just keep that in mind is all. I'm not  
172 objecting. I just wanted to bring that up.  
173

174 **CHAIRMAN WALKER:** Any other additions or deletions to the  
175 agenda? Is there any objection to adoption of the agenda?  
176 Hearing no objection, the agenda is adopted. We move onto the  
177 minutes, Tab A. Are there any additions, deletions, or  
178 corrections?  
179

180 **MR. GRIMES:** Just one, Madam Chairman. On page 53, line 2436,  
181 right in the middle of the sentence there's the word "ad" and  
182 that should be "and" and that's all I have, Madam Chairman.  
183

184 **CHAIRMAN WALKER:** Are there any other corrections?  
185

186 **MR. BROWN:** On page 6, line 190, Ms. Walker indicated that my  
187 wife was undergoing transplant surgery. As indicated by Mr.  
188 Fruge later in the transcript, lines 7529 through 40, that was  
189 not an accurate depiction of the situation.  
190

191 I might add that she is approaching her tenth anniversary as a  
192 heart transplant recipient and is looking forward to a kidney  
193 transplant in the very near future and your thoughts and prayers  
194 have been appreciated.  
195

196 **CHAIRMAN WALKER:** Thank you, Mr. Brown. Any other changes to  
197 the minutes? Is there any objection to adoption of the minutes?  
198 Hearing no objection, the minutes are adopted. One thing we've  
199 failed - We've moved the Mackerel SEDAR Report up and we're  
200 fixing to make a phone call to Nancy Thompson regarding our  
201 review that the SSC did on our king mackerel stock assessment.  
202

203 We did not have a quorum present at that meeting. We have  
204 nineteen members and there were nine that attended and one left  
205 prior to the vote. First, before we call Nancy, I would ask our  
206 attorney what legal ramifications there are in us not having a

207 quorum in the review.

208

209 **MR. GRIMES:** I would say your record is somewhat weakened. If  
210 they didn't have a quorum, then the argument is that they didn't  
211 really meet and so there is some legal risk in proceeding  
212 without reconvening them and making sure you get a quorum and  
213 then getting the full opinion of the SSC.

214

215 **CHAIRMAN WALKER:** Thank you, Mr. Grimes. I think the decision  
216 that the council has to make is do we want to reconvene our SSC  
217 to attempt to get a quorum and/or do we want to include either  
218 the chairman or the full SSC of the South Atlantic during that  
219 meeting in reviewing the king mackerel stock assessment.

220

221 For those new members that are here, a stock assessment was  
222 performed on king mackerel. The South Atlantic SSC rejected the  
223 stock assessment. Our nine members did not reject it, but said  
224 that they wanted us to be conservative in our management of king  
225 mackerel.

226

227 I would like to hear from Nancy Thompson what she thinks would  
228 be the best thing to do and then I'm going to need a motion from  
229 the council on what you wish for us to do as far as proceeding.  
230 Cathy is going to get in touch with Nancy now on a conference  
231 call.

232

233 Nancy, Mr. Grimes has just given us his opinion of us not having  
234 a quorum at our SSC meeting that reviewed the king mackerel  
235 stock assessment.

236

237 **DR. NANCY THOMPSON:** Okay.

238

239 **CHAIRMAN WALKER:** We understand now that we have to make a  
240 decision as to whether to reconvene our SSC and whether or not  
241 the council would like the South Atlantic's SSC, or a  
242 representation of them, to attend our SSC meeting and we wanted  
243 to get your thoughts on it before we continued.

244

245 **DR. THOMPSON:** Okay. I'm not sure what Shep offered as advice,  
246 but my view is that I think it also segways into a bigger  
247 discussion about the role of the SSC, quite frankly, in terms of  
248 how they're going to be used in this SEDAR process.

249

250 But getting back to the specifics as far as mackerel is  
251 concerned, it was my understanding that there were very few  
252 people at the Mackerel SSC Committee and yet there were some  
253 recommendations that came out of it.

254

255 It's kind of difficult for me sitting here in the Science Center  
256 to take those kinds of recommendations from such a small group  
257 of people, realizing that it is, again, a small group of people  
258 and what they tended to focus on, it was my understanding and  
259 looking at the report too, that the focus seemed to be on the  
260 assessment as opposed to the SEDAR Panel Report.

261  
262 My personal view is that it's hard for me to take that report  
263 and those recommendations from the SSC as being representative  
264 of what the SSC may have come up with had there been a quorum or  
265 certainly many more people there.

266  
267 The SSC is pretty large, based on what I saw in the report, and  
268 there were only a handful of people there and so first of all,  
269 my view is that I don't really feel like I can do anything with  
270 that SSC report relative to making some kind of judgment in  
271 terms of best available science, which, of course, I have to  
272 take into consideration when I make those calls.

273  
274 The second thing is should it be reconvened with the South  
275 Atlantic and because of the issues involved and because the  
276 South Atlantic has some questions obviously they raised about  
277 the panel report, my answer would be yes.

278  
279 This actually came up as a question during the South Atlantic  
280 SSC Committee as well and I recall then suggesting that it would  
281 be a good idea for the two committees to meet and basically hash  
282 it out.

283  
284 Now getting back to what the purpose of the SSC Committee is,  
285 again, unfortunately in this particular case, for some reason  
286 the people who were there for the Gulf SSC meeting tended to  
287 focus on the assessment itself.

288 Of course, the SEDAR review panel takes a week to do that. So  
289 if that's going to be the role of the SSC, then it's going to  
290 have to be a much longer meeting if they're going to start  
291 picking apart the actual assessment as opposed to what my  
292 personal opinion is, and the way the South Atlantic has worked  
293 it with the SSC, is their role is to focus on the SEDAR Panel  
294 Report, the final review, as opposed to the assessment itself.  
295 So that's where I am with it.

296  
297 **CHAIRMAN WALKER:** Thank you, Nancy. Are there any questions of  
298 Nancy?

299  
300 **DR. CLAVERIE:** If we don't reconvene, didn't the South Atlantic  
301 SSC have a quorum?

302

303 **CHAIRMAN WALKER:** Yes, they did.  
304  
305 **DR. CLAVERIE:** Would Nancy then be compelled to just take their  
306 recommendations as SSC recommendations and whatever weight that  
307 may or may not carry and we just don't have -  
308  
309 **DR. THOMPSON:** Those are the recommendations that are on the  
310 table. So my personal opinion is that there should be an SSC  
311 committee that's convened for the Gulf Council and again, it  
312 should be reconvened, in my view, with the South Atlantic SSC.  
313  
314 **DR. CRABTREE:** I think it's clear we need to reconvene our SSC.  
315 If you look at the list of who was there, it was a short list  
316 and if you look down our SSC, a lot of our analytical types and  
317 the people you would want to review these types of things, they  
318 weren't there.  
319  
320 I believe one who was there, Doug Gregory, left early, as I  
321 understand, and I believe he dissented from the view of some of  
322 the others. So there was some division among the people who  
323 were there and this is one of our major fisheries. I don't  
324 think there's any question that we need to reconvene our SSC.  
325  
326 If we go forward on a recommendation without a quorum, we're  
327 just leaving ourselves wide open and I don't think we can do  
328 that. I also think that it would be advisable for us to either  
329 have the chairman of the South Atlantic SSC there or have a  
330 joint SSC meeting.  
331  
332 We need these two SSCs to come to some sort of consensus as to  
333 how to proceed. It is not going to serve any of us to have a  
334 disparity in the advice that we're getting. So I think we need  
335 to make every effort to bring these committees to some sort of  
336 consensus as to what the appropriate way to proceed would be.  
337  
338 **CHAIRMAN WALKER:** Dr. Crabtree, will you make a motion?  
339  
340 **DR. CRABTREE:** I would so move that we reconvene a joint SSC  
341 meeting to review the Mackerel SEDAR work product.  
342  
343 **CHAIRMAN WALKER:** Do I have a second? Mr. Williams seconds.  
344  
345 **DR. CLAVERIE:** What are the practical chances of having a quorum  
346 if the two of them are to meet together?  
347  
348 **CHAIRMAN WALKER:** I would hope that we would contact both of  
349 them and choose a date where we could have a quorum. Certainly  
350 we wouldn't try to have another meeting and not have a quorum.

351 **DR. CLAVERIE:** Apparently we couldn't do that with our own and  
352 so I wonder if we have an extra number of people, which is good  
353 idea and I'm in favor of it, but as a practical matter, how do  
354 we get a quorum when we have more people that need to be there  
355 and is a quorum adequate because we were only below a quorum and  
356 Nancy wants more people than that to have input. So how are we  
357 going to accomplish that?  
358

359 **CHAIRMAN WALKER:** Each council staff is going to have to call  
360 every member of their SSC and work out an available date between  
361 both of them where they can meet together, Mr. Claverie.  
362

363 **DR. CLAVERIE:** How soon? What's the practicalities? How soon  
364 could that happen? In a year or less or what?  
365

366 **EXECUTIVE DIRECTOR SWINGLE:** We're constrained by the time it  
367 takes to put a Federal Register notice of meeting in there.  
368 That has to be done twenty-three days in advance and so that's  
369 the minimum time that we would have to take and then we really,  
370 as Chairman Walker suggests, we need to e-mail each of the  
371 members of the SSC to try to find their best availability date  
372 and so you may want to look at about a two-week window of  
373 potential dates in order for them to respond as to what dates  
374 they would be available.  
375

376 **MR. MINTON:** Wayne, has anyone looked at the composition of the  
377 SSC to see if there are some members who are having just a lot  
378 of difficulty coming to the meetings and have been missing a lot  
379 of them lately, to the point where we may want to restructure  
380 that?  
381

382 **EXECUTIVE DIRECTOR SWINGLE:** We look at that every two years  
383 when we reappoint all the SSC and AP members and there were some  
384 people that had fairly high absence rates that were reappointed.  
385

386 **MR. MINTON:** I would suggest then that we ask, because of the  
387 problems we've had with this in the past and now, that we ask  
388 staff to look at that and see if we may need to have an interim  
389 review of the SSC and possibly add some people and thank some  
390 people for their past participation.  
391

392 **CHAIRMAN WALKER:** Thank you, Mr. Minton. Mr. Swingle, you'll do  
393 that before the next meeting?  
394

395 **EXECUTIVE DIRECTOR SWINGLE:** Yes. We'll be glad to review the  
396 attendance records over probably the last two-year period by the  
397 next meeting.  
398

399 **MR. WILLIAMS:** Vernon, we do this in March. It's coming up in  
400 just a few months anyway. Is it really worthwhile making a  
401 special effort to put this on the - You're talking about the  
402 agenda that's a month away, right? Personally, I would wait and  
403 just do it at the March meeting when we do this routinely.  
404

405 **MS. MORRIS:** I support Dr. Crabtree's motion and I would  
406 encourage staff to explore the opportunity of video conferencing  
407 or telephone conferencing if it's hard to get everybody in one  
408 room at the same time.  
409

410 **CHAIRMAN WALKER:** Thank you, Ms. Morris. Dr. Crabtree, would  
411 you like to restate your motion so we can get in on the board,  
412 please?  
413

414 **DR. CRABTREE:** Yes. **It was to reconvene the SSC in a joint**  
415 **meeting with the South Atlantic SSC to review the Mackerel SEDAR**  
416 **work products.** Julie, I feel like this is a large enough issue  
417 that if at all possible we need these folks to sit down together  
418 and spend - I don't know how much time they're going to feel  
419 like they need, but I would think minimally a day or two days to  
420 resolve this.  
421

422 So George, I believe that the South Atlantic Council would  
423 welcome this meeting. But I would like to hear your comments  
424 and I also believe the South Atlantic SSC meets with the council  
425 in two weeks in Pawleys Island, right? So we could bring this  
426 subject up to them at that time and maybe we could have some  
427 potential dates in hand at that meeting.  
428

429 **MR. GEIGER:** That's correct and certainly I can't speak for the  
430 remainder of the council to this, but as the Mackerel chair, I  
431 certainly support a joint meeting of the SSC and I think we  
432 discussed that at our joint committee meeting as a potentiality  
433 and it just never got fleshed out in Key West.  
434

435 Also, I can't speak for the Executive Director in regard to  
436 funding and how much this is going to cost and where the money  
437 is going to come from or if we have it because I know our budget  
438 was very, very tight. So those are issues that are going to  
439 have to be addressed at the staff level, but I support it.  
440

441 **CHAIRMAN WALKER:** Is there any other discussion on the motion?  
442 The motion reads: **To reconvene the SSC in a joint meeting with**  
443 **the South Atlantic Fishery Management Council's SSC to review**  
444 **the Mackerel SEDAR work products. All in favor of the motion,**  
445 **raise your hand. The motion carries.** Nancy, are you still  
446 there?

447 **DR. THOMPSON:** Yes, I am.

448

449 **CHAIRMAN WALKER:** We are going to request that we reconvene both  
450 SSCs in a joint meeting and we'll try to do that as soon as  
451 possible.

452

453 **DR. THOMPSON:** That's great.

454

455 **CHAIRMAN WALKER:** Thank you for being with us this morning.

456

457 **DR. THOMPSON:** Thank you for letting me do this.

458

459 **CHAIRMAN WALKER:** The next item on the agenda is Public  
460 Testimony. We'll do the public testimony on Reef Fish Amendment  
461 23/EIS first and the first speaker I have is Ms. Marianne  
462 Cufone.

463

464 **MS. MARIANNE CUFONE:** Good morning, everybody. I'm here on  
465 behalf of the Gulf Restoration Network, which is an alliance of  
466 groups and individuals committed to uniting and empowering  
467 people to protect and restore the resources of the Gulf region,  
468 protecting it for future generations. GRN has members in all  
469 five Gulf states.

470

471 First, I would like to compliment the writers of the vermilion  
472 snapper draft management plan. It's a really good document and  
473 it has a lot of really good information in it and I think it's  
474 very well written, which I hope other amendments follow in its  
475 path.

476

477 Things haven't changed a whole lot in the document since last we  
478 had public comment and so, of course, my comments aren't going  
479 to change that much. I will keep them fairly brief. We will  
480 submit more detailed written comments at a later time.

481

482 Some of the concerns are that Draft Amendment 23 should include  
483 ecosystem-based management. We keep talking about ecosystem-  
484 based management and we keep saying that it's the way to go on  
485 the plans for the Gulf of Mexico.

486

487 But somehow we never seem to have the time to do it on  
488 particular fisheries and basically we need to take the  
489 initiative and move forward on that concept and I think  
490 vermilion snapper is a really good example of a particular  
491 fishery that could benefit from that.

492

493 Red snapper plays into it, shrimp plays into it and so it would  
494 be great if you all could take into consideration at least red

495 snapper and shrimp fishery interactions on vermilion.  
496  
497 Draft Amendment 23 should also use the best scientific data  
498 available. Our concerns mainly revolve around the use of size  
499 limits and a one-month closed season. Size limits are somewhat  
500 questionable, in particular for vermilion, in that there's  
501 really two scenarios.  
502  
503 Increasing the minimum size limit could allow fish to reproduce  
504 more before they're caught, but also on the alternative, there's  
505 the possibility of increasing bycatch. If people are catching  
506 smaller fish and discarding them, there's the possibly of  
507 actually losing more fish than gaining them through our  
508 reproductive cycle.  
509  
510 Also, a lot of fishermen have come up and said that they're  
511 actually catching vermilion that are already between eleven and  
512 twelve inches. So increasing the size limit to a solid eleven  
513 inches isn't likely to do a whole lot other than on paper. It  
514 sounds great, but if they are actually already catching them  
515 that size, it's not doing anything for rebuilding the fishery.  
516  
517 Draft Amendment 23 should also include alternatives for bycatch  
518 monitoring and minimization. There's a great discussion on  
519 bycatch. There's a lot of information included, but the  
520 document sort of pushes off bycatch minimization to Amendment 18  
521 and as we all know, this week Amendment 18 is changing  
522 drastically. So that needs to be considered in this particular  
523 process.  
524  
525 Finally, Draft Amendment 23 only provides limited management  
526 options. There's a lot of really good information in there.  
527 There are some really good alternatives and discussions, but  
528 there are a few things I think that are missing that might  
529 actually outperform some of the alternatives that are included.  
530  
531 Creating consistent vermilion and red snapper seasons to  
532 minimize bycatch, closing both red snapper and vermilion when a  
533 quota is caught on either might be good options to include to  
534 discuss. I know we're at a late stage in the final draft, but  
535 just food for thought. Thanks.  
536  
537 **CHAIRMAN WALKER:** Thank you, Ms. Cufone. Are there any  
538 questions?  
539  
540 **DR. CRABTREE:** I just wanted to point out with respect to  
541 bycatch monitoring that that was dealt with in Amendment 22  
542 where the council's preferred alternatives were for observer

543 programs in the reef fish fisheries that would include vermilion  
544 snapper. So we have, I believe, dealt with that issue.

545

546 **MS. CUFONE:** But it's not done yet and it's still in process and  
547 we haven't even got a proposed rule. So I understand that  
548 you've done it somewhere, but it ought to at least be noted in  
549 Draft Amendment 23 or reiterated or incorporated by reference or  
550 something like that. It seems very absent.

551

552 **MR. WILLIAMS:** Marianne, when you suggest we should do  
553 ecosystem-based management here, can you specifically tell me  
554 how this amendment would be different if we did that?

555

556 **MS. CUFONE:** I think some of the things I mentioned already are  
557 examples of that. Taking a look at red snapper in the shrimp  
558 fishery in conjunction with vermilion snapper and gauging  
559 impacts of management of vermilion on red snapper and shrimp and  
560 vice versa.

561

562 Things that you're doing through Amendments 13 and 14 for shrimp  
563 might have some impacts on vermilion and things that you're  
564 doing through Amendment 22 for red snapper might have impacts  
565 for vermilion and also the ITQ issue.

566

567 So rather than actually just focusing on a particular species,  
568 it seems to me at some point we need to actually transition to  
569 looking at groups of species that are found and caught together  
570 or a bycatch of each other or that cause bycatch in certain  
571 other fisheries and we haven't gotten there and we keep talking  
572 about doing that and the answer is always we don't have time.

573

574 We have to get this amendment in place and we have to do this  
575 and it would be great at some point to take a step back and  
576 actually start thinking on a more regional level instead of a  
577 species by species.

578

579 **MR. WILLIAMS:** So the context of ecosystem management here means  
580 interaction with other fisheries?

581

582 **MS. CUFONE:** Sure.

583

584 **CHAIRMAN WALKER:** Are there any other questions for Ms. Cufone?  
585 Thank you, Ms. Cufone. The next speaker we have is Dr. Russell  
586 Nelson.

587

588 **DR. RUSSELL NELSON:** Thank you, Madam Chair. I am Russell  
589 Nelson, here representing the Coastal Conservation Association  
590 and my comments today aren't going to vary from my comments over

591 the course of the last year on this issue.

592  
593 There's a few facts out there. The council, when it passed  
594 Amendment 1, made a policy decision and sent that decision out  
595 for public hearings, public review, advisory panel review, final  
596 public hearing, and passed an amendment which said that in the  
597 future if there was TAC set the recreational allocation for  
598 vermilion snapper would be 33 percent.

599  
600 Subsequently, the recreational sector was controlled with a bag  
601 limit, with the aggregate bag limit, and there were no controls  
602 whatsoever placed on the commercial sector. During the course  
603 of this last decade of management, vermilion snapper have come  
604 to be overfished and the recreational catch has fallen from 33  
605 percent to about 20 percent of the total.

606  
607 The recreational sector has not been culpable in the  
608 overfishing. The overfishing occurred because there were no  
609 controls on fishing mortality placed in the commercial fishery.  
610 So we have come to a discussion today of vermilion snapper are  
611 overfished.

612  
613 We don't argue with that contention. We need to reduce fishing  
614 mortality and as we have offered before, we believe the council  
615 should in good faith take an action which will both reduce  
616 fishing mortality, initiate a recovery within the time frame  
617 that you have accepted, and restore the recreational sector to  
618 its modest 33 percent of the catch.

619  
620 I have not in the course of these discussions heard any reason  
621 why the council doesn't want to go back to the 33 percent. I've  
622 heard that you don't have to and if you make a discussion and  
623 you make some reasons, I guess you don't have to.

624  
625 This isn't an issue that we're going to sue the council or NMFS  
626 about. I think it's just a good-faith, good management issue.  
627 You don't have to do anything to the recreational sector. If  
628 you want to increase the size limit, we're not going to object  
629 strenuously to that.

630  
631 You simply need to put a quota in the commercial sector to  
632 reduce mortality sufficiently to allow for a recovery and let  
633 the recreational sector have the 33 percent that they had before  
634 and I thank you.

635  
636 **CHAIRMAN WALKER:** Thank you, Dr. Nelson. Are there any  
637 questions for Dr. Nelson? Thank you. The next speaker is Mr.  
638 Eric Schmidt.

639 **MR. ERIC SCHMIDT:** Good morning, Madam Chairman and Gulf  
640 Council. I really don't have a dog in this fight. Where I  
641 live, we really do not have a directed vermilion snapper fishery  
642 per se. There's some areas of deeper water where you can go  
643 catch a couple or 300 pounds.

644  
645 What I am interested in this rebuilding plan for is from the  
646 science aspect. I've been involved with vermilion snapper  
647 research with the Panama City Lab for about five years now. I  
648 attended the stock assessment in 2001 and there was a lot of  
649 problems with that stock assessment.

650  
651 There was a lack of data. The data that they did have was  
652 culled through. One of the most important factors that I  
653 thought was discarded was the spawning frequency that was  
654 determined by the Panama City Lab to be, I believe, between 90  
655 and 100, which means that this fish spawns, theoretically, every  
656 other day for 180 days. That was not factored into the stock  
657 assessment.

658  
659 Also, the stock assessment that was used was a Pella-Tomlinson  
660 production model, which I believe that production models are  
661 used when there's a lack of data. This fish undergoes what's  
662 called metapopulation, which means an eight-inch fish at a  
663 specific site could be an age zero or it could be an age two.

664  
665 I believe the council in the rebuilding plan has received  
666 updated CPU indices. I've looked at the proposals for minimum  
667 size limit increase and I believe that's just going to increase  
668 discard mortality. I've talked to the directed vermilion  
669 snapper fishermen and they don't want closed seasons.

670  
671 So I would direct you to the letter that you have received from  
672 Dave Frulla, which on the first page, it says: In short, case  
673 law points to the conclusion that a one-year timeframe for  
674 developing management measures to end overfishing and begin a  
675 rebuilding process requires that NMFS and/or regional management  
676 council have in place a draft fishery management plan or  
677 amendment, not that measures be implemented within that one-year  
678 time frame.

679  
680 Courts understand that the development of complex management  
681 regimes take time, given the legally required process and where,  
682 as here, new information is shortly expected which may influence  
683 management decisions, the requirement that making councils and  
684 NMFS engage in reasoned decision making may require waiting for  
685 that information to be produced.

686

687 One more comment that Mr. Frulla makes: An errant overfishing  
688 determination, divorced from an understanding of the context of  
689 the fishery and biological dynamics of the stock based on an  
690 admittedly flawed stock assessment, should not drive  
691 conservation measures that will have significant adverse  
692 economic results on hook and line fishermen with small  
693 operations that have few other fishery options, especially when  
694 a short few months should be able to ascertain far more reliably  
695 how NMFS and the council should proceed.

696  
697 The council is obliged to act on best scientific information  
698 available, but that does not require the council to ignore the  
699 shortcomings of that information detailed below and other  
700 elements of the regulatory situation.

701  
702 It is my personal opinion, and I'm speaking on behalf of no  
703 organization, that the council table Amendment 23 and wait until  
704 the SEDAR process gives us new information. Too many times  
705 we've gone down this road and red grouper, for instance.

706  
707 This council made a ruling to move the red grouper longline  
708 fishery to fifty fathoms and two months later we got a new stock  
709 assessment that showed different results. It seems like you go  
710 through a lot of work, a lot of effort, when there's something  
711 coming down the road that might change this plan and that's my  
712 suggestion.

713  
714 **CHAIRMAN WALKER:** Thank you, Mr. Schmidt. Are there any  
715 questions for Mr. Schmidt? Thank you, Mr. Schmidt. The next  
716 speaker we have is Mr. Bob Zales, II.

717 **MR. BOB ZALES, II:** Good morning. I'm Bob Zales, II and I'm  
718 here representing the Panama City Boatman's Association, the  
719 West Central Florida Party Boat Association, which is covering  
720 fifteen headboats down in that part of the state, the  
721 Mississippi Charterboat Association, and the Destin Charterboat  
722 Association.

723  
724 I was hoping to have some of those people here today, but as  
725 some of you know, and Roy Williams in particular, people are  
726 trying to fish. Yesterday trips got cancelled and the weather  
727 finally straightened out and so most everybody is on the water  
728 today and so that's why they're not here.

729  
730 Basically, we support the status quo, the continued ten-inch  
731 size limit on vermilion snapper and leave them in the aggregate  
732 of twenty fish. We don't see any reason to change it and we  
733 would suggest that you leave it alone.

734

735 You heard from Eric Schmidt and I suspect you're going to hear  
736 from one or two others and I think we would support, because  
737 I've advocated in past testimony to do exactly what Eric just  
738 said, is to, if the council doesn't table this issue, turn it  
739 over to the Fisheries Service and let them run a secretarial  
740 amendment with it.

741  
742 You've got a new assessment coming out next year and for the  
743 same reasons that Eric said, I think we can support that. You  
744 could be rushing into something and it's pretty much the opinion  
745 of those of us that stay on the water that these fish are not in  
746 trouble. If you want to catch them, you can. So we would  
747 suggest doing that.

748  
749 I would like to add one other thing to this. There's talk now  
750 of playing with IFQs with red grouper and gag grouper in the  
751 grouper fishery. I would suggest that if, and I've done this  
752 before, if this council is going to continue to go down the road  
753 of IFQs and I'm not going to say I'm for or against them, but if  
754 you're going to go down that road, take the commercial fishery,  
755 mackerel, reef fish, all of it, and do them at one time.

756  
757 Don't piecemeal them and do them one each. Get on the road and  
758 do the deed and be done with it. That would be the best way to  
759 do that and I think it would be the most fair to all the  
760 fishermen that's on the water and it would maybe get things  
761 about halfway back to normal the way they were many years ago as  
762 far as fishermen are concerned.

763  
764 So other than, I've got one other little comment. I would like  
765 to compliment our current Coast Guard representative who I guess  
766 is not going to be with us anymore, but I want to tell you a  
767 little story.

768  
769 I've hollered and screamed about enforcement and what not and a  
770 couple of weeks ago for the first time ever since the drug  
771 regulations came into play, my boat was checked for the sole  
772 purpose of two things: to check my license and to check me and  
773 my crew's drug card. They did the job and so hopefully they're  
774 on the road to better enforcement and I appreciate it. Any  
775 questions, I'll be glad to try to answer them for you.

776  
777 **CHAIRMAN WALKER:** Are there any questions?

778  
779 **MR. FENSOM:** Bob, if you stay with the ten-fish aggregate, what  
780 percentage of the vermilion catch does that leave with the  
781 recreational sector?

782

783 **MR. ZALES:** You mean with the twenty-fish aggregate that they're  
784 in now?

785  
786 **MR. FENSOM:** Right. The twenty, yes.  
787

788 **MR. ZALES:** I don't know what the figures are, Jim, but I have a  
789 real fear. Any time that you tag a fish with a bag limit, I  
790 think it changes social behavior to where it then creates a  
791 target and when vermilion are mentioned as an aggregate, I think  
792 it gives a different mindset to fishermen than saying you can  
793 catch ten vermilion.  
794

795 It's kind of like if you can catch four reds or two king  
796 mackerel or whatever, people tend to try to do that. They try  
797 to achieve their bag limit. So in my mind, by doing what's  
798 proposed as the preferred alternative, you could actually put  
799 more pressure on vermilion snapper than what's currently there  
800 because I think as people go fishing and they catch what they  
801 catch, they're happy with it.  
802

803 If you tag them with ten fish, they catch eight and they're  
804 going to be upset because they didn't catch ten and it pushes  
805 them to catch those ten. So I don't know what the percentage  
806 is, but I think it's at a safe level. It appears to me that the  
807 people that I know that catch them, if you want to target  
808 vermilion, you can catch them.  
809

810 **MR. FENSOM:** As far as the comments that Russ Nelson made about  
811 the percentages changing over the years, I know you've watched  
812 this fishery and watched this process for years. As far as  
813 those percentages, do you disagree with what Russ Nelson had  
814 said about how they initially were allocated and how that's  
815 changed?  
816

817 **MR. ZALES:** If that was the point of your question, no. I agree  
818 with Russell wholeheartedly on that. I've seen that in other  
819 fisheries as we go down this road because the recreational  
820 sector, as its tagged with bag limits, if those bag limits  
821 aren't achieved over time it appears that the percentage of fish  
822 that I guess would be allocated to us changes and so I would  
823 agree with Russell 100 percent on that.  
824

825 **CHAIRMAN WALKER:** Are there any other questions?  
826

827 **MS. WILLIAMS:** Since they were looking at landing data, do you  
828 have enough confidence in the landing data that's coming out of  
829 MRFSS and the other surveys that they're doing on recreational  
830 needs to trust that landing data?

831 **MR. ZALES:** The MRFSS information is getting a little bit better  
832 than it used to be, but no, I still don't have a whole lot of  
833 confidence in it.

834  
835 We're working our best to try to give advice and suggestions and  
836 to work with the MRFSS people to get better data, but no, the  
837 MRFSS data is so far away and when you're trying to target - As  
838 they said the other night in the meeting, they ask now in the  
839 intercept surveys what people target, the two fish that they  
840 target the most, and if they don't answer, whatever two fish  
841 were listed, the first two fish is what they consider to be the  
842 target and to me that's not a good way to do that.

843  
844 They don't get a good handle on what's targeted and so you can't  
845 really get a good handle on catch per unit of effort if you  
846 don't what you're targeting.

847  
848 **CHAIRMAN WALKER:** Are there any other questions? Thank you, Mr.  
849 Zales. The next speaker we have is Mr. Russell Underwood.

850  
851 **MR. RUSSELL UNDERWOOD:** Thank you, Madam Chair. I'm Russell  
852 Underwood. I live in Panama City, Florida. I sit on the Red  
853 Snapper Ad Hoc Committee and the SEDAR Committee.

854  
855 I have six boats and I fish in the western part of Louisiana and  
856 vermilion snapper is a major part of my production. It is very  
857 important to my guys and the boats to be able to harvest  
858 beeliners.

859  
860 I've been hearing testimony the last few days and I guess the  
861 last few months. I attended all the workshops in Louisiana  
862 about the vermilion snapper and you all will come to find out  
863 that I'm just kind of a straight-up person, just a hard-working  
864 fisherman and that's about all I am, a family guy. So when I  
865 speak, I usually try to speak from the heart and straight up. I  
866 don't try to come up here and try to fool nobody.

867  
868 I used to party boat fish for about ten years out of Captain  
869 Anderson's. I was a headboat captain, a young one, and I think  
870 a pretty good one. We caught a lot of beeliners. I think  
871 beeliners, as far as charterboats and smaller boats, I don't  
872 believe they play a major part in the fishery, but the headboats  
873 play a major part in the beeliner fishery. I want to make that  
874 comment.

875  
876 In the past few months, I've been hearing things and Felicia  
877 Coleman, a very respected marine biologist, has been doing a lot  
878 of studies off of Florida and she has quoted that the

879 recreational sector, it's coming to find out, plays a bigger  
880 role than what they have thought about fish and what they're  
881 taking out of the Gulf.

882

883 A lot of the reports of MRFSS are not up to date and I don't  
884 think we actually know how many vermilion snapper are being  
885 caught by recreational and sportsmen and headboats. About a  
886 year ago, we didn't hear a word about recreational not having  
887 their fair share of vermilion snapper.

888

889 But now we're hearing that we're overfished on vermilion  
890 snapper. But people are hawking for status quo and I'm a fair  
891 man. I've always been fair to my employees and people around  
892 me. Why would you want to -- What would be a good word for that  
893 -- just punish the commercial sector if there is an overfished  
894 stock.

895

896 I think we all are part of this system, the recreational, the  
897 sportsmen, the headboats, commercial. But I want to bring you  
898 all to this point that you didn't hear a thing a year about  
899 we're not getting our fair share of the beeliners. Maybe the  
900 fishery has changed a little bit in the ways the charterboats  
901 fish and what they're chasing nowadays.

902

903 I don't catch the beeliners I used to. I made that report in  
904 public testimony about when red snapper is good I work my butt  
905 off for ten days and I'm tired and I'm going home for a week and  
906 I didn't go back beeliner fishing. When you don't go back  
907 beeliner fishing, that means the quota falls and I have  
908 testified that some of the fishery habits of myself and other  
909 fishermen might be a reason why my beeliner, my production has  
910 declined because I haven't fished that much for beeliners.

911

912 Some of my boats about three months ago were beeliner fishing  
913 and they made a trip and some of them had 5,000 pounds in five  
914 days. That's not always the case, but there still is a stock  
915 out there to be fishing for.

916

917 If you commercially fish for beeliners, you're going after  
918 beeliners. I catch a few red snapper fishing during the snapper  
919 season, a few, 200 or 300 pounds a trip sometimes. But  
920 vermilion snapper is very work intensive and you've just got to  
921 really bust your butt to catch some small fish. They're a lot  
922 smaller and they don't go to twenty-five pounds. They go to  
923 about five or six pounds at the biggest.

924

925 I'm going to say that I think that possibly we could be  
926 overfished and there's a possibility that it's not either or Mr.

927 Swingle and the scientific committee keeps on saying I think  
928 we're coming to the verge of being overfished. Well let's find  
929 out if we're not overfished or we are overfished.

930  
931 They've got a stock assessment coming up next year and so what  
932 I'm going to say is let's take it slow and easy and I was at the  
933 Houston meeting and there was just a few fishermen and I  
934 appreciate Roy Williams working with us and the fishermen that  
935 were there trying to set up something and trying to hear our  
936 voice of what we would like.

937  
938 What we don't want is no three-month closure. That will put us  
939 out of business and it will also destroy the vermilion market,  
940 just like it destroyed the amberjack market, this three-month  
941 closure.

942  
943 So what I would support is this. Let's take it slow and easy  
944 and if we do have to have some kind of closure, and out of  
945 respect to the council, I recommend a one-inch size increase and  
946 a forty-day closure.

947  
948 I just don't want no part of this three-month closure and I will  
949 accept a one-inch size increase if we've got to and a forty-day  
950 closure to do my part of this reduction. But I also feel like  
951 that everybody should play a part in the reduction if the  
952 fishery is overfished. Thank you.

953  
954 **CHAIRMAN WALKER:** Thank you, Mr. Underwood. Are there any  
955 questions for Mr. Underwood?

956 **MS. WILLIAMS:** Mr. Underwood, I believe in that meeting that was  
957 held at the last council it was the recommendation that that  
958 closed season be April 22 through May 31. Is that correct?

959  
960 **MR. UNDERWOOD:** Yes.

961  
962 **MR. FENSOM:** Russell, I always appreciate your comments and  
963 you're straight up with us. You're talking about waiting on the  
964 next stock assessment. What's your confidence level in the next  
965 stock assessment on vermilion snapper?

966  
967 **MR. UNDERWOOD:** That's a pretty tough question.

968  
969 **MR. FENSOM:** Why should we wait?

970  
971 **MR. UNDERWOOD:** Why?

972  
973 **MR. FENSOM:** If you don't have any confidence in what's coming -  
974

975 **MR. UNDERWOOD:** I didn't say I didn't have no confidence. You  
976 said what level of confidence and I believe in the system and I  
977 just believe we're asking for a whole lot. You're asking me for  
978 a ninety-day closure as a possibility and I'm willing to accept  
979 a forty-day closure and I will accept it if we've got to have  
980 it.

981  
982 I do have confidence in the system, but I would feel a lot  
983 better and I think everybody on the council would feel a lot  
984 better if they had a new, updated stock assessment. But this  
985 eleven-inch size limit, that would keep the other boats away  
986 from the smaller fish and a forty-day closure and I agree with  
987 that if that answers your question.

988  
989 **MR. FENSOM:** If you don't want to answer it, that's fine. But I  
990 don't think you ever said what your level of confidence was in  
991 the next year's stock assessment of vermilion snapper.

992  
993 **MR. UNDERWOOD:** The level of confidence? Honestly, I believe  
994 that you probably show signs that we need some kind of a cutback  
995 if that's what you're looking for. I think there might be a few  
996 small problems in this fishery and you're talking about maybe it  
997 could be overfished.

998  
999 **MR. MINTON:** Russell, thank you for coming again. You do recall  
1000 that the current Reef Fish Committee recommendation, the  
1001 preferred alternative, is the one-inch increase and the forty-  
1002 day closure and you're supporting that?

1003  
1004 **MR. UNDERWOOD:** Yes.

1005  
1006 **MR. MINTON:** I think we'll agree that there is a high degree of  
1007 uncertainty in the stock assessments and because of the problems  
1008 they have with the length at age with this fish, but taking the  
1009 position that we could be in the wrong here, this would be an  
1010 alternative that you could support?

1011  
1012 **MR. UNDERWOOD:** Yes.

1013  
1014 **MR. HORN:** Russell, I would like to hear why you would prefer  
1015 personally an April and May closure as opposed to something  
1016 perhaps in July when it's the heart of the summer and you can't  
1017 hardly give a vermilion snapper away, just out of curiosity.

1018  
1019 **MR. UNDERWOOD:** I guess I'm going to have to pass the buck off.  
1020 Mr. Abrams was at the meeting in Houston and that's the only  
1021 people I have to refer to. I don't sell our catch and he  
1022 brought it up to Mr. Williams about a May closure and that's why

1023 I'm backing that up.

1024

1025 **MR. HORN:** But do you get more money for them in April and May  
1026 than you do in July?

1027

1028 **MR. UNDERWOOD:** I probably get more money in April and May.

1029

1030 **MR. HORN:** Then why would you want to catch them in July and  
1031 close in April and May?

1032

1033 **MR. UNDERWOOD:** Again, I say that came from the fish house and  
1034 I'm just being quite honest.

1035

1036 **MR. ADAMS:** I'm just curious. How do you think the increase in  
1037 minimum size limit from ten to eleven inches is going to help  
1038 the fish and reduce the amount of fish that are caught? If you  
1039 catch a ten-inch fish and have to put it back, is it going to  
1040 survive anyway?

1041

1042 **MR. UNDERWOOD:** About the eleven-inch size limit, I don't think  
1043 it would have a dramatic help for the fish. But it will do, it  
1044 will deter fishermen, maybe full-time beeliner fishermen that  
1045 don't have a snapper endorsement like I do, to stay away from  
1046 the smaller fish. A one-inch size limit will not do that much  
1047 to hurt the stock. There is some large beeliners out there to  
1048 catch. There's some medium-sized beeliners to catch.

1049

1050 Two of my boats, I done some measuring one day when I heard  
1051 about all this coming up and personally, I believe that an  
1052 eleven-inch size limit would not have a whole lot of bycatch,  
1053 but it will also deter these fishermen from getting away from  
1054 these eight or nine-inch fish and staying there trying to cull  
1055 through these smaller beeliners. You can get offshore and find  
1056 some better fish.

1057

1058 **MR. FENSOM:** Russell, could you give us your estimate of the  
1059 percentage of the fish in the fishery that you're actually  
1060 involved in and what your boats are doing, the percentage that  
1061 are under ten inches and the percentage that are under eleven  
1062 inches that are caught?

1063

1064 **MR. UNDERWOOD:** That's under ten inches?

1065

1066 **MR. FENSOM:** And the second question, under eleven inches.

1067

1068 **MR. UNDERWOOD:** I would say there was 80 percent over ten inches  
1069 and 20 percent less than ten. I'm not sure about that. I  
1070 really didn't work the percentages out, but that's a

1071 guesstimation.

1072  
1073 What I would like to tell the council is there is some nice  
1074 beeliners to catch in this Gulf, in the western Gulf and the  
1075 eastern Gulf, and I think you heard from the charterboats today  
1076 that they don't think the fishery is in that big of a trouble.

1077  
1078 But there is some nice fish to catch out there and my boats  
1079 catch them and not all the time as far as beeliner trips, but  
1080 when they do make a beeliner trip it's usually 4,000 or 5,000  
1081 pounds or sometimes more, but mostly about 4,000 to 5,000 pounds  
1082 of beeliners.

1083  
1084 **CHAIRMAN WALKER:** Mr. Underwood, the second part of Mr. Fensom's  
1085 question was for you to estimate how much of your catch is over  
1086 eleven inches.

1087  
1088 **MR. UNDERWOOD:** I didn't answer that. Over eleven inches, I  
1089 would say probably 80 or 90 percent of them are over eleven  
1090 inches.

1091  
1092 **CHAIRMAN WALKER:** Are there any other questions? Thank you, Mr.  
1093 Underwood. The next speaker we have is Mrs. Pam Baker.

1094  
1095 **MS. PAM BAKER:** Good morning. I'm Pam Baker with Environmental  
1096 Defense. At the last meeting, the council struggled with the  
1097 potentially harmful effects of the trip limits, size limits, and  
1098 season closures for vermilion snapper and as a result, later in  
1099 the meeting it voted to set up a Reef Fish IFQ Advisory Panel.  
1100 I think that's a really good idea. I think that the Red Snapper  
1101 IFQ Advisory Panel, that process worked quite well. It would  
1102 also allow you - I think it would also work well for vermilion,  
1103 grouper, and these other species that are being discussed.

1104  
1105 So I urge you to get the advisory panel and the process up and  
1106 running. Perhaps it could be put on the November agenda to get  
1107 those folks appointed. I think also moving the IFQ for red  
1108 snapper quickly will help with vermilion in these other species,  
1109 particularly in setting up the quota monitoring program,  
1110 enforcement program, and others that won't have to be replicated  
1111 for these other species, but can be rolled in and that's it.

1112  
1113 **CHAIRMAN WALKER:** Are there any questions for Ms. Baker? Thank  
1114 you, Ms. Baker. I've got two more cards. If you haven't put a  
1115 card in to speak publicly, please go the back and fill it out.  
1116 I see some of you in the audience that I don't have a card on  
1117 and if you want to speak, you need to get me a card. The next  
1118 speaker I have is Mr. David Walker. I've been advised that Mr.

1119 Walker is on his way. Mr. Krebs, do you wish to speak?  
1120

1121 **MR. DAVID KREBS:** Madam Chairman and Gulf Council, David Krebs,  
1122 Ariel Seafoods out of Destin, Florida. I believe hopefully  
1123 everybody has seen the letter that we've presented to the  
1124 council and there are a few points that I would like to make.  
1125

1126 I would like to thank Captain Schmidt for his comments. I think  
1127 they're valuable and Dr. Nelson. The biggest thing that I would  
1128 like to address, when we keep talking about - I've been at some  
1129 of the other meetings, but when we talk about vermilion landings  
1130 are down, the biggest thing that everybody keeps forgetting is  
1131 red snapper landings were up.  
1132

1133 If you're a recreational fisherman and you can go catch a red  
1134 snapper that is two to four pounds, why do you want to go catch  
1135 a half-pound vermilion snapper? You don't. So your landings  
1136 are down.  
1137

1138 The same with the vermilion sector of the commercial fishery and  
1139 Captain Underwood said the same thing. If he had ten days of  
1140 red snapper fishing, he's not going to go back out and do the  
1141 most labor-intensive fishery that we have in the Gulf of Mexico.  
1142

1143 When you send fifty hooks that are this big down to catch thirty  
1144 or forty three-quarter to one-pound fish, you have a big trouble  
1145 finding crews that want to do that month in and month out.  
1146 Ariel Seafoods has existed for the past thirteen years in Destin  
1147 and during that time I have seen nine boats retire. They can't  
1148 get the crews. Nobody wants to catch vermilion.  
1149

1150 During the same time, we've had a snapper fishery through  
1151 management that exploded. All of a sudden we had red snapper in  
1152 the eastern Gulf off of Alabama and Florida that we didn't have  
1153 for years. So people went red snapper fishing.  
1154

1155 So I've really pushed for a status quo. At the Houston meeting  
1156 that comes up, I would like to address that too. When you had  
1157 your ad hoc committee at the Houston meeting, the people in  
1158 attendance there were given the option of a four-month closure  
1159 and ten-inches or eleven inches and a forty-day closure.  
1160

1161 They weren't given the option of status quo and so the  
1162 information that came out of that meeting that can be  
1163 misconstrued by this council is oh, the fishermen agreed with  
1164 this.  
1165

1166 Well no, they weren't ever given the option of agreeing to

1167 leaving it alone and so I think that's very important to note  
1168 that, that that was not an option that they knew that they could  
1169 say that they had or not.

1170  
1171 I can almost assure you that vermilion snapper stocks off of  
1172 Florida, Alabama, and Mississippi are not in trouble and I don't  
1173 believe they're in trouble in the western Gulf either because of  
1174 the amount of boats that participate in red snapper fishing.

1175  
1176 If you can take a snapper boat and make five trips in a ten-day  
1177 period, which now we've got a new problem that we're addressing  
1178 with the snapper fishing. But from 1995 to 2000, a good boat  
1179 like Captain Underwood's boats were making six trips in a ten-  
1180 day season. Some of them were making ten trips.

1181  
1182 You can do the math and you can figure out what the money is and  
1183 you don't have to go fishing for vermilion snapper. So again, I  
1184 really would ask that this council table this amendment until  
1185 you have the next stock assessment and let's see what the real  
1186 numbers are because when we went from eight to ten inches, that  
1187 made a big difference in the fishery.

1188  
1189 It did move the commercial fleet further down into deeper water  
1190 and off the ridge and so you do have these eight-inch fish that  
1191 are being left alone now.

1192  
1193 In 1993, we had boats that were bringing in 5,000 pounds of  
1194 eight-inch fish every week, five and six boats. A nice little  
1195 fish company, Ferrell-Spence, Mr. Horn's company, we were all  
1196 getting these small fish and we were like, what do we do with  
1197 these quarter-pound fish? But the ten-inch thing has worked all  
1198 right and going to eleven inches will not fix anything.

1199  
1200 **CHAIRMAN WALKER:** Are there any questions for Mr. Krebs?

1201  
1202 **MR. HORN:** David, I'll ask you the same question of Russell  
1203 about a closure. Do you have a preference of closure? You have  
1204 boats and you're a dealer. Does the April through May sound  
1205 better than some other time?

1206  
1207 **MR. KREBS:** Obviously the last thing you would want to do is  
1208 close the season during anything close to Lent, before or after.  
1209 We've seen the vermilion market stay strong into mid-June. So  
1210 if you did have to have a closure, getting into July, the summer  
1211 months as you've pointed out, obviously from a marketing  
1212 standpoint would be the months you want.

1213  
1214 You've got kingfish and you've got other fisheries at least that

1215 the boats could participate in. You close this thing in April  
1216 or May and you've got a bunch of people out of work.

1217  
1218 **MS. WILLIAMS:** Thank you, David. I was part of that little mini  
1219 group meeting where we talked with the fishermen and the reason  
1220 that month was chosen, or that particular time frame, you got  
1221 the biggest bang for your buck because if you went out into  
1222 these other months that you're talking about, you had to have  
1223 even a longer closure.

1224  
1225 So would you rather - I know that you don't want a closure at  
1226 all. But you need to know that they chose the particular time  
1227 that they did because they got the largest reduction then to  
1228 where they weren't closed for ninety days or -

1229  
1230 **MR. KREBS:** You've got the largest reduction based upon the  
1231 science that we're saying is flawed and that is a real problem.  
1232 As a dealer who watches fish get put in boxes every day, the roe  
1233 that you see in vermilion and Captain Schmidt pointed out the  
1234 spawning cycle, I can't tell you that there's any given time  
1235 during the year that I don't go back and see roe in a vermilion  
1236 snapper.

1237  
1238 I'm looking at the fish and saying, well, what's going on? I am  
1239 a conservationist and most people on this council have heard me  
1240 whine and cry about overfished fisheries, fish that are in  
1241 trouble, things that shouldn't be done. I'm very opinionated  
1242 about that.

1243  
1244 This vermilion snapper, the way we're addressing it right now  
1245 with the science that we're looking at it is wrong and there  
1246 just needs - Nobody has cared about it until all of a sudden and  
1247 when I went to the first public hearing on it, I looked at the  
1248 graph that was handed out and it directly correlates with red  
1249 snapper management.

1250  
1251 That's what everybody said. Well, the landings are down and we  
1252 must have a problem. If red snapper fishing is up and it's the  
1253 same boats catching the fish. It is what you would call a  
1254 bandit boat, a hand-crank fishing boat that catches red snapper  
1255 and vermilion snapper. It's the same boat catching both  
1256 fisheries.

1257  
1258 So if you're doing one, you're not doing the other and the fish  
1259 are not living together. Vermilions are in deeper water, which  
1260 is another point that Mr. Horn and I had talked about. Your  
1261 discards when you go to eleven inches, the odds of a ten-inch  
1262 fish living when you throw him back is zero to none.

1263 He's not going to survive. So now you're going to be back into  
1264 the same boat you were in with the red snapper, going from  
1265 fourteen to fifteen inches where we've trained a bunch of  
1266 porpoises how to eat red snapper.

1267  
1268 The size limits do not accomplish hardly anything except in  
1269 certain situations where you're right. When we went from eight  
1270 to ten, you do have areas of the ridges off Florida that are  
1271 concentrated with these small fish and you did move the fleet  
1272 off of those small fish and you can call those nurseries and you  
1273 can say we have an area where these fish are really rejuvenating  
1274 or however that works, but that works.

1275  
1276 **CHAIRMAN WALKER:** Thank you, Mr. Krebs. I have one question.  
1277 Is it your opinion then that the mortality associated with an  
1278 increase in size limit will be 100 percent?

1279  
1280 **MR. KREBS:** I would say of vermilion in that depth of water,  
1281 yes, ma'am.

1282  
1283 **MR. FENSOM:** What depth of water are you talking about?

1284  
1285 **MR. KREBS:** Most of the reports that I get, and Captain  
1286 Underwood could be a better source of exactly where they're  
1287 fishing, but most of them are out over 150 feet.

1288  
1289 **MR. FENSOM:** And at 150 feet, from your experience, vermilion  
1290 snapper simply just aren't going to survive?

1291 **MR. KREBS:** He's going to have the same bladder thing that a  
1292 snapper does, only he's coming from even deeper water and so  
1293 yes, sir.

1294  
1295 **MR. FENSOM:** A follow-up question. I'm well aware of the  
1296 dolphin issue. I've seen it and heard about it on and on. Is  
1297 the problem with dolphin eating vermilion the same as it is with  
1298 snapper or do they just prefer snapper?

1299  
1300 **MR. KREBS:** No, sir. It's the same.

1301  
1302 **CHAIRMAN WALKER:** Thank you, Mr. Krebs. The next speaker we  
1303 have is Mr. Bart Niquet.

1304  
1305 **MR. BART NIQUET:** I'm glad to be here. I'm Buster Niquet or  
1306 Bart Niquet. I live in Lynn Haven. I've been doing quite a bit  
1307 of fishing for several years and we hear a lot of talk about the  
1308 vermilion snapper recreational percentage, the 25 versus the 33  
1309 percent.

1310

1311 Presently the recreational fishery is not trying to catch  
1312 vermilion snapper and so if you're going to base it on the  
1313 landings, it's going to be screwed up all the way around.  
1314 There's no way in the world you can ever get an honest answer  
1315 out of that.

1316  
1317 If you ask any of the charter boat men in attendance or any of  
1318 the sport fishermen, the general consensus is we should make no  
1319 change. They're not trying to catch vermilion snapper. In  
1320 fact, I hear them cussing them all the time.

1321  
1322 I don't think I've ever seen a vermilion snapper or a beeliner  
1323 that didn't have roe in it. I know your statistician says  
1324 they're roeing 180 days out of the year and I think like Mr.  
1325 Krebs says, I think any time of year you pick one up you'll find  
1326 roe in it.

1327  
1328 I've seen it from three or four inches on up to the five and six  
1329 pounders. They're full of roe. Maybe it's not valid and maybe  
1330 it's just a false roe, but they've got roe in them all the time.

1331  
1332 I agree with Russell on that proposed alternative, which on  
1333 paper reaches the required reduction in the mortality. I  
1334 personally don't think any such act is warranted. I think the  
1335 status quo is what we need to go with and I'm also against any  
1336 ITQ for the grouper.

1337  
1338 Just the mention of it the other day put all the boats back out  
1339 fishing. They're trying to improve their catch records so  
1340 they'll get a bigger percentage. You've really unleashed a dang  
1341 barrel of worms when you mentioned ITQs for groupers. Even the  
1342 fish houses are not buying them. These fellas that are going  
1343 out and catching them are going to take them down to Karen's  
1344 place.

1345  
1346 I don't know what's going to happen around there, but a lot of  
1347 the boats are talking about fishing south and landing around  
1348 Bradenton or on down to Fort Myers Beach. You've unleashed a  
1349 can of worms there. It's a mess. I think that's about all I've  
1350 got to say for that.

1351  
1352 **CHAIRMAN WALKER:** Any questions for Mr. Niquet? I have one, Mr.  
1353 Niquet. What is your opinion on the mortality associated with  
1354 an increase in size limit on the vermilion for the commercial  
1355 sector?

1356  
1357 **MR. NIQUET:** In the deeper water, once you get over 200 feet of  
1358 water with the beeliners, you're not going to save any of them

1359 hardly. It would be real easy for anything that's in the same  
1360 area, the kingfish, the porpoises, the amberjacks, which are  
1361 usually only in high places. What few they don't get on the way  
1362 up, they'll get on the way down. I think it's a waste.

1363  
1364 **MS. WILLIAMS:** Thank you, Mr. Niquet. Would you say the  
1365 mortality would be the same whether the fish is caught  
1366 recreational or commercial when it's in that deep of water?

1367  
1368 **MR. NIQUET:** It that deep of water, it would be, yes. There is  
1369 one other thing I would like to say. I've got a little boat  
1370 which I bought to go fish vermilion snapper. I made one trip on  
1371 it several weeks ago and we had about 1,500 pounds of vermilion  
1372 snapper and pinks, which we got in two days of piddling around  
1373 with one man on the boat besides myself.

1374  
1375 Then we made another trip last week, the same two people, and we  
1376 had 1,500 pounds of grouper. There's almost three times as much  
1377 gross with the grouper as there is with the vermilion snapper.  
1378 So now my crew don't want to go catch the beeliners anymore. So  
1379 that's the problem you're having. They don't want to fish them.

1380  
1381 **CHAIRMAN WALKER:** Thank you, Mr. Niquet. The next speaker we  
1382 have is Mr. David Walker. Has he shown up yet? He's not here.  
1383 I have one last speaker, Mr. Martin Fisher, that wants to  
1384 present a petition to the council regarding the trip limit  
1385 quotas that they've requested that will be discussed under the  
1386 Joint Reef/Mackerel Committee. Mr. Martin Fisher.

1387 **MR. MARTIN FISHER:** Good morning, Madam Chair and council  
1388 members. My name is Martin Fisher and I represent the Gulf  
1389 Fisherman's Association. We would like to take this moment to  
1390 formally present the action papers to protect the fishing year  
1391 that many boats signed.

1392  
1393 We have eighty-four longliners, twenty of them SOFA members, and  
1394 nine of them fish for Karen Bell at Bell Fish in Cortez.  
1395 There's also fifteen bandit boats and two trap boats that have  
1396 signed the action paper for 5,500 pounds.

1397  
1398 After extensive conversation in all these different meetings  
1399 that we've been having and the problem that we have with SOFA  
1400 and some of the - Not necessarily the bigger boats, but the  
1401 higher producers that feel like a 5,500 pound trip limit is  
1402 unfair to them.

1403  
1404 We would like to propose a compromise. Although the Southeast  
1405 Science Center trip analysis suggests that a trip limit of near  
1406 6,000 pounds per trip would be needed to keep the fishing year

1407 open in 2005, we would like to compromise with the following  
1408 plan because we recognize there are boats that are  
1409 overcapitalized in the fishery and we would like them to benefit  
1410 as much as possible.

1411  
1412 Furthermore, if we adopt an open-access fishery for the first  
1413 six months of 2005 and trigger a trip limit at that point or  
1414 even a percentage of the TAC, if that percentage of the TAC was  
1415 landed as early as April or May or even June, the data from the  
1416 SSC suggests that a trip limit from that point forward would be  
1417 prohibitively low to enable the fishing year an eleven-month  
1418 status. We think it could be as low as 3,500 or 4,000.

1419  
1420 In fact, last year the Executive Director of SOFA told his  
1421 members in June that when we were trying to implement the  
1422 emergency at that time for a trip limit that from that point  
1423 forward, that's for this year of 2004, if we had implemented a  
1424 trip limit in June with the catch rate that it was, the trip  
1425 limit that he suggested to his members would have been 2,500  
1426 pounds.

1427  
1428 We want to avoid that. Nobody can make a living on 2,500  
1429 pounds. So we feel that from January 1, 2005 through June 30,  
1430 we implement a trip limit of 7,500 pounds. This time period  
1431 historically represents the highest ex-vessel prices. From July  
1432 1, 2005 to December 31, the trip limit could be 5,500.

1433  
1434 The 7,500 pounds for the first six months will enable the 10  
1435 percent of the fleet that catches that many fish an opportunity  
1436 to enjoy good fishing at high ex-vessel prices. The second six  
1437 months limit of 5,500 pounds will at least stabilize the market  
1438 during a season of historically lower ex-vessel prices and if  
1439 we're lucky, allow us to fish through the year without exceeding  
1440 the quota.

1441  
1442 Certainly this goes against the analysis that both Steve Atran  
1443 and John Poffenberger presented to you guys. But this is about  
1444 economics and this is about socioeconomics. It's not about  
1445 saving the biomass and it's not about protecting the fishery  
1446 itself. It's about protecting the fishermen. We're willing to  
1447 extend to the boats that catch a higher rate of fish an  
1448 opportunity to do that in the first six months.

1449  
1450 **CHAIRMAN WALKER:** Thank you, Mr. Fisher. That concludes our  
1451 public testimony for today. We're going to take a very short  
1452 five-minute break. Please be back in five minutes.

1453  
1454 (Whereupon, a brief recess was taken.)

1455 **CHAIRMAN WALKER:** Council, we'll proceed with the agenda. Ms.  
1456 Morris, are you ready for Habitat Protection?

1457  
1458 **MS. BELL:** Can I ask a question first? Mr. Spaeth asked me if  
1459 he would be allowed to say a few words on grouper. He didn't  
1460 know that we were taking public testimony on grouper today.

1461  
1462 **CHAIRMAN WALKER:** We didn't take public testimony. We just  
1463 allowed them to give us the petition that they spoke of in the  
1464 public testimony that was allowed during Reef Fish.

1465  
1466 **MS. MORRIS:** Council members, if you will turn to Tab J and if  
1467 you can find the summary of the Habitat Protection Committee.  
1468 It was passed out this morning. I'm going to read this report.

1469  
1470 The agenda was adopted as written and the minutes were approved  
1471 with several minor changes. The agenda items were the Draft EFH  
1472 Amendment. The Draft EFH Amendment for all seven FMPs was  
1473 presented by Dr. David Rydene of MRAG Americas.

1474  
1475 He reviewed the draft amendment by section and then asked the  
1476 committee for direction on specific issues. One of those issues  
1477 was the description of essential fish habitat. All proposed  
1478 actions duplicate the recommendations from the EFH-EIS except  
1479 for the Coral FMP where EFH is defined as the total distribution  
1480 of settled coral species in life stages throughout the Gulf of  
1481 Mexico rather than including planktonic stages of the coral.  
1482 The committee asked for FMP specific maps defining EFH and coral  
1483 reef closure areas. **Without objection, the committee recommends**  
1484 **and I so move that a.) maps defining EFH for each FMP and b.) a**  
1485 **map showing the existing closed areas listed in Table 1 be**  
1486 **included in the public hearing draft of the EFH Amendment.**

1487  
1488 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
1489 discussion? **Is there any objection? The motion carries.**

1490  
1491 **MS. MORRIS:** Under the topic of Habitat Areas of Particular  
1492 Concern, all proposed actions in the current draft duplicate the  
1493 EFH-EIS recommendations. Sixteen sites were identified and all  
1494 meet at least one of the four HAPC criteria listed in the EFH-  
1495 EIS.

1496  
1497 Dr. Claverie stated that fishermen use other common names for  
1498 some of the proposed HAPC and might not know the official common  
1499 name. He suggested a table of correlated common names be added  
1500 and the committee agreed.

1501  
1502 Based on information from Dr. Rydene that coral reefs exist only

1503 in the southern 25 percent of Pulley's Ridge, the committee  
1504 requested a map of the proposed Pulley's Ridge HAPC with coral  
1505 reefs delineated.

1506  
1507 The committee specified that tabulated latitude and longitude be  
1508 included for every HAPC and coral reef designations to aid  
1509 fishermen and support law enforcement. Lieutenant Commander  
1510 Sherlock stated that VMS requirements would be a major benefit  
1511 to enforcing these areas.

1512  
1513 Dr. Crabtree presented a map of shrimp trawling locations near  
1514 the proposed northwestern Gulf HAPC areas, indicating that most  
1515 of the proposed HAPC sites were in deeper water outside trawling  
1516 areas.

1517  
1518 He proposed that larger HAPC boxes could be drawn to include a  
1519 number of closely spaced coral areas in deeper water further  
1520 south. A discussion ensued about the effect these changes would  
1521 have on enforceability and protection of sensitive habitat. It  
1522 was decided that the draft amendment should contain alternatives  
1523 both large and small boxes for HAPC.

1524  
1525 **So without objection, the committee recommends, and I so move,**  
1526 **that two options, large and small boxes, for enclosing**  
1527 **northwestern Gulf coral areas in HAPCs be included in the public**  
1528 **hearing draft of the EFH Amendment.**

1529  
1530 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
1531 discussion? **Is there any objection. The motion carries.**

1532  
1533 **MS. MORRIS:** The next topic was Minimizing Adverse Effects of  
1534 Fishing on EFH. Four actions are being proposed to regulate  
1535 fishing gear to protect sensitive habitats: set fishing weight  
1536 size; prohibit anchoring over coral reefs; prohibit trawling,  
1537 bottom longlines, buoy gear and traps and pots on coral reefs;  
1538 and require a weak link in the tickler chain of trawl gear.

1539  
1540 The committee discussed the weight issues that fishermen  
1541 currently use, but could not settle on a single maximum weight  
1542 and so they decided to go forward with a range for public  
1543 comment.

1544  
1545 **Without objection, the committee recommends, and I so move, that**  
1546 **the range for permitted weights be from eight ounces to two**  
1547 **pounds for the public hearing draft of the EFH Amendment.**

1548  
1549 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
1550 discussion?

1551 **MR. MINTON:** What if I want to use a four-ounce weight?  
1552  
1553 **MS. MORRIS:** This is intended to be the range of upper weight  
1554 limits and not the range of -  
1555  
1556 **MR. MINTON:** Shouldn't it be restated then that a maximum weight  
1557 of two pounds per line be used and that way you would get out of  
1558 this thing.  
1559  
1560 **MS. MORRIS:** That the range for maximum permitted weights. If  
1561 we could insert the word "maximum" in front of permitted, that  
1562 would address Mr. Minton's concern.  
1563  
1564 **MR. MINTON:** I think you would have to just say that the maximum  
1565 permitted weight would be two pounds. That's not a range then  
1566 if you take out the eight.  
1567  
1568 **MS. MORRIS:** We want to consider whether the maximum weight  
1569 should be eight ounces or something between eight ounces and two  
1570 pounds.  
1571  
1572 **CHAIRMAN WALKER:** Mr. Minton, are you making a motion to amend?  
1573  
1574 **MR. MINTON:** I see what you're saying now. It's different.  
1575  
1576 **CHAIRMAN WALKER:** Mr. Minton, are you making a motion to amend  
1577 the committee motion?  
1578  
1579 **MR. MINTON:** I misunderstood the motion. I think what she's  
1580 trying to say is that the maximum could be eight ounces. Is  
1581 that correct? Okay. No, I do not wish to amend it.  
1582  
1583 **DR. CLAVERIE:** I move we add the word "maximum" to where Julie  
1584 said to add it to clarify that.  
1585  
1586 **MR. FENSOM:** Second.  
1587  
1588 **CHAIRMAN WALKER:** Move to add the word "maximum" before the  
1589 "permitted weights?"  
1590  
1591 **DR. CLAVERIE:** Yes.  
1592  
1593 **CHAIRMAN WALKER:** We have a first and a second to amend the  
1594 committee motion so that it will read now: **The range for maximum**  
1595 **permitted weights be from eight ounces to two pounds for the**  
1596 **public hearing draft of the EFH Amendment.**  
1597  
1598 **DR. CLAVERIE:** Just for discussion, we went to the tackle shop

1599 yesterday and their rigged bottom lines that you can buy for  
1600 recreational fishermen, the biggest weight we found on them was  
1601 eight ounces. But they had a ten-pound weight that if you  
1602 dropped it on your foot, you wouldn't have a foot anymore. That  
1603 was just there by itself and it didn't have to do with bottom  
1604 fishing.

1605  
1606 **MR. MINTON:** Can I ask Mr. Claverie a question?

1607  
1608 **CHAIRMAN WALKER:** Just a second and I'll put you on the list.

1609  
1610 **MS. WILLIAMS:** Ms. Morris, my question was do we know what the  
1611 maximum or minimum weight should be? Do we know what's being  
1612 used out there now?

1613  
1614 **MS. MORRIS:** According to Dr. Rydene, their survey of  
1615 recreational fishers indicated that the normal weight is about  
1616 one pound and so his recommendation was that two pounds would  
1617 not cause a great inconvenience to the recreational fishermen  
1618 and it would be above what's normally used in those situations.

1619  
1620 **CHAIRMAN WALKER:** Is there any other discussion? **So the motion**  
1621 **on the board is that the range for maximum permitted weights be**  
1622 **from eight ounces to two pounds for the public hearing draft of**  
1623 **the EFH amendment. Is there any objection? Hearing no**  
1624 **objection, the motion carries.**

1625 **MS. MORRIS:** As general considerations, I requested that  
1626 discussion be added on the impact of: fresh water inflow,  
1627 particularly in relation to shrimp and red drum; ocean dumping,  
1628 such as resulted from Piney Point Fertilizer Plant in Manatee  
1629 County, Florida; proposed LNG facilities in the northern Gulf.

1630  
1631 We then had a report on an LNG facilities workshop. Mr. Kennedy  
1632 presented a summary of the workshop held in Silver Springs.  
1633 Sixteen sites are being proposed for the Gulf. Most are in  
1634 offshore or bay waters.

1635  
1636 FERC, which is the Federal Energy Regulatory Commission, has  
1637 responsibility for approval of onshore facilities and the Coast  
1638 Guard has authority for approval of offshore and bay facilities.  
1639 The council has commented on several EISs to date and  
1640 recommended that closed-loop systems should be used to reduce  
1641 entrainment of eggs and larvae of fisheries species.

1642  
1643 NOAA Fisheries has done qualitative assessments of the effects  
1644 of open-loop LNG facilities, but data are lacking to do  
1645 quantitative assessments of impacts, which could strengthen the  
1646 council's review of EISs.

1647 Mr. Ric Ruebsamen brought the committee up to date on recent  
1648 collaborative efforts by NOAA Fisheries and the Coast Guard to  
1649 develop standards for analysis of biological impacts to  
1650 fisheries species, which when completed, will be required by the  
1651 Coast Guard for future applications in EISs. Mr. Ruebsamen  
1652 suggested that the council might help with a future step, which  
1653 will be translation of biological impacts into economic impacts.

1654  
1655 Next we had a report on the Nutrient Task Force Meeting. Mr.  
1656 Kennedy summarized the eleventh meeting of the task force. The  
1657 Farm Bill Conservation Programs have helped cut erosion in the  
1658 northern Mississippi watersheds by two-thirds in the past few  
1659 years.

1660  
1661 The hypoxic zone in the northern Gulf was 5,800 square miles in  
1662 2004, a little above the five-year average. A recent EPA  
1663 report suggests that phosphorous might play a role in the size  
1664 of the hypoxic zone, in combination with nitrogen, since  
1665 nitrogen loads in the Mississippi do not directly track with the  
1666 size of the hypoxic area. Next year, the task force will assess  
1667 nutrient load reductions and the response of the hypoxic zone.  
1668 That concludes my report, Madam Chair.

1669  
1670 **CHAIRMAN WALKER:** Thank you, Ms. Morris. We'll move on to Joint  
1671 Personnel/Administrative Policy Committee. Ms. Williams, you'll  
1672 be handling this report?

1673  
1674 **MS. WILLIAMS:** Yes, Madam Chair, but I do have a question. At  
1675 the last council meeting, Mr. Minton requested, and I thought it  
1676 was agreed upon that rather read our reports we would only do  
1677 the motions. Are we doing the motions or do you want me to read  
1678 the entire report?

1679  
1680 **CHAIRMAN WALKER:** I do recall that that motion was made at the  
1681 last meeting and we agreed to just do the motions.

1682  
1683 **MR. MINTON:** I think we left it that it was appropriate if the  
1684 chair of the committee decided to do that, the summary fashion.  
1685 But I don't recall it was a hard you had to do it this way. I  
1686 think it was more that we had the option, but the chair could  
1687 have that discretion.

1688  
1689 **CHAIRMAN WALKER:** Ms. Williams, you then have the discretion of  
1690 deciding whether to read just the motions or the report.

1691  
1692 **MS. WILLIAMS:** Thank you, Madam Chair. I'm ready to proceed.  
1693 The committee reviewed the proposed policies and by consensus,  
1694 agreed to make the following changes and it reads: Any official

1695 or supervisor who is considering taking disciplinary action  
1696 shall consult with an appropriate staff attorney of NOAA General  
1697 Counsel regarding any issues of law that may be involved. In  
1698 any case where an employee's conduct may involve violations or  
1699 criminal law, no disciplinary action shall be taken until after  
1700 consultation with legal counsel.

1701  
1702 **On behalf of the committee, I so move to approve to approve the**  
1703 **discipline policy indicated in Tab I, Number 2 revised, with the**  
1704 **above noted changes to be incorporated in the council's SOPPs.**

1705  
1706 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
1707 discussion? **Is there any objection? The motion carries.**

1708  
1709 **MS. WILLIAMS:** The committee also approved, and I so move, to  
1710 accept the SEDAR Process and Panel Pool language as indicated in  
1711 Tab I, Number 3, that is to be inserted in the appropriate  
1712 section of the SOPPs.

1713  
1714 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
1715 discussion? **Is there any objection? The motion carries.**

1716  
1717 **MS. WILLIAMS:** Madam Chair, that concludes my report.

1718  
1719 **CHAIRMAN WALKER:** Thank you, Ms. Williams.

1720 **EXECUTIVE DIRECTOR SWINGLE:** Ms. Williams, was it the intent of  
1721 you committee that once staff had incorporated this into the  
1722 SOPPs that we submit the SOPPs to National Marine Fisheries  
1723 Service for review? I think these were the only two sections  
1724 that were pending a rewrite.

1725  
1726 **MS. WILLIAMS:** Yes, Mr. Swingle, that was my understanding and I  
1727 believe that motion was probably passed at the last council  
1728 meeting.

1729  
1730 **CHAIRMAN WALKER:** Was it passed at the last council meeting, Mr.  
1731 Swingle, or do you recall?

1732  
1733 **EXECUTIVE DIRECTOR SWINGLE:** I don't recall. I think it's  
1734 proper to go ahead and submit it if we're through with it.

1735  
1736 **MS. WILLIAMS:** That was our intent.

1737  
1738 **CHAIRMAN WALKER:** Mr. Minton, are you prepared to make a motion?

1739  
1740 **MR. MINTON:** I would move that we submit the SOPPs as revised to  
1741 NOAA for their consideration.

1742

1743 **DR. CLAVERIE:** I second that motion.

1744  
1745 **CHAIRMAN WALKER:** Mr. Minton makes the motion and Mr. Claverie  
1746 seconds that the council submit the SOPPs as revised. **The**  
1747 **motion is that the council submit the SOPPs as revised to NOAA**  
1748 **for consideration.** Is there any discussion? **Is there any**  
1749 **objection? The motion carries.**

1750  
1751 **DR. CLAVERIE:** As I recall, we passed a motion the last meeting  
1752 or the meeting before, and it was probably the last meeting,  
1753 saying that we would start living under these new SOPPs now,  
1754 right away.

1755  
1756 **CHAIRMAN WALKER:** The next committee report we have on the  
1757 agenda is Budget. Mr. Riechers.

1758  
1759 **MR. RIECHERS:** The Budget Committee was called to order on  
1760 October 11, 2004. The agenda was adopted with the addition of  
1761 requesting the committee to consider the issue of further  
1762 computerization of the briefing book under Other Business. The  
1763 minutes were approved with additions.

1764 Mr. Swingle referred to the handout that summarized the multi-  
1765 year activities, including each calendar-year budget. He  
1766 advised the committee that the council was asked to submit  
1767 budgets for five years, council years 2005 through 2009, noting  
1768 that the budget can be amended during the five-year period if a  
1769 change in direction should be taken by the council.

1770  
1771 Mr. Swingle then presented in detail the activities of the next  
1772 two years and then the committee chose to not review in as much  
1773 detail the 2007 through 2009 activities, due to the uncertainty  
1774 of projecting them at this time.

1775  
1776 Ms. Readinger then reviewed the administrative portion of the  
1777 budget. She advised once the council year 2005 budget was  
1778 developed, subsequent budget year line items were projected by  
1779 using a 5 percent escalation factor for the administrative  
1780 expenses.

1781  
1782 For 2006, a public relations information and education  
1783 specialist position was included. In 2007, a NEPA specialist  
1784 position was included. For 2008, an anthropologist position  
1785 would be included and for 2009, an additional economist position  
1786 was included.

1787  
1788 During the presentation, Ms. Morris suggested consideration of  
1789 the liaison between the Gulf Council and the comparable Mexican  
1790 fisheries management organization. Mr. Hendrix commented that

1791 MexUS Gulf Program is ongoing and has been reduced to a once a  
1792 year meeting. He added that there used to be a NOAA Fisheries  
1793 liaison, but that position no longer exists and is handled by  
1794 the foreign fisheries office in D.C.

1795  
1796 The new fisheries department in Mexico is SARGARPA, which is the  
1797 combined agriculture and fisheries department. Mr. Swingle  
1798 related at that time that there are activities for workshops  
1799 included in the budgets for each year and that we could cover  
1800 the costs for such travel.

1801  
1802 There was an additional question as to why the travel costs  
1803 declined for future years and Mr. Swingle responded that it was  
1804 based on the activities listed in those future years and that it  
1805 was difficult to determine because it was a five-year budget.

1806  
1807 **With that, the committee approved, and I so move, to approve the**  
1808 **budgets for calendar years 2005 through 2009, as listed in Tab**  
1809 **L, Numbers 3a through 3f.**

1810  
1811 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
1812 discussion?

1813  
1814 **DR. CLAVERIE:** In one of the subsequent committee meetings, we  
1815 found another reason to go to Mexico. Julie, do you remember  
1816 that? My question is is there enough money to cover that also  
1817 in your - Can you dig it up from your other pocket fund, Wayne?

1818  
1819 **CHAIRMAN WALKER:** Mr. Swingle, can you answer that question?

1820  
1821 **EXECUTIVE DIRECTOR SWINGLE:** We do budget for just general  
1822 symposiums, workshops, and consultants as a kind of add-on item  
1823 that's not really clarified and so I presume if it's a meeting  
1824 as simple as MexUS Gulf, which is about a two-day affair with  
1825 the Mexicans, that there would be money to cover that activity.  
1826 But I don't know what activity you're referring to.

1827  
1828 **DR. CLAVERIE:** Julie, you and I thought when it come up, and I  
1829 forget where it was. It may be another meeting or an additional  
1830 meeting or a reason to go to this meeting and I forget which one  
1831 it was.

1832  
1833 **CHAIRMAN WALKER:** Is there any other discussion? **The motion is**  
1834 **to approve the budgets for calendar years 2005 through 2009 as**  
1835 **listed in Tab L, Numbers 3a through 3f. Is there any objection?**  
1836 **Hearing no objection, the motion carries.**

1837  
1838 **MR. RIECHERS:** Under Other Business, Ms. Readinger advised the

1839 committee that the council year 2004 award is projected to have  
1840 approximately \$127,000 in unexpended funding. A twelve-month-  
1841 no-cost extension was requested and approved.

1842  
1843 Consequently, there would be sufficient funding to purchase  
1844 individual laptops for council members that wish to use them  
1845 during meetings.

1846  
1847 After discussion about the pros and cons of further  
1848 computerization by the committee, by consensus the committee  
1849 agreed to have staff explore the options and costs involved to  
1850 distribute the briefing book material in an electronic format  
1851 and that includes the software costs, hardware costs, staff  
1852 time, and that this information be presented at the next  
1853 available meeting where we could have that discussion. That  
1854 concludes my report, Madam Chair.

1855  
1856 **CHAIRMAN WALKER:** Thank you, Mr. Riechers.

1857  
1858 **MR. MINTON:** I would like to voice support for the  
1859 computerization of this and the CD and I also would like to  
1860 commend Mr. Atran for the work that he did in compiling this and  
1861 putting it on CD. It's very helpful.

1862  
1863 Just as a matter of the minutes where you didn't have to bring  
1864 those and you've got your briefing book reduced from what looks  
1865 like this to what you have over by Dr. Crabtree and I think it  
1866 makes a tremendous savings and I think Steve's work on this is  
1867 commendable. Thank you.

1868  
1869 **CHAIRMAN WALKER:** Thank you, Mr. Minton. I concur with that.  
1870 Mr. Atran, we do appreciate it. Let's move on. Joint Reef  
1871 Fish/Mackerel Management. Mr. Minton, are you ready?

1872  
1873 **MR. MINTON:** Yes, ma'am. The agenda was adopted without  
1874 changes. Initially in the review of Draft Amendment 15 it was  
1875 noted that there was a word change where it would be more  
1876 appropriate to use the word "valid" as opposed to "active."  
1877 After discussion, the committee, without objection, agreed to  
1878 that word change in the document. Do we need to adopt that at  
1879 this time? Wayne says we do.

1880  
1881 **So without objection, the committee moves that we change the**  
1882 **word from "active" on the permits to "valid permits."**

1883  
1884 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
1885 discussion? **Is there any objection? The motion carries.**

1886

1887 **MR. MINTON:** Following discussion, the committee recommends, and  
1888 I so move, that Alternative 4 be the preferred alternative for  
1889 Action 1.

1890  
1891 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
1892 discussion? **Is there any objection? The motion carries.**

1893  
1894 **MR. MINTON:** The committee also recommends, and I so move, to  
1895 send Amendment 15 to the Coastal Migratory Pelagics FMP to  
1896 public hearings.

1897  
1898 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
1899 discussion? **Is there any objection? The motion carries.**

1900  
1901 **MR. MINTON:** The committee made no recommendations with regard  
1902 to Action 2 because this action applies only to the Atlantic and  
1903 the South Atlantic Fishery Management Council has not selected a  
1904 preferred alternative.

1905  
1906 With regard to Draft Amendment 24 of the Reef Fish FMP, Dr.  
1907 Leard stated that the IPT has also completed the draft for  
1908 public hearings and the alternatives were identical to the CMP  
1909 15. Also, the same word changes with its rationale would apply  
1910 and that would be the "valid" as opposed to "active."

1911  
1912 **Following discussion, the committee recommends, and I so move,**  
1913 **that Alternative 4 be the preferred alternative for Action 1.**

1914  
1915 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
1916 discussion? **Is there any objection? The motion carries.**

1917  
1918 **MR. MINTON:** The committee also recommends, and I so move, to  
1919 send Amendment 24 to the Reef Fish FMP to public hearings.

1920  
1921 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
1922 discussion? **Is there any objection? The motion carries.**

1923  
1924 **MR. MINTON:** Madam Chair, that concludes the report.

1925  
1926 **CHAIRMAN WALKER:** Thank you, Mr. Minton. Now we have added one  
1927 additional item to the Joint Reef Fish/Mackerel Committee and I  
1928 believe that Dr. Crabtree is going to handle this.

1929  
1930 **DR. CRABTREE:** Thank you, Madam Chairman. Handed out to you was  
1931 a copy of a federal fishing permit. This is a charterboat  
1932 permit. We have experienced over the past many months a growing  
1933 problem with the charterboat permit moratorium.

1934

1935 That is that for whatever reason, a large number of individuals  
1936 came in after the application deadline to try and apply for  
1937 their charterboat permit and they've been told, of course, that  
1938 they can no longer apply. The application deadline was  
1939 September 15<sup>th</sup>.

1940  
1941 The goal of the charterboat amendment was to cap effort, as you  
1942 recall, and inadvertently, for whatever reason, we have reduced  
1943 effort on the order of 500 vessels in the Gulf of Mexico.

1944  
1945 I have received on the order of seventy-five letters from  
1946 individuals. We have an active lawsuit at this time and I have  
1947 received probably ten or more letters from Congressional  
1948 delegations on behalf of their constituents.

1949  
1950 I have spoken to a number of these individuals. Some of them  
1951 have come to my offices. I fully believe that these are  
1952 legitimate charterboat operations and some of them have been  
1953 operating for many years in the Gulf of Mexico.

1954  
1955 They've had a number of reasons as to why they missed the  
1956 application deadline, but I believe confusion was part of it.  
1957 If you will look at the federal fisheries permit that you have,  
1958 you see up near the top line where it says "Date Issued" and  
1959 then there's an expiration date.

1960 In this particular case, it's August 31, 2004. However, it says  
1961 "See Note" and down here in this area right here there's a note  
1962 saying that in fact the permit will expire on November 13, 2003,  
1963 and then in the blank under that, it says: "Reminder, Permit  
1964 Expires August 31, 2004."

1965  
1966 I did have a second permit somewhere and it got lost in the  
1967 copying process, but there were other permits that in fact  
1968 didn't even have a date in this column. It simply made  
1969 reference to a Federal Register notice and said the permit will  
1970 expire according to Federal Register emergency rule kind of  
1971 thing.

1972  
1973 What has happened is fishermen have gotten these permits and  
1974 they've come in on the date that says expiration date, saying I  
1975 would like to renew my permit now and then they're being told  
1976 you can't, you've missed the application deadline.

1977  
1978 So we've had what I believe is far too many people fall through  
1979 the crack here. Now they did get notification and I think that  
1980 we did a more than adequate job on notifying them, but it's  
1981 apparent to me because of the fact that we went through  
1982 corrected rules and emergency rules that there was confusion, to

1983 some degree, and I believe too many people have been left behind  
1984 on this one who are legitimate charterboat operators because of  
1985 missing this deadline.

1986  
1987 So what I would propose to the council is that we issue an  
1988 emergency rule that we reopen the application period for  
1989 approximately sixty days and accept applications and that you  
1990 have to meet all of the original qualification specified in the  
1991 original moratorium and furthermore, you have to demonstrate  
1992 that you have some dependence on charter fishing in the Gulf of  
1993 Mexico so that you have experienced some form of economic harm  
1994 from this.

1995  
1996 You could do that by showing, for example, that you did have a  
1997 Gulf of Mexico charter reef fish permit, which the presumption  
1998 would be if you had that you fished in the Gulf of Mexico.

1999  
2000 Remember that the Coastal Migratory Pelagics Charter Permit also  
2001 is required on the South Atlantic side, although they're not  
2002 under a moratorium. But they would qualify for the Gulf of  
2003 Mexico Coastal Migratory Pelagics Permit.

2004  
2005 But I don't believe those vessels have suffered any harm from  
2006 this unless they can demonstrate through dockage, logbooks that  
2007 they have in fact historically fished in the Gulf of Mexico, at  
2008 which time we would let them in.

2009  
2010 Now I can't tell you how many more vessels that will let in.  
2011 There are probably 500 or more of them in the Gulf who have left  
2012 behind from this. I suspect not all of them will apply. I  
2013 think we've probably heard from on the order of a hundred  
2014 vessels who certainly I do expect them to apply.

2015  
2016 But our intent originally was that all these vessels would be  
2017 given permits and allowed to continue in this fishery. There is  
2018 precedent for doing this.

2019  
2020 In 1998, we implemented the snapper grouper limited access  
2021 program in the South Atlantic and after the application period  
2022 closed, it was realized from comments that were received that a  
2023 large number of applicants had missed the application deadline.  
2024 In that case, I believe there had been a hurricane in that area.

2025  
2026 So the program was reopened and there was another opportunity  
2027 for people to apply to take care of that. So we have done this  
2028 before in the past and so that's my proposal to you and I would  
2029 appreciate your input and comments and thoughts on this.

2030

2031 **CHAIRMAN WALKER:** Dr. Crabtree, you have the authority as  
2032 administrator to enact this emergency action on your own?

2033  
2034 **DR. CRABTREE:** Yes. The Secretary has the authority to publish  
2035 emergency rules.

2036  
2037 **CHAIRMAN WALKER:** We're going to take comments.

2038  
2039 **DR. CLAVERIE:** Roy, do any of the expiration dates of the  
2040 permits go beyond the end of August of this year? I mean this  
2041 one happens to be, but do you have later dates?

2042  
2043 **DR. CRABTREE:** Yes. The expiration date would typically be  
2044 during the permit holder's birthday month. But as you can see  
2045 in this case, the permit actually expired before that and the  
2046 problem is is when you look at this permit, there are two  
2047 expiration dates.

2048  
2049 As I said, if you saw the other permit that I had, I think it  
2050 was a little more confusing even than this one. But I think  
2051 that is the problem. People saw their expiration date and they  
2052 just didn't understand the note, for whatever reason, and it  
2053 caused confusion.

2054  
2055 But there would have been expiration dates potentially  
2056 throughout the year following the implementation, which was in  
2057 November, which was when it was required.

2058  
2059 **DR. CLAVERIE:** Can I respond to that? If somebody's birthday is  
2060 December 31, that's when their permit would expire, at least  
2061 that's what would be in this expiration date blank, and on the  
2062 same theory that you're doing this extension, it seems to me  
2063 that you ought to extend it enough to cover anybody who gets as  
2064 far as December 31 on their birthday.

2065  
2066 **DR. CRABTREE:** I'm not sure I understand that. Although it  
2067 might have said December 31 in this column, these permits all  
2068 actually expired on November 13, 2003.

2069  
2070 **DR. CLAVERIE:** I understand that. But despite the fact that  
2071 they expired because - As I understand what you're saying, it's  
2072 because of the confusion introduced by having two expiration  
2073 dates. You would reopen their ability to get a new permit even  
2074 though they're applying late under the note date.

2075  
2076 That should apply not only to people whose birthday has already  
2077 passed, so their permit expiration date has passed, but also to  
2078 people whose expiration date has not yet arrived.

2079 **DR. CRABTREE:** It would. It would apply to anyone who met all  
2080 of the qualifying criteria in the original charterboat  
2081 moratorium, but failed to apply prior to the application  
2082 deadline. Regardless of when their permit expires, if they  
2083 qualified, they would be allowed to come in and submit an  
2084 application and get a permit. So what you're saying would be  
2085 taken care of.

2086  
2087 **DR. CLAVERIE:** But you're talking about through sixty days after  
2088 their expiration date.

2089  
2090 **DR. CRABTREE:** That's just how long they would have to apply.  
2091 The emergency rule would publish and they would have some time  
2092 period, and sixty days seems appropriate, to apply for it. This  
2093 is the other permit. Was this just handed out to everyone?  
2094 Does everyone have a permit on the front and the back?

2095  
2096 This permit has an expiration date listed of January 31. It  
2097 says "See Note." I'll read you what the note says: Note, the  
2098 charter vessel/headboat permits for Gulf reef fish and/or Gulf  
2099 coastal migratory pelagic fish will expire upon expiration of  
2100 the emergency rule published in the Federal Register, 67 FR  
2101 77193, or earlier date as noticed in the Federal Register.

2102  
2103 I think that is what has confused people and I think we need to  
2104 be sure we don't do things like this in the future and all I  
2105 know to do to make this right is reopen it and let these people  
2106 come in.

2107  
2108 **MR. GRIMES:** I just wanted to comment that not everyone who has  
2109 applied is going to have gotten one of these permits and given  
2110 our position in litigation, and as Dr. Crabtree had stated  
2111 clearly, we gave ample notice to individuals of this and  
2112 regardless of whether you want to consider it confusing or  
2113 whatnot, a lot of people got this and ended up not getting their  
2114 permits.

2115  
2116 A lot of people never even got this and still didn't end up  
2117 getting their permits and all those people would be allowed to  
2118 come back in and have another bite at the apple. Just so that's  
2119 clear.

2120  
2121 **MR. WILLIAMS:** I was just going to note that as I read the note  
2122 here on this, and as Dr. Crabtree read the note on the other  
2123 permit, I read a lot, but I find this confusing. Just reading  
2124 the note, it's hard for me to interpret exactly what it means.

2125  
2126 I understand the first part of it, but the part about "and these

2127 permits must have been issued under the moratorium," I'm not  
2128 sure I know what that means. So I understand fishermen being  
2129 confused and I think we ought to reopen the application period  
2130 for the sixty days you suggest to allow those that were confused  
2131 to go ahead and get their permits.

2132  
2133 I didn't quite understand what you were going to do about those  
2134 vessels though that are fishing in the South Atlantic and have a  
2135 coastal migratory pelagics charter/headboat permit. Will they  
2136 be allowed - Is there something you're going to do that will  
2137 prevent them from getting one of these to fish in the Gulf?

2138  
2139 **DR. CRABTREE:** My thoughts at this time are that the requirement  
2140 would be that you show that you have suffered economic harm by  
2141 not being allowed to continue in this. The burden on that would  
2142 be only that you show that you operated as a charter vessel in  
2143 the Gulf of Mexico during the time period in question.

2144  
2145 So if a South Atlantic vessel can show, for example, through  
2146 dockage receipts, logbooks, whatever, that they did do trips in  
2147 the Gulf of Mexico, then they would be allowed to come in. But  
2148 it's not my intent here to allow anyone who doesn't fish in the  
2149 Gulf to get a permit just for speculative reasons so that they  
2150 can sell it.

2151 I don't have a draft of this rule and I say sixty days because I  
2152 think that's pretty close. But we're going to have to go  
2153 through the process of drafting the rules and a lot of review  
2154 and decide exactly what that should be and how that could do  
2155 that.

2156  
2157 I can bring a draft in potentially at the next meeting if we  
2158 have it done and you could take a look at it. But that is where  
2159 I'm thinking at this time.

2160  
2161 **MR. WILLIAMS:** What do you need from us here today, a motion to  
2162 reopen this?

2163  
2164 **DR. CRABTREE:** This is a council plan and I would be very  
2165 reluctant to come in and change something if you didn't agree  
2166 that that was appropriate. So I'm looking I guess for you to  
2167 indicate to me that you think this is the appropriate thing to  
2168 do and that you concur with this action.

2169  
2170 Whether you want to write a letter to me stating that or you  
2171 just want to reach an agreement right here that you think this  
2172 is an appropriate way to go, either one is all right with me.

2173  
2174 **MR. WILLIAMS:** Is it appropriate for me to make a motion then?

2175 I would move then that we write a letter to Dr. Crabtree asking  
2176 him to reopen the application period for charterboat/headboat  
2177 moratorium in the Gulf for sixty days and that the affected  
2178 vessels must demonstrate some dependence upon charter or  
2179 headboat fishing in the Gulf of Mexico.

2180

2181 **MR. JEWELL:** I would second that motion.

2182

2183 **MR. FENSOM:** Dr. Crabtree, where was this form generated?

2184

2185 **DR. CRABTREE:** In the permits office in the regional office.

2186

2187 **MR. FENSOM:** So if when this form was generated, rather than  
2188 having the note and refer to the note and see the reminder, if  
2189 it had just put plain language about in one space it expires  
2190 whatever date, on November the 13<sup>th</sup>, the people certainly would  
2191 have had notice.

2192

2193 **DR. CRABTREE:** My assumption is that had it been much more clear  
2194 to people that they probably would have come in and applied. I  
2195 can't say for sure and my thought at this time - We're getting  
2196 ready to go from shrimp from open access to moratorium.

2197

2198 My thinking at this time is in that case I want to just reissue  
2199 permits to them that are moratorium permits without even  
2200 requiring applications from them to prevent this kind of thing  
2201 from happening again.

2202

2203 I think, Jim, had the permit been more clear to them, probably a  
2204 lot of these people would have come in and met the application  
2205 deadline, but I can't say that all of them would. Some of them  
2206 may have missed any deadline you put up.

2207

2208 **MR. FENSOM:** I know it seems like a year ago that we had a  
2209 meeting and the people were complaining that they didn't get  
2210 adequate notice and Shep explained to us that we sent notice and  
2211 we resent notice and we sent it to their last address and they  
2212 had to get it and it had the expiration date and they were  
2213 notified and notified and notified.

2214

2215 So we all said no and we've got I don't know how many, but a few  
2216 permits, that are not clear. But they would have gotten other  
2217 notice and if they were awake, they would have known it from  
2218 their fishing friends and so forth. So we implemented this  
2219 moratorium process and it just seems to be one headache after  
2220 another and we're talking about opening it up to potentially 500  
2221 people. Is that what you think?

2222

2223 **DR. CRABTREE:** Somewhere in that order.  
2224  
2225 **MR. FENSOM:** Your department has authority - If we just take no  
2226 action at all, your department has authority to do this on your  
2227 own?  
2228  
2229 **DR. CRABTREE:** That's correct.  
2230  
2231 **EXECUTIVE DIRECTOR SWINGLE:** Dr. Crabtree, I seem to recall some  
2232 discussion before that each permit expires on the birth date of  
2233 that person, or one year after the birth date, and that, to me,  
2234 would be a very confusing factor because that date in that blank  
2235 would differ for every person in the whole universe of  
2236 charterboat operators if that's true, and I think you've  
2237 indicated that is true in the past.  
2238  
2239 **DR. CRABTREE:** Permits expire, in general, during the birthday  
2240 month. So people may have expected their permits would all  
2241 expire in the birthday month and not have really thought about  
2242 this much. But in this particular case, the moratorium went  
2243 into place and they were all expired.  
2244  
2245 Now Jim is right. They got notice and if they would have read  
2246 the notice very carefully and made sure they understood it, they  
2247 would have known what was going on and we have sat in here and  
2248 said that they got notice and they did get notice and I'm not  
2249 backing off of that.  
2250  
2251 But the fact of the matter is regardless of how much notice they  
2252 got, a lot of people have been left behind and I believe they  
2253 are legitimate operators and I believe their businesses have  
2254 been affected or shut down by this and it was never our intent  
2255 to leave those people behind and I just think this is the right  
2256 thing to do to correct this at this time.  
2257  
2258 **CHAIRMAN WALKER:** Dr. Crabtree, I have one question. When you  
2259 say they got notice, I personally got a telephone call from  
2260 someone I think in Marco Island and I don't recall the  
2261 gentleman's name.  
2262  
2263 He had moved within the city and his address had changed and he  
2264 had failed to notify you that his address had changed and so  
2265 that's at least one individual that we know did not get notice.  
2266  
2267 **DR. CRABTREE:** That's true. But the regulations require them to  
2268 notify us of a change of address within how many days?  
2269  
2270 **MR. GRIMES:** I believe it's twenty days and if you fail to do it

2271 - Twenty or thirty days and if you fail to do it, it voids your  
2272 permit at the end of that time period.

2273

2274 **CHAIRMAN WALKER:** Mr. Grimes, did you have a comment?

2275

2276 **MR. GRIMES:** Two things. First, basically this is an emergency  
2277 rule request. This is something that's not on the agenda.  
2278 Emergency action can come up. So it would be my preference that  
2279 you add that to your motion or at least indicate that basically  
2280 what you're requesting is an emergency rule.

2281

2282 Second, as I mentioned before, there are many people other than  
2283 the ones who got these permits that would be allowed to come  
2284 back in. We're building the record here for the action we're  
2285 going to take. As I've discussed with National Marine Fisheries  
2286 Service, the basis is not just that we feel there were a few  
2287 people who were confused by the permits.

2288

2289 If you're going to reopen the application period based on the  
2290 emergency being an economic emergency, you're looking - Say you  
2291 have 500 people and there are a little over 2,000 of these  
2292 permits out there and so you've had 20 percent of the fishery  
2293 that's been displaced by this.

2294

2295 That's the basis for your emergency justification and it's that  
2296 economic rationale. That's the problem that you're trying to  
2297 cure, not because seventy-five people or whatever the other  
2298 number is got this confusing permit.

2299

2300 So as we build our record, let's keep that in mind, that that's  
2301 our larger focus and it's not so much the alleged confusion over  
2302 what's on the face of some of those permits.

2303

2304 **CHAIRMAN WALKER:** Mr. Williams, would you agree to amend your  
2305 motion to include that we are requesting this under an emergency  
2306 rule based on economic harm?

2307

2308 **MR. WILLIAMS:** Yes. It would be appropriate to write a letter  
2309 to Dr. Crabtree asking him for an emergency rule to reopen the  
2310 application period for the charterboat/headboat moratorium in  
2311 the Gulf for sixty days based upon economic harm so long as -

2312

2313 **EXECUTIVE DIRECTOR SWINGLE:** How about after "economic harm"  
2314 adding "affecting up to 20 percent of the participants?" I  
2315 think that was the point you raised. Was it not?

2316

2317 **MR. GRIMES:** That was just sort of a guesstimate on my part  
2318 though. I wouldn't use that as -

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**MR. WILLIAMS:** That reads all right to me.

**DR. CRABTREE:** Before we vote, I have to make a statement. This is an interesting system we work in, but I'm required to vote against emergency rules in order to give the Secretary the discretion of approval or disapproval of the rule because of the way the Act is written. But my vote does not indicate my approval or disapproval or my intents, which I think are clear from the record.

**MR. ADAMS:** Back on Shep's point and to try to clarify it, are you saying that the people that may reapply in the sixty-day period may be people that had previously applied and been denied?

**MR. GRIMES:** They could be people who filed applications with the National Marine Fisheries Service that were beyond the time period. They could be people that had never in fact submitted an application to the National Marine Fisheries Service. They could be people who do not qualify. Everyone gets to come back in and reapply.

**MR. ADAMS:** Maybe under the motion should we clarify by saying an emergency rule for people that have not previously applied, meaning that they've missed the first period?

**MR. GRIMES:** I wouldn't do that. You'll never envision all the possible scenarios that could have come up. But you will have people that came in and submitted a regular application for a moratorium permit that would have been based on permit history.

That individual may not qualify based on permit history, but you also have those two other prongs. They could be a historical captain in the fishery and come in under that avenue. They could have had a vessel under construction and meet those criteria and come in under that avenue.

So their first application could have gotten in before the time period and they could have been denied and yet they qualified under one of the other avenues to get into the fishery, but they didn't get that application in in time.

So just briefly, I think the cleanest way to do this and the safest way to do it is to just reopen it to everyone and you have the exact same criteria that you had in the original rule. If you meet any one of these criteria, then you get to come in.

2367 Now having said that, that is going to let in those several  
2368 hundred vessels on the South Atlantic. They will be able to  
2369 come in and get Gulf limited access mackerel permits. So you  
2370 have that issue out there.

2371  
2372 What Dr. Crabtree raised and what is in Mr. Williams's motion,  
2373 is that they will have to demonstrate some sort of economic  
2374 dependence on the Gulf charter fishing activity. That's going  
2375 to eliminate, presumably, at least the large majority of those  
2376 South Atlantic boats.

2377  
2378 But then again, that's something that's going to be extremely  
2379 labor intensive, fact intensive, and from my perspective, likely  
2380 to encourage litigation because instead of just letting everyone  
2381 come back in now, we're adding a new criteria to it, which means  
2382 we're going to have to make very specific findings that opens  
2383 the door to more legal challenge. So just keep that in mind.

2384  
2385 **CHAIRMAN WALKER:** Mr. Adams, I'm going to try to clear this up.  
2386 Dr. Crabtree is recommending that anyone who did not get under  
2387 the original plan, they would have had to have qualified, to use  
2388 those same qualifications so that someone who didn't comply with  
2389 the regulation when it went in, they can still come in and  
2390 apply, but they're not going to be granted a permit.

2391 **MR. ADAMS:** My endpoint is maybe instead of saying affected  
2392 vessels demonstrating some dependence on the Gulf, we should  
2393 have it word "that would have met previous qualifications."

2394  
2395 **CHAIRMAN WALKER:** I agree.

2396  
2397 **MR. MINTON:** Roy, would it be simpler if we passed a motion that  
2398 just said we would support National Marine Fisheries Service  
2399 reopening permits for sixty days and that gets us out of the  
2400 emergency action and let's you move on with it as opposed to  
2401 this type of a motion?

2402  
2403 **MR. GRIMES:** Ultimately either way, whether you're saying you  
2404 support it or you're requesting it, this is going to be an  
2405 emergency action that we're going to take. It would get us out  
2406 of the discussion we're having right now, yes.

2407  
2408 **MR. MINTON:** That's the motion I was going to make originally  
2409 and if you think, I'll be glad to add it as a substitute if it  
2410 will help.

2411  
2412 **DR. CRABTREE:** I think that would be fine for our purposes.

2413  
2414 **CHAIRMAN WALKER:** Mr. Minton, make your substitute motion.

2415 **MR. MINTON:** I would move as a substitute motion that the  
2416 council support the National Marine Fisheries Service action to  
2417 readdress the charterboat permit application process.

2418  
2419 **CHAIRMAN WALKER:** Do I have a second?

2420  
2421 **MR. RIECHERS:** I second.

2422  
2423 **MR. MINTON:** Roy, will that help you?

2424  
2425 **MR. GRIMES:** I think that helps. But then my question is that's  
2426 a blanket endorsement, which means you would support letting  
2427 everyone come back in and everyone would get to reapply.

2428  
2429 That's what it says, that you support NMFS action to readdress  
2430 the charterboat permit application process. How specifically do  
2431 you mean to readdress it? To let everyone come back in? To let  
2432 only those Gulf boats that can demonstrate -

2433  
2434 **MR. MINTON:** I'll let the seconder of the motion clarify that  
2435 for you.

2436  
2437 **MR. RIECHERS:** I don't think it says that at all, Shep.  
2438 Personally, we're kind of wrapped around the axle here. What it  
2439 does say is that based on the record of what Dr. Crabtree  
2440 presented to us regarding the confusion of the permits when they  
2441 first set out as we've now put on record and it's actually been  
2442 talked about at several other meetings, it says that you all  
2443 have basically asked us to consider or support the notion of  
2444 going back out under the previous application criteria and  
2445 basically reestablishing an opening time period for applications  
2446 to come in under that criteria with the further criteria of the  
2447 dependence on Gulf trips if we do get some applicants from other  
2448 locations.

2449  
2450 **MR. GRIMES:** If that's what it says, I think you're better off  
2451 adding that caveat in there. But if everyone is going to agree  
2452 to it and vote on it, then that's fine. But what you have there  
2453 is a blanket endorsement.

2454  
2455 **CHAIRMAN WALKER:** I don't think the record would reflect that,  
2456 Mr. Grimes, not the minutes of the record of this meeting. So I  
2457 humbly disagree with you. I have got five people on the list to  
2458 talk. We are going to try to leave here today. Are any of  
2459 these people willing to just go ahead and vote on the substitute  
2460 motion or do you want to speak to the substitute motion? I'm  
2461 going to go on down the list.

2462

2463 **MS. WILLIAMS:** Two questions for Dr. Crabtree. The first  
2464 question, would the council approving you set up an appeals  
2465 board to let those people that were legitimately left out back  
2466 in be better than what we've got up there? That's question one.

2467  
2468 **DR. CRABTREE:** No. I think the best way to do it, and we've  
2469 talked through this. I think we have to reopen the application  
2470 period.

2471  
2472 **MS. WILLIAMS:** Question two, so that this doesn't happen to us  
2473 again in the future, how was this process handled differently at  
2474 this stage than how we have handled such as our reef fish permit  
2475 moratoriums and other moratoriums that we've had in place? How  
2476 did this confusion in this application and the wording on this  
2477 application differ from those that we've sent out in the past?

2478  
2479 **DR. CRABTREE:** I would have to go look back at specifically how  
2480 those were handled because it was before my time. But it is my  
2481 intent and we have had discussions about how we will handle  
2482 shrimp, assuming the council moves forward with a permit  
2483 moratorium, to make sure that this type of confusion does not  
2484 happen when we get to shrimp.

2485  
2486 **DR. CLAVERIE:** Roy, I'm assuming that what keys people to come  
2487 to apply for their new permit is the birthday. Isn't that  
2488 right?

2489  
2490 **DR. CRABTREE:** Most people did meet the application deadline and  
2491 so I forget how many people are out there. Shepherd said around  
2492 20 percent missed. So most of them did apply by the deadline  
2493 and I assume they read the notices that went out.

2494  
2495 **DR. CLAVERIE:** But the people that you're reopening for, they're  
2496 the ones who think their birthday is the date they should do  
2497 this?

2498  
2499 **DR. CRABTREE:** I can't say for sure what people were thinking,  
2500 Mau. What will prompt these people to come in and reapply is  
2501 we'll put a notice out to all of these people telling them that  
2502 we're going to accept applications within a sixty-day period.  
2503 Now I don't doubt that there will be somebody who will miss that  
2504 application deadline. But in my mind, never say never. But I  
2505 want to put this to rest this time.

2506  
2507 **DR. CLAVERIE:** Let me make my point. It seems to me that one of  
2508 the reasons people haven't applied is because they think they  
2509 don't have to until their birthday. The birthday could be as  
2510 late as December 31 of this year.

2511 So if you have a sixty-day period from today, that puts us about  
2512 mid-December. So anybody with a birthday between mid-December  
2513 and the end of December is left out and so I would suggest that  
2514 your cutoff period be the end of December, rather than X number  
2515 of days because that would then get everybody to have their  
2516 birthday during this year to be in on the catch-up action, if  
2517 you want to call it that.

2518  
2519 **CHAIRMAN WALKER:** Thank you, Mr. Claverie. I'm sure that Dr.  
2520 Crabtree will take that under consideration.

2521  
2522 **MR. FENSOM:** I will join Dr. Crabtree in voting against this  
2523 motion and I think I should say why. One is we've been over  
2524 this and there was notice that went out. It was in publications  
2525 and the public had exposure to it.

2526  
2527 It was re-notified and we extended dates earlier and we talked  
2528 about it for years. There is some confusion apparently or there  
2529 may or that just may be an excuse. I don't know if there's real  
2530 confusion or not.

2531  
2532 Dr. Crabtree and his department has complete authority to do  
2533 this on their own and I am not interested in taking the heat for  
2534 them or approving this or endorsing this because one, I don't  
2535 think we need it and two, I didn't fill out this form. I didn't  
2536 fill out the permit part of it. So I think that should be their  
2537 decision and they can take their heat and they can do it.

2538  
2539 The other problems that I see that Shep keeps talking about,  
2540 Shep looks like he is about to step off of a cliff over there  
2541 because I know what's coming, economic dependence, relied upon -  
2542 I mean there are going to be these 500 people that are going to  
2543 send a form in from their Aunt Suzie that says she would have  
2544 gone fishing with them if they had a permit and it's going to be  
2545 a full-scale nightmare. So I would vote against it for all of  
2546 those reasons.

2547  
2548 **CHAIRMAN WALKER:** Thank you, Mr. Fensom. I would ask Dr.  
2549 Crabtree. This is not asking for an emergency action and so you  
2550 can vote yes or no on this particular motion. Can you not, Dr.  
2551 Crabtree?

2552  
2553 **MR. GRIMES:** My advice to him would be to vote no because in an  
2554 abundance of caution. Again, the only way to address this is  
2555 via emergency rule and you can call it what you want, but the  
2556 argument is there that this is in essence in an emergency rule  
2557 request.

2558

2559 **CHAIRMAN WALKER:** We've got one more speaker and then we're  
2560 going to take a vote.  
2561

2562 **MR. HORN:** How long was the permit application period from the  
2563 beginning to the end?  
2564

2565 **MR. GRIMES:** Actually we went through this in the Houston  
2566 meeting. But there have been a total of 240 days between two  
2567 different rules and, Mr. Horn, you weren't around actively at  
2568 this time, but this went through two full-on proposed final rule  
2569 makings and one emergency rule.  
2570

2571 So there have been like seven different Federal Register notices  
2572 relating to this moratorium. The first time, it was - With the  
2573 application periods, like I said basically you had 240 days in  
2574 which National Marine Fisheries Service would accept an  
2575 application for a moratorium permit.  
2576

2577 **MR. HORN:** But from when to when? Don't count all the times in  
2578 the middle that didn't work, but just when did it start and when  
2579 did it end?  
2580

2581 **MR. GRIMES:** As I said, there have been two rule makings and so  
2582 it depends on which time. The first time - I don't have all the  
2583 stuff in my specifics, but I would actually think Chairman  
2584 Walker might remember this better than I would. But -  
2585

2586 **CHAIRMAN WALKER:** I think it was implemented in June of 2003.  
2587

2588 **MR. GRIMES:** That's the second time. The first time was in 2002  
2589 and I think it went in effect the summer of 2002 and then in  
2590 September of 2002 the first application period would have ended  
2591 and you had to have the permit by November. We did an emergency  
2592 rule to extend it and then went through it all over again.  
2593

2594 **MR. WILLIAMS:** I'm going to vote against this just because I  
2595 feel like it's totally open-ended. I like the original motion  
2596 that had more specificity to it.  
2597

2598 **CHAIRMAN WALKER:** Mr. Grimes, because this is going to end up  
2599 being an emergency action that the Secretary of Commerce will  
2600 take, do we need to take a roll call vote?  
2601

2602 **MR. GRIMES:** I would recommend that, yes.  
2603

2604 **DR. CLAVERIE:** I abstain.  
2605

2606 **EXECUTIVE DIRECTOR SWINGLE:** Dr. Crabtree.

2607 DR. CRABTREE: Can I ask to vote last? I vote no.  
2608  
2609 EXECUTIVE DIRECTOR SWINGLE: Ms. Williams.  
2610  
2611 MS. WILLIAMS: No.  
2612  
2613 EXECUTIVE DIRECTOR SWINGLE: Ms. Bell.  
2614  
2615 MS. BELL: No.  
2616  
2617 EXECUTIVE DIRECTOR SWINGLE: Mr. Adams.  
2618  
2619 MR. ADAMS: No.  
2620  
2621 EXECUTIVE DIRECTOR SWINGLE: Mr. Minton.  
2622  
2623 MR. MINTON: Yes.  
2624  
2625 EXECUTIVE DIRECTOR SWINGLE: Mr. Horn.  
2626  
2627 MR. HORN: No.  
2628 EXECUTIVE DIRECTOR SWINGLE: Ms. Morris.  
2629  
2630 MS. MORRIS: Yes.  
2631  
2632 EXECUTIVE DIRECTOR SWINGLE: Mr. Riechers.  
2633  
2634 MR. RIECHERS: Yes.  
2635  
2636 EXECUTIVE DIRECTOR SWINGLE: Mr. Williams.  
2637  
2638 MR. WILLIAMS: No.  
2639  
2640 EXECUTIVE DIRECTOR SWINGLE: Ms. Foote.  
2641  
2642 MS. FOOTE: Yes.  
2643  
2644 EXECUTIVE DIRECTOR SWINGLE: Mr. Hendrix.  
2645  
2646 MR. HENDRIX: No.  
2647  
2648 EXECUTIVE DIRECTOR SWINGLE: Mr. Thomassie.  
2649  
2650 MR. THOMASSIE: No.  
2651  
2652 EXECUTIVE DIRECTOR SWINGLE: Mr. Fensom.  
2653  
2654 MR. FENSOM: No.

2655 **EXECUTIVE DIRECTOR SWINGLE:** Mr. Jewell.  
2656  
2657 **MR. JEWELL:** Yes.  
2658  
2659 **EXECUTIVE DIRECTOR SWINGLE:** Ms. Walker.  
2660  
2661 **CHAIRMAN WALKER:** Yes.  
2662  
2663 **EXECUTIVE DIRECTOR SWINGLE:** Six yeses and nine nos.  
2664  
2665 **CHAIRMAN WALKER:** The motion fails with a nine to six vote and  
2666 we're back to the original motion.  
2667  
2668 **MR. WILLIAMS:** Can I ask Degraff what he would do to fix that  
2669 original motion? What was your suggestion? What did it lack  
2670 that we should have in there?  
2671  
2672 **MR. ADAMS:** My suggestion was to replace "demonstrates some  
2673 dependence on charter headboat fishing in the Gulf" to  
2674 "demonstrate eligibility based upon original criteria of the  
2675 permit application."  
2676  
2677 **MR. WILLIAMS:** And your intention though is to leave in the  
2678 second part about demonstrating dependence upon Gulf  
2679 charter/headboat fishing?  
2680  
2681 **MR. ADAMS:** Is that in the earlier criteria or is -- No? Yes,  
2682 then the motion reads as it is.  
2683  
2684 **MR. WILLIAMS:** I would accept that as a friendly amendment if  
2685 the seconder would and I don't remember who the seconder was.  
2686  
2687 **CHAIRMAN WALKER:** Mr. Jewell, were you not the seconder? Will  
2688 you accept that as a friendly amendment?  
2689  
2690 **MR. JEWELL:** Yes, I will.  
2691  
2692 **CHAIRMAN WALKER:** Thank you, Mr. Jewell. Now the motion reads  
2693 that we write a letter to Dr. Crabtree asking him for an  
2694 emergency rule to reopen the application period for the  
2695 charter/headboat moratorium in the Gulf for sixty days based  
2696 upon economic harm so long as the affected vessels demonstrate  
2697 eligibility based upon the original criteria of permit  
2698 application and some dependence on charter/headboat fishing in  
2699 the Gulf. Is everybody ready to vote on this?  
2700  
2701 **MR. RIECHERS:** While I'm going to support the motion, I really  
2702 don't support the concept of us basically asking him to do what

2703 he already can do. I do want to fix the problem. I do think it  
2704 was a problem created by confusion and error.

2705  
2706 There has been plenty of notice though and so I really believe  
2707 that if National Marine Fisheries Service wants to fix this  
2708 problem they should just do it and like I said, I will support  
2709 it, but I really believe that we shouldn't be, in many ways,  
2710 asking to them to do something they already have the authority  
2711 to do.

2712  
2713 **DR. CLAVERIE:** I move to amend sixty days to the end of the  
2714 year.

2715  
2716 **CHAIRMAN WALKER:** We have a motion to amend the motion to  
2717 eliminate "sixty days" and insert "December 31, 2004." Is there  
2718 a second? No second.

2719  
2720 **EXECUTIVE DIRECTOR SWINGLE:** Ms. Williams.

2721  
2722 **MS. WILLIAMS:** Yes.

2723 **EXECUTIVE DIRECTOR SWINGLE:** Mr. Hendrix.

2724  
2725 **MR. HENDRIX:** Yes.

2726  
2727 **EXECUTIVE DIRECTOR SWINGLE:** Ms. Morris.

2728  
2729 **MS. MORRIS:** Yes.

2730  
2731 **EXECUTIVE DIRECTOR SWINGLE:** Mr. Thomassie.

2732  
2733 **MR. THOMASSIE:** No.

2734  
2735 **EXECUTIVE DIRECTOR SWINGLE:** Mr. Adams.

2736  
2737 **MR. ADAMS:** Yes.

2738  
2739 **EXECUTIVE DIRECTOR SWINGLE:** Mr. Horn.

2740  
2741 **MR. HORN:** No.

2742  
2743 **EXECUTIVE DIRECTOR SWINGLE:** Ms. Foote.

2744  
2745 **MS. FOOTE:** Yes.

2746  
2747 **EXECUTIVE DIRECTOR SWINGLE:** Ms. Bell.

2748  
2749 **MS. BELL:** No.

2750

2751 **EXECUTIVE DIRECTOR SWINGLE:** Mr. Williams.  
2752  
2753 **MR. WILLIAMS:** Yes.  
2754  
2755 **EXECUTIVE DIRECTOR SWINGLE:** Dr. Crabtree.  
2756  
2757 **DR. CRABTREE:** Yes.  
2758  
2759 **EXECUTIVE DIRECTOR SWINGLE:** Dr. Claverie.  
2760  
2761 **DR. CLAVERIE:** Yes.  
2762  
2763 **EXECUTIVE DIRECTOR SWINGLE:** Mr. Riechers.  
2764  
2765 **MR. RIECHERS:** Yes.  
2766  
2767 **EXECUTIVE DIRECTOR SWINGLE:** Mr. Minton.  
2768  
2769 **MR. MINTON:** Yes.  
2770  
2771 **EXECUTIVE DIRECTOR SWINGLE:** Mr. Jewell.  
2772  
2773 **MR. JEWELL:** Yes.  
2774  
2775 **EXECUTIVE DIRECTOR SWINGLE:** Mr. Fensom.  
2776  
2777 **MR. FENSOM:** No.  
2778  
2779 **EXECUTIVE DIRECTOR SWINGLE:** Ms. Walker.  
2780  
2781 **CHAIRMAN WALKER:** Yes.  
2782  
2783 **EXECUTIVE DIRECTOR SWINGLE:** The yeses have it with twelve.  
2784  
2785 **CHAIRMAN WALKER:** **The motion carries with a vote of 12 to 4.**  
2786 Now we're going to move on to the Shrimp Management Committee  
2787 and I believe Ms. Morris will handle this report. Ms. Foote.  
2788  
2789 **MS. FOOTE:** I wasn't able to be there and I thank Ms. Morris for  
2790 handling it for me. We're going to skip back to the second  
2791 page, Review of Draft Amendment 13 to the Shrimp FMP and we'll  
2792 just go through that.  
2793  
2794 Dr. Leard presented the amendment as well as the IPT  
2795 recommendations for Actions 10 and 11. The committee had a  
2796 lengthy discussion of the potential for increased participation  
2797 with regard to the language under Number 1 of the Note to Action  
2798 10.

2799 The committee expressed concern that under Note 1 one original  
2800 vessel permit would become two vessel permits if a vessel was  
2801 lost or sold. The committee felt that the IPT needed to further  
2802 develop the discussion and rationale as well as the data and  
2803 impacts for these alternatives prior to further consideration.  
2804

2805 **Following discussion, the committee recommends, and I so move,**  
2806 **to recommend approval of Actions 10 and 11 to the council.**  
2807

2808 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
2809 discussion? **Is there any objection? Hearing not objection, the**  
2810 **motion carries.**  
2811

2812 **MS. FOOTE:** In reviewing other actions, the committee recommends,  
2813 and I so move, that Option 2 under Alternative 8A be moved the  
2814 appendix as an alternative that was considered but rejected.  
2815

2816 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
2817 discussion? **Is there any objection? The motion carries.**  
2818

2819 **MS. FOOTE:** The committee recommends, and I so move, that Option  
2820 1 of Alternative 8B be revised to read as follows: Improve the  
2821 shrimping effort data by requiring that all shrimp vessels  
2822 operating in the EEZ participate in an electronic logbook  
2823 program administered by NMFS to adequately determine the amount  
2824 and location of effort that is occurring in the shrimp fishery  
2825 of the EEZ. Vessel permits will not be renewed for vessels that  
2826 do not participate in the electronic logbook program established  
2827 by NMFS.  
2828

2829 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
2830 discussion? **Is there any objection? Mr. Claverie objects. By**  
2831 **show of hands, who supports this motion? The motion carries.**  
2832

2833 **MS. FOOTE:** Madam Chairman, that concludes my report.  
2834

2835 **CHAIRMAN WALKER:** We're going to move on to Data Collection.  
2836 Mr. Riechers.  
2837

2838 **MR. RIECHERS:** Thank you, Madam Chair. The Data Collection  
2839 Committee was called to order on October 12, 2004. A quorum was  
2840 not present at the scheduled start of the meeting and so the  
2841 chairman decided to begin the National Marine Fisheries Service  
2842 presentation on the MRFSS with the understanding that no  
2843 committee decisions would be made until a quorum was present.  
2844

2845 A quorum was present at the conclusion of the presentation and  
2846 the agenda and minutes of the previous meeting were approved as

2847 written at that time. Dr. Tom Sminkey gave a Power Point  
2848 presentation of an overview of the collection of recreational  
2849 fisheries statistics.

2850  
2851 The survey is composed of three elements: a coastal household  
2852 survey, an access-point intercept survey; and a for-hire survey.  
2853 There were several questions of Dr. Sminkey regarding the  
2854 sampling frame of the coastal household survey, regarding issues  
2855 of cell phone usage with the telephone survey and how that might  
2856 bias the survey, recent interruptions that the recent storms may  
2857 have caused, and National Marine Fisheries Service MRFSS  
2858 tracking of recreational catch of sales.

2859  
2860 Dr. Sminkey did not have that information, but noted that -  
2861 Actually, that's in response only to the last part, the  
2862 recreational catch. Several discussions were had regarding  
2863 those other questions. But Dr. Sminkey did not have the  
2864 information regarding the recreational catch, but noted that  
2865 there was a variable added to the Hawaii survey to track that  
2866 information.

2867  
2868 Another area of interest to the committee was the handling of  
2869 rare event species such as yellowfin tuna. Dr. Sminkey  
2870 suggested that these fisheries could be better sampled either by  
2871 increasing sample size or by designing a separate survey to  
2872 target these fishermen.

2873  
2874 Basically Dr. Sminkey went on to say that a similar problem  
2875 existed with the deep-water groundfish fishery off of Hawaii.  
2876 The problem would be addressed by adding questions to the  
2877 household survey to ask anglers if they fish for a specific  
2878 species in order to determine the magnitude of those fisheries.  
2879 That concludes my report, Madam Chair.

2880  
2881 **CHAIRMAN WALKER:** Thank you, Mr. Riechers. Now we'll move on to  
2882 the summary of the Ecosystem Management Committee.

2883  
2884 **MS. MORRIS:** This is Tab H in your briefing book. This is a  
2885 committee report with no motions for the council. Do you want  
2886 me to summarize or read the report or do you just want to -

2887  
2888 **CHAIRMAN WALKER:** It's your choice.

2889  
2890 **MS. MORRIS:** My choice, okay. I think I would like to  
2891 particularly draw your attention to on the first page there's a  
2892 list of tasks, Task 1, 2, 3, and 4. Task 3 is the task that the  
2893 Ecosystem SSC is supposed to be responsible for and I know that  
2894 yesterday when we were talking about appointments to that

2895 committee there was some interest in exactly what the committee  
2896 would be doing.

2897  
2898 So if you would like to review Task 3, which should be behind  
2899 Tab E-2, behind the budget documents, there's a discussion of  
2900 the task that that committee is supposed to do and I would  
2901 encourage members interested in the composition of that  
2902 committee to consult that before we talk about the appointments  
2903 to the committee.

2904  
2905 So this is a new committee, the first time it's met. It's a  
2906 part of pilot program. All of the Atlantic-side fishery  
2907 management councils have special funding for a three-year period  
2908 to conduct this pilot.

2909  
2910 The goal of the pilot is to help us understand what it would be  
2911 like to add more ecosystem considerations to our fishery  
2912 management plans and actions. We had a presentation by Steve  
2913 Murawaski, who is from the Northeast Science Center, but is  
2914 heading up this ecosystem management pilot program for NOAA  
2915 Fisheries.

2916  
2917 He has visited all of the Atlantic side councils now and he will  
2918 be making a presentation to us in Baltimore next week and he  
2919 gave us an informative PowerPoint presentation outlining where  
2920 the money is coming from and how the initial vision of the pilot  
2921 programs are going to be.

2922  
2923 We had some discussion of that. We had a presentation by Mr.  
2924 Geiger about the South Atlantic Council and they are kind of  
2925 ahead of all the other councils in terms of figuring out how to  
2926 do ecosystem management and integrate it into their fishery  
2927 management plans and there's a paragraph in the committee report  
2928 summarizing what progress they've made to date and George I'm  
2929 sure would be happy to explain the opportunities and concerns  
2930 that they've come across.

2931  
2932 We may or may not be having another meeting of the committee in  
2933 November, depending on whether there's any draft guidelines  
2934 distributed at next week's joint council meeting for us to  
2935 review at that meeting. Madam Chairman, that concludes my  
2936 report.

2937  
2938 **CHAIRMAN WALKER:** Thank you, Ms. Morris. I would ask staff, is  
2939 the Reef Fish Management Committee minutes ready? No. Are any  
2940 of the others ready? Coral is ready. Mr. Williams.

2941  
2942 **MR. GRIMES:** I just wanted to point out, those of you, I'm

2943 handing out a proposed rule. This was just Fed-Exed to me by  
2944 General Counsel for Enforcement and Litigation. Apparently they  
2945 have published a proposed rule revising the civil procedure  
2946 regulations which govern administrative prosecutions.

2947  
2948 I'm going to give you a copy of the proposed rule and also a  
2949 copy of a flyer that goes along with it. If I have any extras,  
2950 I'll put them on the back table. I just promised GCEL that I  
2951 would do this for them and it's just so you're sort of aware and  
2952 maybe can discuss having it brought before your Law Enforcement  
2953 Committee next time you meet.

2954  
2955 **CHAIRMAN WALKER:** Does everyone have the Coral Committee  
2956 summary? Let's take a quick five minute break and they're going  
2957 to try to get the rest of the summary reports out. Let's be  
2958 back here no later than 11:30.

2959  
2960 (Whereupon, a brief recess was taken.)

2961  
2962 **CHAIRMAN WALKER:** If you do not have a copy of the report from  
2963 the Coral Committee, please raise your hand and Stu will bring  
2964 you a copy. Mr. Williams, are you ready?

2965  
2966 **MR. WILLIAMS:** Yes, ma'am. The only action of the Coral  
2967 Committee was to review the Oceana's petition for rulemaking on  
2968 deep-water corals. It's a fairly lengthy petition, I think  
2969 approaching thirty pages.

2970  
2971 It was a petition to the National Marine Fisheries Service  
2972 requesting them, to among other things, map out all the deep  
2973 water corals and for those where there's no fishing going on to  
2974 prohibit fishing on them and in general to have regulations on  
2975 fishing on deep-water corals.

2976  
2977 The council convened their Coral SSC to review the letter and  
2978 they made comments that are at Tab H, Number 5, and a letter was  
2979 prepared to National Marine Fisheries Service giving our  
2980 comments on the request for rule making.

2981  
2982 The only deep-water fishery we believe that would affect deep-  
2983 water corals in the Gulf is the royal red shrimp fishery, which  
2984 is only somewhere between five and fifteen vessels. The letter,  
2985 the draft letter, is at H-5.

2986  
2987 **We approved that letter with a few changes and on behalf of the**  
2988 **committee, I would move to send that letter with the following**  
2989 **editorial changes. The first change is page 3, paragraph 3,**  
2990 **line 3, change "Pully" to "Pulley's" and line 6, change "Bright"**

2991 to "Rankin-Bright." Page 4, Action 3, change the last sentence  
2992 to read as follows: "As previously stated, the council is in  
2993 the process of developing an amendment prohibiting trawling,  
2994 traps and pots, and bottom longline and buoy gear on coral  
2995 habitat in the Gulf EEZ and protecting coral resources under its  
2996 EFH program." The second change is page 4, last paragraph, line  
2997 9, add after "weather" insert "in shallow water." On behalf of  
2998 the committee, I so move.

2999  
3000 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
3001 discussion?  
3002

3003 **DR. CLAVERIE:** For the record, I want to point out that the  
3004 prohibition we have on damaging coral is live coral and we  
3005 understand that the petition is talking about live coral also  
3006 because in the Gulf there is some dead coral.  
3007

3008 **CHAIRMAN WALKER:** Thank you, Mr. Claverie. Is there any other  
3009 discussion? **Is there any objection? The motion carries.**

3010 **MR. WILLIAMS:** Note that the letter needs to be proofed for any  
3011 other spelling and grammatical changes and that concludes my  
3012 report.  
3013

3014 **CHAIRMAN WALKER:** Thank you, Mr. Williams. It is now almost  
3015 twenty minutes until twelve and I would ask the council - We  
3016 have to come back with our Joint AP Selection & SSC Selection.  
3017 Would you care to go into closed session now as the council and  
3018 make those decisions so that we can come back?  
3019

3020 Is that agreeable to everyone to go into closed session now?  
3021 All right. Then can we tell the audience, our constituents  
3022 attending, that we'll be back here at one o'clock? Is that  
3023 acceptable? Okay. We're going to go into closed session now  
3024 and we'll be back here to resume the meeting at one o'clock.  
3025

3026 (Whereupon, the meeting went into closed session at 11:40  
3027 o'clock a.m., October 14, 2004.)  
3028

3029 - - -  
3030 October 14, 2004  
3031

3032 THURSDAY AFTERNOON SESSION  
3033

3034 - - -  
3035

3036 The Gulf of Mexico Fishery Management Council reconvened in  
3037 Ballroom A of the Omni Edgewater Beach Hotel, Panama City,  
3038 Florida, Thursday afternoon, October 14, 2004, and was called to

3039 order at 1:00 o'clock p.m. by Chairman Bobbi Walker.

3040

3041 **CHAIRMAN WALKER:** If the council will take your seats, we'll  
3042 resume the meeting. Mr. Minton has suggested that we start with  
3043 Migratory Species and Sustainable Fisheries before going to Reef  
3044 Fish and Ms. Morris and I agree with that request. So Mr.  
3045 Claverie, if you're ready with Migratory Species.

3046

3047 **DR. CLAVERIE:** Migratory Species is in Tab M and you've got a  
3048 summary plus a proposed letter to NMFS from the council. The  
3049 important thing about the proposed letter to NMFS and it doesn't  
3050 have an "M" on it. It just says "Draft." In the back is a  
3051 table that Steve did of the recommendations from our APs and our  
3052 SSC.

3053

3054 We have a Billfish AP, we have an HMS AP, and we have SSCs and  
3055 one day the SSCs met together and the next day the APs met  
3056 together and this is Steve's condensation in tabular form here  
3057 of what came out that.

3058 We did two things. We made some motions on behalf of the  
3059 council on what should be in the letter and then we also adopted  
3060 just to send forward what the AP and SSCs said. So this is a  
3061 combination of those two things.

3062

3063 The committee met and there were only three of the five members  
3064 there and we went through the options paper. NMFS has two  
3065 fishery management plans, the Billfish Plan, which covers white  
3066 marlin, blue marlin, and sailfish and the HMS plan, which covers  
3067 swordfish, sharks, and tunas, and this will be Amendment 2 on  
3068 each one of those plans. Those plans originally were made by  
3069 the five councils and have been amended once by NMFS and this is  
3070 the second amendment.

3071

3072 If you look in your document, in your letter, you can see the  
3073 sections and there are some sections that are not there because  
3074 we're recommending the council do something else.

3075

3076 The first one is with respect to Section 3.4, Revisions to  
3077 Commercial Atlantic Bluefin Tuna Dealer Reporting, the council  
3078 recommends status quo, the committee recommends that the council  
3079 recommend status quo.

3080

3081 Web-based reporting systems may not provide confirmation of  
3082 receipt of data and in addition, information transmitted by e-  
3083 mail has been determined to not be private. Thus,  
3084 confidentiality of individual catch statistics cannot be  
3085 assured.

3086

3087 **By consensus, the committee recommends, and I so move, that the**  
3088 **council recommend status quo for Section 3.4 due to questions**  
3089 **about confidentiality of data.**

3090  
3091 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
3092 discussion?

3093  
3094 **MR. MINTON:** I guess maybe for Karen and I don't know the answer  
3095 either, but we're transmitting data right now through a program  
3096 in Gulf States, I think initially developed by Louisiana, but  
3097 embraced and expanded on by Gulf States, that is considered  
3098 confidential and it being electronically transmitted. What's  
3099 the difference or is there no difference?

3100  
3101 **DR. CLAVERIE:** If it's transferred over the internet, people can  
3102 hack in on it and get it and the courts have recognized that and  
3103 say when you're dealing over the internet, you know you're not  
3104 being private and confidential.

3105  
3106 **MR. MINTON:** Karen, do you have anything?

3107  
3108 **MS. FOOTE:** I've assumed it's confidential. It's protected by  
3109 all kinds of acts and if we're doing in an unconfidential way, I  
3110 guess we'll look into that. But we're all in the same boat.

3111  
3112 **DR. CLAVERIE:** I presume that when this comment hits NMFS, we'll  
3113 start hearing about it.

3114  
3115 **MR. MINTON:** If I may, Madam Chair, we've got a lot of data that  
3116 goes out on secure formats when you access banking records, your  
3117 own or whatever. It comes up as it's supposed to be a secure  
3118 line, so to speak. That's not necessarily open, public  
3119 information at that point, is it?

3120  
3121 **DR. CLAVERIE:** I don't know. This was some concern of some  
3122 folks and NMFS will get this comment and I guess they'll either  
3123 say the way it's going to be done it's confidential or the way  
3124 it's going to be done it's not confidential and we'll do  
3125 something about it. But it's just our comment to them and I  
3126 can't answer all your questions about that except it is a  
3127 problem or it could be a problem.

3128  
3129 **CHAIRMAN WALKER:** Is there any more discussion on the motion?  
3130 **Is there any objection to the motion? Hearing no objection, the**  
3131 **motion carries.**

3132  
3133 **DR. CLAVERIE:** With respect to Sections 4.1., Recreational Bag  
3134 Limit In-season Adjustment Authority, and 4.2, Increase

3135 Recreational Bag Limit for Charter/headboats, the committee  
3136 concurred with the recommendations of the AP and SSCs to  
3137 recommend status quo.

3138  
3139 Precautionary principles should be invoked in managing swordfish  
3140 stocks and the SSC questioned why recreational fishermen need to  
3141 harvest more than one swordfish per day.

3142  
3143 **By consensus, the committee recommends, and I so move, that the**  
3144 **council recommend status quo for Sections 4.1 and 4.2, due to a**  
3145 **preference that precautionary principles be invoked in managing**  
3146 **swordfish stocks.**

3147  
3148 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
3149 discussion? **Is there any objection? Hearing no objection, the**  
3150 **motion carries.**

3151  
3152 **DR. CLAVERIE:** With respect to 5.3, Reduce Bycatch in the  
3153 Gillnet Fishery, the committee recommends passing along the AP  
3154 and SSC recommendations, which are on page 2 in your letter, but  
3155 given that there is a shark strike gillnet fishery in Alabama  
3156 state waters that is allowed by the state, the committee felt  
3157 that the SSC recommendations to not allow this type of gear  
3158 should pertain to the EEZ only and that's the motion.

3159  
3160 **By consensus, the committee recommends, and I so move, that the**  
3161 **council pass along the AP and SSC recommendations, which are**  
3162 **don't have a gillnet fishery, with a note that the**  
3163 **recommendation to not allow the gillnet gear in the Gulf of**  
3164 **Mexico for shark fishing applies to EEZ waters only.**

3165  
3166 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
3167 discussion? **Is there any objection? Hearing none, the motion**  
3168 **carries.**

3169  
3170 **DR. CLAVERIE:** With respect to Section 6.1, Additional Measures  
3171 to Reduce Billfish Mortality, I suggest that there be a  
3172 discussion added on the methodology for counting the 250 marlin  
3173 limit, since this was originally thought to be a generous limit,  
3174 but has been exceeded in some years. There appears to be a  
3175 discrepancy in the eastern seaboard counting system and not the  
3176 Gulf of Mexico.

3177  
3178 This section has several issues in it. Another one was the  
3179 committee felt that the use of circle hooks was inappropriate  
3180 with high-speed trawl lures because they will not hook fish, but  
3181 it is appropriate when used with live bait. However, committee  
3182 members felt that circle hooks should not have an offset.

3183 An offset is allowed when using circle hooks to reduce sea  
3184 turtle bycatch mortality, but it may increase the likelihood of  
3185 fish, that is the billfish, the sharks, and the tunas, of  
3186 becoming gut hooked.

3187  
3188 **Without objection, the committee recommends, and I so move, that**  
3189 **the council recommend that circle hooks be required for live**  
3190 **bait only and that the hooks have no offset.**

3191  
3192 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
3193 discussion?

3194  
3195 **MR. MINTON:** Mau, this is just to apply to the recreational  
3196 fishery? I think we have a regulation and I read it that says  
3197 you can't use live bait. Correct?

3198  
3199 **DR. CLAVERIE:** It's for billfish. You know I can't answer that  
3200 question. Steve, can you help me?

3201 **MR. ATRAN:** This is in the section on the issues and options  
3202 paper dealing with specifically with Atlantic billfish and with  
3203 measures to reduce billfish mortality. So I believe this  
3204 applies to people who are targeting billfish.

3205  
3206 **DR. CLAVERIE:** But does that include the longlines or is it just  
3207 the recreational fishery? I don't remember discussing that. Do  
3208 you? What was it?

3209  
3210 **MR. ATRAN:** I don't remember. I can look it up and give you the  
3211 answer in a few minutes, but it will take me a few minutes to  
3212 look it up.

3213  
3214 **CHAIRMAN WALKER:** I think Mr. Sherlock can help us with this.

3215  
3216 **LCDR SHERLOCK:** Live bait aboard longliners is prohibited in the  
3217 Gulf.

3218  
3219 **DR. CLAVERIE:** So then this would automatically apply only to  
3220 the recreational fishery.

3221  
3222 **CHAIRMAN WALKER:** Is there any further discussion on the motion?  
3223 **Is there any objection to the motion? With no objection, the**  
3224 **motion carries.**

3225  
3226 **DR. CLAVERIE:** I know that the Gulf Council is on record as  
3227 recommending to reduce bycatch in the longline fishery. Rather  
3228 than have specific area closures in the Gulf, the entire Gulf  
3229 EEZ be closed since the gyres and loop currents and the billfish  
3230 could be anywhere and because any areas left open could become a

3231 hot spot for intense longline activity.

3232

3233 The committee had no comments on this aspect of bycatch  
3234 mortality reduction, other than an agreement to forward the AP  
3235 comments to NMFS. The AP comments to NMFS are to close in the  
3236 western area. The committee, 2 to 1, said closing the western  
3237 area, but since the council had previously said to close the  
3238 entire EEZ, I wanted to have the council decide which way they  
3239 want to do it again.

3240

3241 **So I would move that the council recommend again, if there's**  
3242 **going to be time and area closures in the Gulf, that it be for**  
3243 **the entire Gulf EEZ. That's time and area closures of longline**  
3244 **fishing to reduce bycatch.**

3245

3246 **CHAIRMAN WALKER:** We have a motion. Do we have a second?

3247

3248 **MR. ADAMS:** Second.

3249 **CHAIRMAN WALKER:** Mr. Claverie made the motion and Mr. Adams  
3250 seconded. Mr. Claverie, will you help with the motion?

3251

3252 **DR. CLAVERIE:** That time and area closures in the Gulf of Mexico  
3253 be the entire Gulf EEZ.

3254

3255 **CHAIRMAN WALKER:** Is there any discussion on the motion?

3256

3257 **DR. CRABTREE:** There are already time/area closures in the Gulf  
3258 of Mexico and so are you recommending that the entire Gulf of  
3259 Mexico be closed or are you recommending that if there's a need  
3260 for future additional closures that the whole Gulf be closed?  
3261 I'm not sure where this is going.

3262

3263 **DR. CLAVERIE:** Future additional. This is the same one we made  
3264 before. We're not talking about Madison-Swanson and the  
3265 Steamboat and the permanent closures. We're talking about the  
3266 temporary time and area closures that are instituted to reduce  
3267 bycatch, mainly baby swordfish and turtles and that sort of  
3268 thing, so that all the boats won't come fish in the only areas  
3269 left open.

3270

3271 **MR. WILLIAMS:** What's the rationale for this closure? Why do  
3272 you want to do the whole thing rather than just parts?

3273

3274 **DR. CLAVERIE:** Number one, because you never know where the fish  
3275 are going to be in the Gulf. They quite often are in the  
3276 western Gulf, but depending on where the gyres are going to be  
3277 from the loop current, that's where the big game fish go and so  
3278 you could close in one area and the fish would all be in another

3279 area anyhow.  
3280  
3281 Because if they leave open some areas, that would be the only  
3282 spot in the Gulf for the longliners to fish and they would all  
3283 be there and it would just be a hot spot that would definitely  
3284 interfere with the recreational and other fisheries.  
3285  
3286 **MR. WILLIAMS:** Do we have information on what's working now and  
3287 isn't working, is failing?  
3288  
3289 **DR. CLAVERIE:** I don't know that they have instituted time and  
3290 area closures. They have?  
3291  
3292 **MR. WILLIAMS:** Three or four years ago they did.  
3293  
3294 **DR. CLAVERIE:** Yes, and we had recommended the full EEZ and they  
3295 didn't do it and so probably the same thing would happen.  
3296  
3297 **LCDR SHERLOCK:** We neither support or not support the motion,  
3298 but it does facilitate enforcement. Like right now we've got  
3299 the derby with the red snapper. It applies throughout the Gulf  
3300 during the open and closed period and so I just want to throw  
3301 that out there.  
3302  
3303 **MR. THOMASSIE:** I don't know if somebody could clarify it for  
3304 me. Is this a necessary action for management or is this a  
3305 convenience action? I just heard that it may interfere with  
3306 recreational fishing and I'm just trying to see if this is  
3307 something that has to be done or is something that is done for  
3308 convenience.  
3309  
3310 **DR. CLAVERIE:** It's not done for convenience. It's done to  
3311 reduce bycatch of undersized swordfish and I think turtles and I  
3312 don't remember if that's in the Gulf. It may not be. It should  
3313 be done for bycatch of billfish too, which are a bycatch in the  
3314 U.S. waters for longliners.  
3315  
3316 **MS. WILLIAMS:** Maumus, I have some of the same opposition with a  
3317 lot of this that I had when I came into your committee. Did you  
3318 have the information in front of you that gave you all of the  
3319 information that's out there or that you're aware of or that  
3320 NMFS has when you keep talking about in order to reduce bycatch,  
3321 in order to see what you're basing all of these things on? I  
3322 heard no, you didn't have the information in front of you.  
3323  
3324 **DR. CLAVERIE:** No, but the reasons we did it last time were to  
3325 avoid having the only area left open in the Gulf would be in the  
3326 central and eastern Gulf, I believe, and that would be the place

3327 where all the longliners would go.

3328

3329 **MR. HORN:** Is it my understanding that this motion is for things  
3330 that might happen in the future? Did I hear you say that?  
3331 Because if that's the case, any management measure is going to  
3332 have to go through all the processes of hows and whys and whose  
3333 ox is being gored and why.

3334

3335 To do this, I don't know. This seems to me like you're planning  
3336 on something that may never happen or it may happen. We're  
3337 managing these fisheries now and they're being managed for  
3338 conservation and they're being managed to reduce bycatch. This  
3339 seems like a - I hate to use the word "foolish." That's not the  
3340 right word, but I just don't see the need for something like  
3341 this. I speak against the motion.

3342

3343 **DR. CRABTREE:** I had the same question as Phil. It's still not  
3344 clear to me whether we're talking about future things that could  
3345 happen and then the whole Gulf has to be closed or are we saying  
3346 the whole Gulf needs to be closed now and are we including  
3347 recreational fishing in this?

3348

3349 They release billfish and so they're regulatory discards too or  
3350 is this just specifically geared at the pelagic longline  
3351 fishery? Furthermore, have you taken into account the new rules  
3352 that have just been put in place to require circle hooks and  
3353 those types of things, which probably will have some effect on  
3354 catch and things?

3355

3356 So I tend to agree with Phil. I don't think we've really  
3357 analyzed what's going on out there and it seems to me that this  
3358 is a conclusionary statement based on an assumption of what the  
3359 situation may be in some hypothetical future and it would make  
3360 more sense to me to identify what the problem is in the future  
3361 that's trying to be solved and do an analysis of it then and  
3362 then reach a conclusion.

3363

3364 **CHAIRMAN WALKER:** I think the council is ready to vote, Mr.  
3365 Claverie.

3366

3367 **DR. CLAVERIE:** We don't do that. Big NMFS does that and they  
3368 have said if there are going to be closures to comment to on  
3369 that and our comment is if you're going to close in the Gulf,  
3370 close the whole thing. Big NMFS would have to do all those  
3371 analyses.

3372

3373 **CHAIRMAN WALKER:** The motion is that time/area closures in the  
3374 Gulf of Mexico be throughout the entire Gulf EEZ. All those in

3375 favor, raise your hand; all those opposed. The motion fails.  
3376

3377 **DR. CLAVERIE:** Then I would have to make a motion to forward the  
3378 AP and SSC recommendations on this, which this is 6.1 -  
3379

3380 **CHAIRMAN WALKER:** Your motion is to forward the SSC and AP's  
3381 recommendations on Section 6.1?  
3382

3383 **DR. CLAVERIE:** Which is - Well, there weren't any on the SSC and  
3384 it says no consensus. But for the AP, it says the AP feels that  
3385 there are enough time/area closure regulations already in place  
3386 and recommends status quo.  
3387

3388 **MR. ATRAN:** Just a little bit of how this summary is organized.  
3389 The committee was going through the issues and options paper and  
3390 all the different sections and deciding whether or not to make a  
3391 specific recommendation of the council or simply to forward the  
3392 recommendations of the AP and the SSC without the council  
3393 comment.  
3394

3395 In order to try to get it a little bit better organized, the  
3396 committee was just going to forward the AP and SSC comments. I  
3397 put all of those in the back, in the table that's in the draft  
3398 letter that you just got.  
3399

3400 That table contains all the AP and SSC comments that the  
3401 committee is recommending to be forwarded without council  
3402 comment and what you see is specific motions that are in the  
3403 committee report are items where the committee voted to  
3404 recommend that the council actually make some comment of its  
3405 own.  
3406

3407 **CHAIRMAN WALKER:** Mr. Claverie, were there opinions of the SSC  
3408 and the AP that the committee disagreed with?  
3409

3410 **DR. CLAVERIE:** I'm trying to remember. No, not relative to  
3411 that, no, other than do the whole Gulf. But if you're not going  
3412 to do the whole Gulf, we should approve the ones that they have  
3413 proposed.  
3414

3415 **CHAIRMAN WALKER:** So would you like to amend your motion then to  
3416 forward all AP and SSC recommendations with the letter from the  
3417 council?  
3418

3419 **DR. CLAVERIE:** That's what this motion is.  
3420

3421 **CHAIRMAN WALKER:** No, it says only 6.1.  
3422

3423 **DR. CLAVERIE:** No, just 6.1 for this motion. We go through it  
3424 section by section.

3425  
3426 **CHAIRMAN WALKER:** Okay. We have a motion and a second. Is  
3427 there any further discussion?

3428  
3429 **MR. WILLIAMS:** That's going to be pretty grueling, isn't it? If  
3430 we're going to do for each and every section and there's 6.1,  
3431 6.2, and I'm going up to 9, 11, 10, 13, 12, 14.6. There's a  
3432 whole bunch of them. Are you going to do them one at a time?

3433  
3434 **DR. CLAVERIE:** That's the way the report is arranged. I think  
3435 they have to be done like that, don't they, Steve?

3436  
3437 **MR. ATRAN:** For everything that we are simply recommending that  
3438 the AP or SSC recommendations be forwarded, I put all of those  
3439 in the back and so you've got one big table in the back of the  
3440 draft letter and it's got 6.1, 6.2, and it's got everything in  
3441 there except for the items that you decided not to forward.

3442  
3443 There were a few items that you decided not to forward, but you  
3444 don't have to do a separate motion to forward 6.1 and then 6.2.  
3445 What I would suggest you do is just go through the motions that  
3446 are in the committee report and I think it's at the end - I may  
3447 not have put a specific motion in here. That might have been an  
3448 oversight.

3449  
3450 At the very end, a motion would be in order to state that the  
3451 items that are listed in the table in the draft letter are being  
3452 forwarded to the HMS Division without comment.

3453  
3454 **CHAIRMAN WALKER:** Mr. Atran, where is that table located? It's  
3455 not on our summary -

3456  
3457 **MR. ATRAN:** You were just handed out a draft letter for the  
3458 letter that we're going to be sending to HMS. We've got to turn  
3459 this around very quickly because we're already way past the  
3460 public comment period and the HMS people are in the process of  
3461 finalizing the draft amendment right now. So we need to get  
3462 this letter in as fast as possible once your decisions are made.

3463  
3464 **DR. CLAVERIE:** I think we need to go through motion by motion.

3465  
3466 **MR. RIECHERS:** A point of clarification. Steve, did you all  
3467 make that motion in committee to send them all forward as one  
3468 big group?

3469  
3470 **DR. CLAVERIE:** No.

3471 **MR. RIECHERS:** Okay. I'm fine with making the motion, but I  
3472 don't think we can put it in the summary if that's not how the  
3473 business was conducted.  
3474  
3475 **DR. CLAVERIE:** Look, for instance, at 6.2 -  
3476  
3477 **CHAIRMAN WALKER:** Hold on, guys.  
3478  
3479 **MR. ATRAN:** There were a large number of by consensus  
3480 statements. We went over each section and the recommendations  
3481 of the AP and the SSC and if the committee members had no  
3482 comments, then it was by consensus the AP and SSC comments will  
3483 be forwarded to the HMS folks and that would have resulted in  
3484 twenty or thirty separate motions if we put each one up as an  
3485 individual motion. So I lumped them all in the back of the  
3486 draft letter.  
3487  
3488 **DR. CLAVERIE:** Madam Chair, in order to do this right, we've got  
3489 to go through each one of these.  
3490  
3491 **CHAIRMAN WALKER:** Mr. Claverie, I'm going to ask you then to  
3492 just read the motions that came out of the committee.  
3493  
3494 **DR. CLAVERIE:** We're next on 6.2, I believe. **By consensus, the**  
3495 **committee recommends, and I so move, that the council recommend**  
3496 **that if an online internet reporting system is established, the**  
3497 **telephone call-in system continue to be used as an alternative**  
3498 **for persons who are concerned about confidentiality issues with**  
3499 **the internet.**  
3500  
3501 **CHAIRMAN WALKER:** We have a committee motion. **Is there any**  
3502 **discussion? Is there any objection? Hearing no objection, the**  
3503 **motion carries.**  
3504  
3505 **DR. CLAVERIE:** **By consensus, the committee recommends, and I so**  
3506 **move, that council recommend that any changes made under Section**  
3507 **6.4 - Artisinal Fishery, that's down in the Caribbean, should**  
3508 **not impact the 250 billfish allowance or any other Gulf of**  
3509 **Mexico fishery since the artisinal fishery is essentially a**  
3510 **commercial harvest.**  
3511  
3512 **CHAIRMAN WALKER:** You have a committee motion. **Is there any**  
3513 **discussion? Is there any objection? The motion carries.**  
3514  
3515 **DR. CLAVERIE:** By a vote of 2 to 1, the committee recommends,  
3516 and I so move, that the AP recommendations for Section 7.1 - HMS  
3517 Tournament Registration Reporting, be forwarded to NMFS as is.  
3518

3519 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
3520 discussion?  
3521

3522 **DR. CLAVERIE:** Yes. The "as is" means that all tournaments be  
3523 selected to report both catch and effort statistics and I think  
3524 it would be proper to separate catch and effort.  
3525

3526 All tournaments should and can report landings statistics  
3527 because if you're running a tournament and somebody enters a  
3528 fish in the tournament, you definitely know it. You weigh it in  
3529 and count it and all that. But you don't know the effort.  
3530

3531 So NMFS should ask all tournaments to report landings. But they  
3532 should have the flexibility to select which tournaments report  
3533 effort so that they can avoid the ones that can't do it. So I  
3534 would move that that change be made. Instead of requiring all  
3535 tournaments to report both, require all tournaments to report  
3536 landings and selected tournaments to report effort.  
3537

3538 **CHAIRMAN WALKER:** Are you amending the committee motion?  
3539

3540 **DR. CLAVERIE:** Yes.  
3541

3542 **CHAIRMAN WALKER:** Is there a second? There is a second from Mr.  
3543 Minton. The motion is to require all tournaments to report  
3544 landings and selected tournaments to report effort. Is there  
3545 any discussion? Is there any objection? The motion carries.  
3546 That was actually a substitute motion, was it not?  
3547

3548 **DR. CRABTREE:** I would have to object because that's a  
3549 substitute motion and that's contrary to what the committee sent  
3550 to the council.  
3551

3552 **DR. CLAVERIE:** That's why I said the committee said that all  
3553 tournaments should report everything and my substitute motion,  
3554 if that's what it is, is to require all tournaments to report  
3555 landings, but only selected tournaments to report effort.  
3556

3557 **CHAIRMAN WALKER:** Does the council understand that the committee  
3558 came out saying to leave the reporting and registration as is  
3559 and the substitute motion says something different now? It's a  
3560 substitute motion to require tournaments to report landings and  
3561 only selected tournaments to report effort.  
3562

3563 **MR. ATRAN:** The "as is" referred to leave the AP's  
3564 recommendations as is. The AP did recommend a change. Under  
3565 Registration and Reporting, the AP voted to recommend that there  
3566 be a requirement for an HMS tournament permit and there was some

3567 debate in committee over whether or not a tournament permit was  
3568 necessary.

3569  
3570 Then they also, on reporting, voted to recommend 100 percent of  
3571 tournaments be required to report their catches. What Maumus  
3572 has just been referring to was that second recommendation. He  
3573 would prefer only selected tournaments report their catches.

3574  
3575 There was also a lot of discussion about whether tournaments  
3576 would have to report catch and effort. Apparently a number of  
3577 tournaments are not set up to report their effort and that could  
3578 create some problems.

3579  
3580 The committee didn't reach a consensus on coming up with a  
3581 recommendation. So they said let's just forward the AP's  
3582 recommendation as is, which, as I said, would be to require a  
3583 permit, tournament permit, and require 100 percent reporting.

3584 **MR. HENDRIX:** I just want to go on record that I object to that  
3585 and change my vote to no on that. It was passed without  
3586 objection originally.

3587  
3588 **CHAIRMAN WALKER:** So you want to back up and -

3589  
3590 **MR. HENDRIX:** And just vote against it.

3591  
3592 **MR. WILLIAMS:** Procedurally, that should have been a substitute  
3593 motion, right? What kind of motion was that? We don't know.

3594  
3595 **DR. CLAVERIE:** It was a substitute motion.

3596  
3597 **MR. WILLIAMS:** But you never used the words.

3598  
3599 **DR. CLAVERIE:** Only for that section, for the reporting, not the  
3600 rest of what is in Section 6 point whatever it is.

3601  
3602 **MR. WILLIAMS:** This is all very confusing and I think  
3603 procedurally we need to do something to straighten it out. If  
3604 it's back up the original committee motion and then do them in  
3605 sequence.

3606  
3607 **CHAIRMAN WALKER:** Does the council agree to back up?

3608  
3609 **MR. JEWELL:** In the committee, we voted to pass on the AP  
3610 recommendations as is, which would mean - Let's back up and  
3611 that's what I would recommend.

3612  
3613 **CHAIRMAN WALKER:** Thank you, Mr. Jewell. Maumus, I'm going to  
3614 ask you to go back to the committee motion.

3615 **DR. CLAVERIE:** Which one is that?  
3616  
3617 **CHAIRMAN WALKER:** The "as is." I'll read it for you. By a vote  
3618 of 2 to 1, the committee recommends, and I so move, that the AP  
3619 recommendations for Section 7.1 - HMS Tournaments Registration  
3620 and Reporting, be forwarded to NMFS as is. You have a committee  
3621 motion. There is discussion.  
3622  
3623 **MR. WILLIAMS:** That means, if I understood what Steve said, that  
3624 tournament permits are required and 100 percent reporting of  
3625 catch and effort. Is that right?  
3626  
3627 **MR. ATRAN:** That is the AP recommendation.  
3628  
3629 **MR. RIECHERS:** That differs from what the AP recommendation  
3630 suggests on page 4 of the letter. There is just says "catches."  
3631 **DR. CLAVERIE:** That's why I made a motion, which is a substitute  
3632 motion or an amendment, either way you want to say, is to say  
3633 that all tournaments be required to report landings, but only  
3634 tournaments selected by NMFS be required to report effort.  
3635  
3636 **CHAIRMAN WALKER:** I think to clear this up, let me read what's  
3637 in the draft letter and this came out of the AP. The SSC had no  
3638 recommendations and this was the AP's recommendation:  
3639 Registration Option 2, require an HMS tournament permit.  
3640  
3641 Reporting Option 2, require 100 percent of tournaments to report  
3642 catches. This is not to replace, but to augment, the Gulf of  
3643 Mexico reporting system in place since 1971. Now that is what  
3644 the AP said and I am assuming that that is what the motion on  
3645 the board details. Is that correct?  
3646  
3647 **MR. HENDRIX:** My recollection is, and we had a discussion about  
3648 it including effort reporting as well and reporting of effort  
3649 was included. I don't recall exactly where we read that now,  
3650 but the discussion did go on and the objection I had was the  
3651 elimination of the reporting of effort in 100 percent of the  
3652 tournaments.  
3653  
3654 **CHAIRMAN WALKER:** Mr. Jewell, what is your recollection?  
3655  
3656 **MR. JEWELL:** My recollection is that the committee voted to pass  
3657 on the recommendations of the AP as is and if there's any  
3658 difference between what's in the table and what was presented to  
3659 us in committee, I think Steve should clarify that.  
3660  
3661 **MR. ATRAN:** The table is exactly the same table that was  
3662 presented in committee, except for those items that the

3663 committee did not vote to pass on to HMS and I just took a look  
3664 at what that Option 2 is in the issues and options paper and the  
3665 exact wording is what I put in: "Require 100 percent of  
3666 tournaments to report catches."

3667

3668 **DR. CLAVERIE:** I remember we discussed catches and effort.

3669

3670 **MR. WILLIAMS:** Mau, what your substitute motion tried to do was  
3671 to just add to collect effort for tournaments selected by NMFS.  
3672 That was your goal?

3673

3674 **DR. CLAVERIE:** Yes, but let me make it clear. The committee  
3675 discussed this and I explained how some tournaments cannot -  
3676 There's no way they can follow effort and the committee said,  
3677 well let's pass it on that they all have to be selected for both  
3678 catch and effort.

3679 I personally think that's impossible and so it's wrong to do and  
3680 so my motion is to change that part of it to say all tournaments  
3681 report catches, but only selected tournaments need to report  
3682 effort so NMFS can make the determination as to which tournament  
3683 that registers has to report effort as well as catch.

3684

3685 **MR. WILLIAMS:** Now that I understand that, I would support that  
3686 if he wants to make it again.

3687

3688 **CHAIRMAN WALKER:** Mr. Claverie, will you make the motion again?  
3689 Just read it off the board.

3690

3691 **DR. CLAVERIE:** The motion is, in addition to everything else,  
3692 instead of requiring all tournaments to report both catch and  
3693 effort, to require all tournaments to report landings and  
3694 selected tournaments to report effort.

3695

3696 **CHAIRMAN WALKER:** We have a second, Mr. Williams.

3697

3698 **MR. WILLIAMS:** That's a substitute motion.

3699

3700 **DR. CLAVERIE:** Yes.

3701

3702 **MR. HORN:** Does the term "catch" mean caught and landed or  
3703 caught and released or both in this particular instance?

3704

3705 **DR. CLAVERIE:** In this particular instance, it's confusing  
3706 because in a recreational fishery there's a lot of confusion on  
3707 that. But the ICCAT regulation relative to recreational U.S.  
3708 billfish is landed. 250 billfish landed and so that's why I  
3709 specifically said "landed" because that's where the count comes  
3710 from.

3711 **CHAIRMAN WALKER:** Is there any further discussion on the motion?  
3712 This is a substitute motion. Is there any objection to the  
3713 substitute motion? Hearing no objection, the motion carries.  
3714

3715 **DR. CLAVERIE:** Where I am now? Section 9.3. By consensus, the  
3716 committee recommends, and I so move, that the SSC  
3717 recommendations for Section 9.3 and 9.4 be forwarded to NMFS,  
3718 but with the elimination of the sentence that states, "The Gulf  
3719 Council needs to be politically active to get observer program  
3720 funds in this region." We did that because we're not allowed to  
3721 lobby.  
3722

3723 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
3724 discussion? Is there any objection? Hearing no objection, the  
3725 motion carries.

3726 **DR. CLAVERIE:** Without objection, the committee recommends, and  
3727 I so move, that the council comment that they are opposed to  
3728 making the workshops in Section 10 mandatory.  
3729

3730 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
3731 discussion? Is there any objection? Hearing no objection, the  
3732 motion carries.  
3733

3734 **DR. CLAVERIE:** With respect to Section 12.1, Authorized Gear, by  
3735 unanimous vote, the committee recommends, and I so move, that  
3736 the council oppose adding the use of green sticks to the list of  
3737 authorized gear for HMS.  
3738

3739 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
3740 discussion?  
3741

3742 **MR. MINTON:** Mau, I thought those were being used right now in  
3743 the recreational fishery for swordfish.  
3744

3745 **DR. CLAVERIE:** I don't know. But we were told - Didn't someone  
3746 tell us they weren't being used in the recreational fishery?  
3747

3748 **MR. MINTON:** I know for a fact they're being used in the  
3749 recreational fishery.  
3750

3751 **DR. CLAVERIE:** In the Gulf?  
3752

3753 **MR. MINTON:** Yes. Out of Orange Beach, or what was Orange  
3754 Beach. Bobbi, do you know of any captains that are using them  
3755 when they go off swordfishing recreationally?  
3756

3757 **CHAIRMAN WALKER:** That's those little green lights they put on -  
3758

3759 **DR. CLAVERIE:** No, that's not a green stick. What was described  
3760 to us as a green stick is legally a longline.  
3761  
3762 **MR. MINTON:** So this is not the little thing - I'm sorry.  
3763  
3764 **DR. CLAVERIE:** It has enough hooks so that it's a longline.  
3765  
3766 **CHAIRMAN WALKER:** Is there any further discussion?  
3767  
3768 **MR. WILLIAMS:** I haven't figured it out. What is a green stick?  
3769 If I'm going to vote on this, I've got to know what one is.  
3770  
3771 **DR. CLAVERIE:** I'm not sure, but it has enough hooks to be a  
3772 longline.  
3773  
3774 **CHAIRMAN WALKER:** Mr. Claverie, let's let Mr. Adams define it  
3775 for us.  
3776  
3777 **MR. ADAMS:** It's a typically fiberglass pole that's thirty-five  
3778 to forty feet long attached to the back of the boat's cabin and  
3779 it sticks straight up in the air vertically and there's a single  
3780 line that goes off the top of this pole out to the back and it  
3781 usually has a planer on the end and then from this main line you  
3782 attach multiple lines, up to say forty lines, and so you're  
3783 trawling forty lures at any one time and they're attached with  
3784 clips.  
3785  
3786 **DR. CLAVERIE:** Do they use those in Orange Beach?  
3787  
3788 **MR. MINTON:** So it's like a spreader.  
3789  
3790 **MR. ADAMS:** It is like a spreader on steroids. But instead of  
3791 spreading, it goes straight up and straight out the back.  
3792  
3793 **CHAIRMAN WALKER:** Does everyone understand the definition of a  
3794 green stick? Is there any more discussion on the motion? **Is**  
3795 **there any objection to the motion? Hearing no objection, the**  
3796 **motion carries.**  
3797  
3798 **DR. CLAVERIE:** Then the AP recommended no more gear and the  
3799 committee didn't either, but spearfishing is currently being  
3800 done for sharks and possibly tuna in the Gulf. Spearfishing has  
3801 been done for those species, at least for sharks and I'm not  
3802 sure about tuna, for years and years.  
3803  
3804 It should have been put on the list of approved gear when we  
3805 made the list of approved gear, which was supposed to be all the  
3806 gear then being used. **So my motion would be that we request**

3807 **NMFS to add spearfishing as an approved gear for HMS.**  
3808  
3809 **CHAIRMAN WALKER:** This is not a committee motion now.  
3810  
3811 **DR. CLAVERIE:** Right. It's my motion, an individual motion. It  
3812 would need a second.  
3813  
3814 **MR. WILLIAMS:** I'll second it.  
3815  
3816 **CHAIRMAN WALKER:** We have a second, Mr. Williams. **Is there any**  
3817 **discussion on the motion, which reads that we request NMFS to**  
3818 **add spearfishing as an approved gear for HMS.**  
3819  
3820 **MR. ADAMS:** Are you intending spearfish to include harpoon?  
3821  
3822 **DR. CLAVERIE:** Negative. Spearfishing only and that differs  
3823 from harpoon. Somebody harpooned a maco or something out of  
3824 South Pass and they got a fine for it because harpoons are not  
3825 allowed in the recreational.  
3826  
3827 **MR. ADAMS:** I just wanted to make sure that it is not allowed.  
3828  
3829 **MR. WILLIAMS:** Our commission dealt with this a number of years  
3830 ago and there are a few macho people who have held their breath  
3831 for too long that do want to go out and try to spearfish some of  
3832 these things. I don't know if they can actually do it or not,  
3833 but more power to them.  
3834  
3835 **CHAIRMAN WALKER:** Is there any further discussion on the motion?  
3836 **Is there any objection to the motion? The motion carries.**  
3837  
3838 **DR. CLAVERIE:** The next thing is the combining the two plans,  
3839 the billfish plan with the HMS plan, and NMFS suggested that  
3840 they're considering doing that because it would be less  
3841 paperwork for them and I'm strongly opposed to that.  
3842  
3843 But also, the members on the AP are opposed to it, both the  
3844 commercial and recreational members, because the recreational  
3845 want to be sure that the billfish fishery stays recreational and  
3846 doesn't get confused with a commercial/recreational plan and the  
3847 commercial fishermen didn't want to get involved in that  
3848 confusion either.  
3849  
3850 **CHAIRMAN WALKER:** Thank you, Mr. Claverie. Will you read the  
3851 committee motion?  
3852  
3853 **DR. CLAVERIE:** **By unanimous vote, the committee recommends, and**  
3854 **I so move, that the council strongly recommends that the**

3855 **Billfish FMP and the HMS FMP be kept separate.** In other words,  
3856 even though our committee said so, we're going to have the  
3857 council say so to emphasize it.

3858  
3859 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
3860 discussion?

3861  
3862 **MS. WILLIAMS:** Just a question for Mr. Claverie. Do they have  
3863 commercial and recreational members on both panels now?

3864  
3865 **DR. CLAVERIE:** We have commercial and recreational members on  
3866 the HMS Committee and I think we've got - Steve, do we have a  
3867 commercial member on the Billfish AP? I think we do.

3868  
3869 **MR. ATRAN:** I don't recall if we do, but we have the list of the  
3870 AP members here and I can check for you.

3871  
3872 **DR. CLAVERIE:** Kay, this was a joint meeting of the HMS and  
3873 Billfish APs and so there were commercial members there. Some  
3874 commercial members on the AP did not show up, but there were two  
3875 of them that were there.

3876  
3877 **CHAIRMAN WALKER:** Is there any further discussion on the motion?  
3878 **Is there any objection to the motion? The motion carries.**

3879  
3880 **DR. CLAVERIE:** Then we got into NMFS defining or not defining  
3881 bottom and pelagic longline gear and Steve reminded us that we  
3882 have a problem with bottom longline gear.

3883  
3884 **So without objection, the committee recommends, and I so move,**  
3885 **that the council comment that in Section 14.6 the council**  
3886 **approves Option 2 (reopen the application process for artisinal**  
3887 **fishermen in the Caribbean) provided it does not affect**  
3888 **fisheries in the Gulf of Mexico.** That's a different motion, but  
3889 I'll make that motion for the committee right now since I've  
3890 read it.

3891  
3892 **CHAIRMAN WALKER:** Mr. Jewell and Mr. Hendrix, is that the motion  
3893 that was made in the committee?

3894  
3895 **MR. HENDRIX:** As I recall concerns with respect to Section 14.6,  
3896 yes.

3897  
3898 **MR. JEWELL:** That is correct. That's my recollection.

3899  
3900 **CHAIRMAN WALKER:** Thank you. We have a committee motion. Now  
3901 is there any discussion? **Hearing no discussion, is there any**  
3902 **objection? The motion carries.**

3903 **DR. CLAVERIE:** The confusion was that I read it out of order.  
3904 With respect to a prior section, 14.4, Defining Bottom and  
3905 Pelagic Longline Gear, a committee member asked if the council  
3906 needed to differentiate between pelagic and bottom longline and  
3907 Steve Atran notes that the council would need to differentiate.  
3908

3909 He felt that it would be to the council's advantage to make sure  
3910 that whatever definitions the HMS Division comes up with which  
3911 are consistent with whatever definitions the council uses so  
3912 that fishermen don't have to worry about two different and  
3913 possibly conflicting opinions.  
3914

3915 I felt that we ought to express that as a concern about the  
3916 definition because of the susceptibility of reef fish to bottom  
3917 longlining and there should be some way to differentiate between  
3918 gear that is likely to interact with reef fish and gear that is  
3919 not likely. No motions were made by the committee.  
3920

3921 So I guess I should make a motion that the council should  
3922 comment that we are concerned about definitions of pelagic and  
3923 bottom longline because it would impact some of our fisheries.  
3924 That definition itself would impact some of our fisheries.  
3925 Would that be the proper thing to do, Steve?  
3926

3927 **MR. ATRAN:** I think so. That was one of the considerations,  
3928 whether or not to comment on making sure their definitions are  
3929 compatible with ours.  
3930

3931 **DR. CLAVERIE:** So I think we need to comment.  
3932

3933 **CHAIRMAN WALKER:** We have a motion. Do we have a second? I'm  
3934 hearing no second, Mr. Claverie.  
3935

3936 **DR. CLAVERIE:** Then that leaves - When the APs met and the  
3937 Scientific Committee met, we forget to ask them if they had any  
3938 research recommendations and so they sent in to us by e-mail  
3939 research recommendations and where are they, Steve?  
3940

3941 **MR. ATRAN:** Those are a handout that are in your briefing book,  
3942 a number of e-mails. They're not attached to report right now.  
3943

3944 **DR. CLAVERIE:** **Without objection, the committee recommends, and**  
3945 **I so move, that data and research need recommendations**  
3946 **identified by SSC members be forwarded to the HMS Division.**  
3947

3948 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
3949 discussion?  
3950

3951 **MR. RIECHERS:** Instead of forwarding the e-mails as an  
3952 attachment, I would think what we would appropriately want staff  
3953 to do is just go through those e-mails and make one list.  
3954 There's probably a lot of duplication in those e-mails and just  
3955 attach that as a list coming from our SSC members, just as a  
3956 one-page attachment.

3957  
3958 **CHAIRMAN WALKER:** Can we accept that suggestion by consensus of  
3959 the council that that's the way it will be prepared? I hear no  
3960 objections.

3961  
3962 **DR. CLAVERIE:** So we give staff authority to do that?

3963  
3964 **CHAIRMAN WALKER:** Yes. **Is there any other discussion on the**  
3965 **motion on the board, which is that the data and research need**  
3966 **recommendations identified by the SSC members to be forwarded to**  
3967 **the HMS Division? Is there any objection? Hearing no**  
3968 **objection, the motion carries.**

3969  
3970 **DR. CLAVERIE:** On another agenda item, Steve notes that Tab M,  
3971 6(a) was a proposed rule for reallocation of shark total  
3972 allowable catch. The committee did not have time to review it,  
3973 but it was noted that it increased the Gulf of Mexico allocation  
3974 of both large coastal and small coastal sharks. So what do you  
3975 recommend, Steve, that we comment that we're in favor of this?

3976  
3977 **MR. ATRAN:** At this point, we really haven't had time to go over  
3978 it in detail and so I'm not sure if you want to comment at all.  
3979 I looked it over and I didn't see anything that to me looked it  
3980 was detrimental to Gulf of Mexico fisheries.

3981  
3982 There were some things that were good. We increased our  
3983 proportion of the quota allocations for large coastal sharks and  
3984 small coastal sharks and there were some administrative methods  
3985 for how to transition from a biannual quota, having a spring and  
3986 a winter quota, to a trimester quota. It would take me a while  
3987 to go through it right now.

3988  
3989 **DR. CLAVERIE:** If we don't comment on it, it won't hurt our Gulf  
3990 fisheries, right?

3991  
3992 **MR. ATRAN:** Correct.

3993  
3994 **DR. CLAVERIE:** Then we don't need to get into it. But I have  
3995 one other thing, Madam Chair. **In the research list, I would**  
3996 **like to add research on the use of circle hooks with and without**  
3997 **the offset as regarding billfish bycatch mortality.**

3998

3999 **CHAIRMAN WALKER:** We have a motion. Do we have a second?  
4000  
4001 **MR. ADAMS:** I'll second that.  
4002  
4003 **CHAIRMAN WALKER:** Mr. Adams seconds.  
4004  
4005 **MR. MINTON:** It seems we've got the cart before the horse here  
4006 then. Mau, with that motion you basically said we don't know  
4007 what we're doing, but we voted to not have them earlier and I  
4008 think that's counterproductive.  
4009  
4010 There's a motion in here saying that we would recommend circle  
4011 hooks, but they not have the offset because of the potential  
4012 mortality in billfish. Then we recommend later on that we have  
4013 research so we can determine what that mortality is. I thought  
4014 we had that information when we passed the earlier motion.  
4015  
4016 **DR. CLAVERIE:** We don't think we do. Nobody knew of any  
4017 research that has been done. But Kay, is there any research on  
4018 the recreational use of circle hooks, offset or not offset, for  
4019 billfish that Charlie is involved with?  
4020  
4021 **MS. WILLIAMS:** I don't recall. I would have to ask Dr. Crabtree  
4022 if he recalls.  
4023  
4024 **DR. CLAVERIE:** Vernon, the circle hooks that are used for turtle  
4025 protection can have a ten-degree offset. We don't know if that  
4026 ten degree offset would gut hook billfish or sharks or tunas.  
4027 When Columbus and I went down to the jewelry store, the Half-  
4028 Hitch Tackle Store, they had a bunch of circle hooks that are  
4029 being used around here.  
4030  
4031 Some of them are straight and some of them are offset and some  
4032 of them are offset only four degrees. We found out that the  
4033 tournaments around here allow a four-degree offset. So it seems  
4034 research needs to be done to see what difference all that makes  
4035 with billfish.  
4036  
4037 **MR. MINTON:** But again, if you go back to the motion and the  
4038 little discussion, it says they felt like the offset would  
4039 increase mortality in fish, not necessarily in turtles.  
4040  
4041 The reason I supported that was I thought we had information  
4042 that would positively support that an offset hook was going to  
4043 be more likely to become - A fish was more likely to become gut  
4044 hooked from that. Now I'm hearing that we don't have that, yet  
4045 we've already voted for it and it seems like we're out of line.  
4046

4047 **DR. CLAVERIE:** That's known as a precautionary approach. A  
4048 circle hook is designed to not gut hook a fish because the point  
4049 is towards the shank and so it can't gut hook the fish. But if  
4050 you offset it, how much can you offset it before it starts gut  
4051 hooking the fish and that's what this research would do on  
4052 billfish, sharks, and tuna.

4053  
4054 **CHAIRMAN WALKER:** Hopefully we have enough discussion. Mr.  
4055 Claverie, if you will repeat your motion.

4056  
4057 **DR. CLAVERIE:** The motion is to add as a research item on our  
4058 research list research on circle hooks used with and without an  
4059 offset as to billfish, tunas, and sharks.

4060  
4061 **CHAIRMAN WALKER:** Mr. Adams seconded this motion. Is there any  
4062 objection? Hearing no objection, the motion carries. Mr.  
4063 Claverie, does that complete your report?

4064  
4065 **DR. CLAVERIE:** Yes, except it's with and without an offset as to  
4066 billfish, tunas, and sharks and, Madam Chair, that completes our  
4067 report.

4068  
4069 **MR. ATRAN:** I think there should have been one more motion that  
4070 I neglected to put into the report. In the draft letter, it  
4071 does have all those AP and SSC recommendations that as the  
4072 committee went through said let's just pass these on to HMS and  
4073 it probably would be appropriate to perhaps have a motion that  
4074 the AP and SSC recommendations contained in the table in the  
4075 draft letter are passed on to HMS without comment by the  
4076 council.

4077  
4078 **CHAIRMAN WALKER:** Do we have a motion to that effect? Will  
4079 someone make that motion? **Mr. Riechers makes the motion.** Do I  
4080 have a second?

4081  
4082 **MR. HENDRIX:** Second.

4083  
4084 **CHAIRMAN WALKER:** Steve, let's make sure the motion is correct  
4085 on the board and that would be to forward the recommendations of  
4086 the SSC and the AP -

4087  
4088 **MR. ATRAN:** That are listed in the draft letter to HMS Division  
4089 as their recommendations without council comment. The idea is  
4090 that the - These are recommendations where the council is  
4091 neither endorsing nor opposing and it's just saying the council  
4092 didn't have an opinion except as otherwise stated, but these are  
4093 what the AP and the SSC suggested and so we're sending them on.

4094

4095 **CHAIRMAN WALKER:** The long lengthy motions that we just adopted,  
4096 some of them were supporting some of the recommendations from  
4097 the AP and SSC. Correct?

4098

4099 **MR. ATRAN:** No, I think there was only one that did that and it  
4100 was in there because it was not unanimous. It was a two to one  
4101 vote. Everything else, it was unanimous that went in there.

4102

4103 **CHAIRMAN WALKER:** Thank you, Steve. **We have a motion on the**  
4104 **board to forward the AP and SSC recommendations listed in the**  
4105 **draft letter to HMS Division as their recommendations without**  
4106 **council comment.** Is there any further discussion? **Is there any**  
4107 **objection to the motion? The motion carries.**

4108

4109 **MR. MINTON:** One final comment. I would like to go on record  
4110 that if I had known that we didn't have any information  
4111 regarding the offset of the hooks and so forth that I would  
4112 objected to putting this in there to have no offset.

4113

4114 I think we're out of line in making these things. Even though  
4115 they may be more conservative, I just feel like that by going no  
4116 offset we have acted without proper information. Thank you.

4117

4118 **CHAIRMAN WALKER:** Thank you, Mr. Minton. Before we go on to  
4119 Sustainable Fisheries, I just saw a note and I apologize for not  
4120 doing this earlier. But on behalf of the council, I would like  
4121 to thank the Gulf Fisherman's Association for their hospitality  
4122 on Monday and Wednesday night. I'm sorry I forgot to do that  
4123 earlier, Martin. Next we'll go to Mr. Hendrix for the  
4124 Sustainable Fisheries Committee report.

4125

4126 **MR. HENDRIX:** Thank you, Madam Chairman. The Sustainable  
4127 Fisheries Committee met for the first time with all committee  
4128 members present. The staff drafted a letter and does everyone  
4129 have a copy of this letter? It's behind Tab G and it's attached  
4130 to the committee summary report.

4131

4132 The committee reviewed the attached letter to Dr. Hogarth on the  
4133 proposed guidelines for National Standard 1. The committee also  
4134 received a request from the Finfish Stock Assessment Panel that  
4135 for assemblages of fish they be allowed to define the core  
4136 species and select the indicator species for groups of stock  
4137 with similar life histories. Staff was instructed to notify the  
4138 FSAP that they will be allowed to do that for a subsequent  
4139 amendment.

4140

4141 It's not indicated here in the summary, but I believe the  
4142 committee is recommending the council approve this letter to be

4143 sent to Dr. Hogarth. Should I read the letter or can everyone  
4144 read the letter? What's the council's preference on this?

4145  
4146 **CHAIRMAN WALKER:** What is the council's preference? Do you want  
4147 Mr. Hendrix to read the letter? You have it all in front of  
4148 you. I don't hear anybody. Do you want to just make a  
4149 committee motion then, because it was a committee motion wasn't  
4150 it? It's just not on the report.

4151  
4152 **MR. HENDRIX:** Yes. It's not on the report. **The committee moves**  
4153 **that we send this letter to Dr. Hogarth as included here.**

4154  
4155 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
4156 discussion? Does any member want a few minutes to review before  
4157 we go on? **Is there any objection? Mr. Claverie objects. Does**  
4158 **anyone else object? The motion carries.**

4159  
4160 **DR. CLAVERIE:** I assume an objection is equal to voting against  
4161 it because I want to vote against it so I can write a minority  
4162 report.

4163  
4164 **CHAIRMAN WALKER:** Okay, Mr. Claverie. For the record.

4165  
4166 **MR. WILLIAMS:** When we say minority report, what exactly does  
4167 that mean? When we vote to send something to the Secretary,  
4168 then we authorize staff to help write minority reports, but -

4169  
4170 **DR. CLAVERIE:** That's what this is. This is something going to  
4171 the Secretary and I have some differences of opinion as to what  
4172 our comments should be in some areas and I just want to send  
4173 them up. It's as simple as that.

4174  
4175 **MR. WILLIAMS:** Doesn't any council member always have that  
4176 right? Are you asking for staff help I guess is where I'm  
4177 going.

4178  
4179 **DR. CLAVERIE:** Yes.

4180  
4181 **MR. WILLIAMS:** You are asking for staff help. Well -

4182  
4183 **CHAIRMAN WALKER:** I think that the council - I have had  
4184 complaints from staff about having to do minority reports and it  
4185 does take up a great deal of time. So Mr. Claverie is asking  
4186 for staff support to write a minority opinion regarding the  
4187 letter that we're going to send to Dr. Hogarth dated October the  
4188 14<sup>th</sup>.

4189  
4190 **MR. MINTON:** I would like to ask Wayne what the SOPPs say there

4191 because I think we may already have stuff to deal with that.

4192  
4193 **EXECUTIVE DIRECTOR MINTON:** The SOPPs recently had a statement  
4194 that any member can, under the Magnuson Act, send a minority  
4195 report on anything that is submitted to the Secretary and that's  
4196 a matter of law.

4197  
4198 Then we had a provision if the member identifies he needs staff  
4199 help in drafting the minority report at the time the action is  
4200 taken by the council, then he can have that support. But I  
4201 don't know what the Joint Personnel/Administrative Policy  
4202 Committees have done to that section of the SOPPs, whether that  
4203 language is still there or not.

4204  
4205 **CHAIRMAN WALKER:** But that is for something that's going to the  
4206 Secretary of Commerce, isn't it?

4207  
4208 **EXECUTIVE DIRECTOR SWINGLE:** I guess Mr. Rogers serves as part  
4209 of the Secretary of Commerce or an agent for him is the way I  
4210 would interpret this.

4211  
4212 **CHAIRMAN WALKER:** This is going to Dr. Hogarth.

4213  
4214 **DR. CLAVERIE:** Bobbi, all of our stuff is sent to Hogarth, to  
4215 NMFS.

4216  
4217 **CHAIRMAN WALKER:** Ms. Williams, do you remember when we redid  
4218 the SOPPs, didn't we address staff time on minority reports?

4219  
4220 **MS. WILLIAMS:** I do not recall us changing anything, although  
4221 Cathy should have that with her.

4222  
4223 **MR. WILLIAMS:** I'm just going to say for the record that we've  
4224 got a lot going on and a lot of it's really, really important  
4225 and if Mau or anybody else wants to write a minority report on  
4226 the vermilion snapper when we vote to send it to the Secretary  
4227 later, I will vote to have staff help on that.

4228  
4229 But on these things, I think you just grind them out on your own  
4230 computer and send the letter yourself. I don't think they need  
4231 staff help in preparation with this.

4232  
4233 **MR. HORN:** If the SOPPs allow it, I don't understand the  
4234 problem. I know that staff has a lot to do. The reason staff  
4235 has so much to do is because of this thing right here that the  
4236 council puts together and you're kind of halfway going through  
4237 so much of it because you've got so much of it to do.

4238

4239 That's just another item and nobody worries about any other item  
4240 that they stick into a motion to have the council address or  
4241 look at. It all takes time and I think if he wants the help,  
4242 give it to him.

4243

4244 **CHAIRMAN WALKER:** I'm going to read it for the record. Policy  
4245 on Minority Reports: Recognizing that under Section 302(e)4 of  
4246 the Act, any voting member has the right to submit to the  
4247 Secretary at any time, either individually or collectively,  
4248 their position on any matter transmitted to the Secretary by the  
4249 council.

4250

4251 The council has approved the following policy in regard to  
4252 minority positions or reports: On FMPs or amendments submitted  
4253 to the Secretary for implementation, if voting members are to  
4254 utilize assistance in preparation of a minority position on an  
4255 FMP or amendment, they must declare their intent to do so at the  
4256 time the majority approves the FMP or amendment.

4257

4258 The council chairman will ask for a statement of such intent  
4259 immediately following the roll call vote on the plan or  
4260 amendment. If such members request staff assistance, where  
4261 possible, the council chairman shall provide time during the  
4262 course of that meeting for minority members to meet with staff  
4263 to outline verbally or in writing the minority position and  
4264 discuss and record supporting rationale.

4265

4266 During the period the FMP or amendments is being completed,  
4267 staff will provide technical assistance on preparation of the  
4268 minority position and submit it to the members for editorial  
4269 suggestions, all of which shall be included and resubmitted to  
4270 the members.

4271

4272 In cases of dispute over the language of the minority position,  
4273 it is incumbent on the members, not staff, to resolve the issue.  
4274 The minority report will be submitted to NMFS with the FMP or  
4275 amendment or if delays in approval occur, as soon as possible  
4276 thereafter. It's not a plan or an amendment.

4277

4278 **MR. HENDRIX:** This is a proposed guidelines for National  
4279 Standard 1 and I don't believe that qualifies.

4280

4281 **DR. CRABTREE:** Just for the record so people are aware of it  
4282 because I've asked around to other councils and other regions  
4283 and I don't believe any other council prepares as many minority  
4284 reports as this council does.

4285

4286 I would advise that we need to be judicious in minority reports,

4287 and from what I just heard, it sounds like staff assistance is  
4288 only if it's an amendment or regulatory amendment. But just so  
4289 you know what's going on around the country, we do more than  
4290 anyone else. I don't know what that means, but -

4291

4292 **DR. CLAVERIE:** We're supposed to be the best, remember?

4293

4294 **CHAIRMAN WALKER:** Mr. Claverie, so you understand that on the  
4295 record you are going to send a minority report, but you'll do it  
4296 yourself. Thank you. What are we down to? All we have left  
4297 now is Reef Fish, Other Business, the two items that we have  
4298 under Other Business, and our election of Chair and Vice Chair.  
4299 I'm going to ask Mr. Williams to handle the Ad Hoc Red Snapper  
4300 AP that we discussed in closed session first.

4301 **MR. WILLIAMS:** We had two resignations from the Ad Hoc and we  
4302 added two persons, Donny Waters and Buster Niquet. That  
4303 completes my report.

4304

4305 **CHAIRMAN WALKER:** Thank you very much, Mr. Williams. Ms. Foote,  
4306 if you'll report the Ecosystem SSC.

4307

4308 **MS. FOOTE:** We set up a new committee and we added the following  
4309 members to it: Vernon Asper, Ernest Estevez, Kenneth Heck,  
4310 David Hicks, Behzad Mahmoudi, Joe Powers, Kenny Rose, Carl  
4311 Walters, James Simons, and Felicia Coleman.

4312

4313 **CHAIRMAN WALKER:** Thank you very much, Ms. Foote. Mr. Minton,  
4314 are you ready for Reef Fish?

4315

4316 **MR. MINTON:** Thank you, Madam Chair. Again, does everyone have  
4317 a copy of the summary of the Reef Fish Management Committee in  
4318 front of them? The agenda was adopted with the addition of  
4319 under Approval of Amendment 23/EIS of an update on the Section 7  
4320 consultation by Jennifer Lee. Under Other Business,  
4321 consideration of an emergency action of the red snapper  
4322 charterboat industry, and discussion of moving the red grouper  
4323 stock assessment up in the SEDAR.

4324

4325 Under Final Approval of Amendment 23/EIS (Vermilion Snapper),  
4326 Stu Kennedy reviewed the changes to Amendment 23, which included  
4327 Section 4.2.3.2, Preferred Alternative 3A and Section 4.2.3.3,  
4328 Preferred Alternative 7 reflects those motions from the last  
4329 meeting.

4330

4331 **Without objection, the committee recommends, and I so move, that**  
4332 **Amendment 23 be forwarded to the National Marine Fisheries**  
4333 **Service for review and approval.** The committee recommended that  
4334 it be forwarded to the council and now we're forwarding it to

4335 you for submission to NMFS.

4336

4337 **CHAIRMAN WALKER:** This will take a roll call vote.

4338

4339 **MR. MINTON:** Well, assuming we don't have discussion first.

4340

4341 **CHAIRMAN WALKER:** But we are going to have discussion first.  
4342 I'm just reminding you it's going to be a roll call vote.

4343

4344 **DR. CLAVERIE:** I think this is the proper place to do it,  
4345 Vernon. I would like to make a motion that we leave the red  
4346 grouper bag limit situation status quo. In other words, as part  
4347 of the overall limit rather than breaking out ten. Is this the  
4348 place?

4349 **MR. MINTON:** It's vermilion.

4350

4351 **DR. CLAVERIE:** I'm sorry. Vermilion, yes. We heard that  
4352 testimony that if you make it ten then people are going to  
4353 target ten and that will be additional pressure on that species  
4354 where if you just leave it like it is it will be okay. I think  
4355 this is the place to make that motion. Am I right?

4356

4357 **MR. MINTON:** I believe that would be page 48. Currently, the  
4358 preferred alternative is 3A where the minimum size for  
4359 recreationally caught vermilion snapper would be eleven inches  
4360 and the bag limit would be ten fish within the twenty-fish  
4361 aggregate. Mr. Claverie's motion would recommend Alternative 1.  
4362 Is that correct, Mau?

4363

4364 **DR. CLAVERIE:** Yes.

4365

4366 **MR. MINTON:** That is the status quo. Alternative 1 would be no  
4367 action and do not reduce the recreational harvest of vermilion  
4368 snapper, maintain a ten-inch total length minimum size, and an  
4369 aggregate bag limit of twenty fish.

4370

4371 **DR. CLAVERIE:** My problem is it doesn't say what reduction -  
4372 It's no reduction in Alternative 1?

4373

4374 **MR. MINTON:** It's status quo.

4375

4376 **DR. CLAVERIE:** Okay. Well the status quo I'm talking about is  
4377 to eliminate the ten-fish limit within the twenty fish.

4378

4379 **CHAIRMAN WALKER:** That would be status quo, Mr. Claverie.

4380

4381 **MR. MINTON:** That is exactly what it does, Mau.

4382

4383 **DR. CLAVERIE:** You mean presently there's a ten fish -  
4384  
4385 **MR. MINTON:** No. Presently there's a twenty if you've only got  
4386 twenty vermilion.  
4387  
4388 **DR. CLAVERIE:** That part is what I want to address, not the ten  
4389 or eleven-inch minimum size. In other words, I would simply say  
4390 amend Alternative 3 to take out the ten-fish limit within the  
4391 twenty-fish limit. Is that another alternative?  
4392  
4393 **MR. MINTON:** That would be a new alternative.  
4394  
4395 **DR. CLAVERIE:** Is it permissible?  
4396  
4397 **MR. MINTON:** I'm sure it's permissible. Whether it's going to  
4398 be -  
4399  
4400 **CHAIRMAN WALKER:** Make your motion, Mr. Claverie.  
4401  
4402 **DR. CLAVERIE:** My motion is to amend Preferred Alternative 3A to  
4403 eliminate the bag limit provisions and say -  
4404  
4405 **CHAIRMAN WALKER:** The minimum size for recreationally caught  
4406 vermilion snapper will be eleven inches total length.  
4407  
4408 **DR. CLAVERIE:** And a bag limit of part of the aggregate of  
4409 twenty fish.  
4410  
4411 **CHAIRMAN WALKER:** It's already that way. So you wouldn't need  
4412 to add that. It's already that way. That's status quo, the  
4413 twenty-fish aggregate.  
4414  
4415 **DR. CLAVERIE:** So 3A just reads for the vermilion snapper to  
4416 make it eleven inches.  
4417  
4418 **CHAIRMAN WALKER:** Correct.  
4419  
4420 **DR. CLAVERIE:** That would be my motion.  
4421  
4422 **CHAIRMAN WALKER:** So the motion is for the minimum size for  
4423 recreationally caught vermilion snapper will be eleven inches  
4424 total length. Do I have a second? Hearing no second, is there  
4425 any other discussion?  
4426  
4427 **MR. ADAMS:** I'm afraid you're going to have to tell me where we  
4428 are here.  
4429  
4430 **CHAIRMAN WALKER:** We're back to the original motion, which is to

4431 forward Amendment -

4432

4433 **MR. ADAMS:** I would like to make a motion to forward the report,  
4434 changing Alternative 3A to Alternative 1, the status quo.

4435

4436 **DR. CLAVERIE:** Second.

4437

4438 **CHAIRMAN WALKER:** We have a motion and a second to change the  
4439 preferred alternative from 3A, which is a minimum size limit of  
4440 eleven inches and a bag limit of ten fish within the twenty-fish  
4441 aggregate, to Alternative 1, which is no action and do not  
4442 reduce the recreational harvest of vermilion snapper, maintain a  
4443 ten-inch total length minimum size and an aggregate bag limit of  
4444 twenty fish. This is a motion. Discussion?

4445 **DR. CRABTREE:** I would just point out to you that if you adopt  
4446 that motion, then you won't be in compliance with the rebuilding  
4447 strategy you've adopted because you won't be getting sufficient  
4448 reduction.

4449

4450 So if you choose to adopt that motion, you're going to have to  
4451 go into the commercial side and cut deeper to get more reduction  
4452 there in order to be consistent with the rebuilding plan you've  
4453 selected.

4454

4455 **MR. HORN:** I would like to hear the rationale behind that  
4456 motion, please.

4457

4458 **MR. ADAMS:** I think the rationale is there's nothing to show  
4459 that the recreational fishery has caused any decline in the  
4460 populations and that a cut into the recreational status quo is  
4461 unfair.

4462

4463 **MR. HORN:** You don't believe that the explosion of the  
4464 recreational fishery and the increase of the charter fishery in  
4465 the last ten or fifteen years has done absolutely nothing to the  
4466 recreational harvest of vermilion?

4467

4468 **MR. ADAMS:** I don't think that they can show statistically that  
4469 it has.

4470

4471 **CHAIRMAN WALKER:** Is there any other discussion on the motion?

4472

4473 **MR. FENSOM:** I speak in favor of the motion. I think that going  
4474 to the eleven inch is just going to result in more dead fish and  
4475 it's just going to increase mortality and so I speak in favor of  
4476 leaving it at ten inches.

4477

4478 **MS. BELL:** I speak against the motion. We listened to a number

4479 of people yesterday who spoke about the reason that the landings  
4480 may have down is because they're targeting other fish, the red  
4481 snapper.

4482  
4483 One of the standards that we're to follow is that everyone  
4484 participates in a rebuild. All week, I've heard people talking  
4485 about recreational didn't contribute to the decline in the  
4486 vermilion, but there are other fisheries, I think gags, and are  
4487 the people that are saying those things, are they going to be  
4488 willing to step up to the plate and take more of a reduction on  
4489 the gag fishery?

4490  
4491 I think we need to remember what we're told in the National  
4492 Standards and that is we all participate in the rebuild and so I  
4493 speak against his motion.

4494  
4495 **MR. GRIMES:** I just wanted to note that changing it to  
4496 Alternative 1 now, you're going to have to go back in, as Dr.  
4497 Crabtree said, and in order to get your rebuilding targets  
4498 you're going to have to take bigger cuts out of the commercial  
4499 side and you're talking about new alternatives in the document  
4500 and you're not making your one-year time period to submit your  
4501 draft rebuilding plan. This would delay things significantly.

4502  
4503 **CHAIRMAN WALKER:** Is there any further discussion before we take  
4504 a vote? The vote is to forward the amendment, but change the  
4505 preferred alternative from Alternative 3A to Alternative 1,  
4506 status quo on page 48 in Section 4.2.3.2.

4507  
4508 **MR. WILLIAMS:** Let's say that this motion were approved.  
4509 Someone is going to have to follow it with a motion to take more  
4510 out of the commercial side and so what - Do either Mau or Mr.  
4511 Adams have anything in mind there? What are you proposing we do  
4512 in order to stop the overfishing and begin the rebuilding? This  
4513 isn't going to do it now.

4514  
4515 **MR. ADAMS:** I think if you made a motion to amend the preferred  
4516 alternative for the commercial fishery from Alternative 7 to 5.

4517  
4518 **MR. RIECHERS:** Shep, a point of clarification for me if you  
4519 could. On page 5 where we have the different rebuilding plans  
4520 and I believe we've had this discussion in the past over this  
4521 similar issue, do we not have the ten years to recover this  
4522 stock as upon the designation of overfishing and then the one-  
4523 year action timeframe? 2 through 4 all meet the requirements,  
4524 as I understand them. Is that correct?

4525  
4526 **MR. GRIMES:** You have up to ten years, given the biology of this

4527 stock. If you build the record for taking the full ten years,  
4528 then you can take the full ten years, which is what you have  
4529 established and that's your preferred alternative, is ten years.

4530

4531 **MS. MORRIS:** In January of 2002 in my first year as a council  
4532 member, we received a briefing on the stock assessment panel  
4533 report, I believe, on vermilion snapper and we took no action on  
4534 that time.

4535

4536 We sort of have a history on vermilion snapper of getting  
4537 scientific reports saying that the stock is in trouble and then  
4538 not taking any action and I think we've put significant effort  
4539 and we've had many discussions regarding this particular  
4540 amendment and it's time to take final action on it.

4541 I know that the ideas that are being offered today were offered  
4542 perhaps in May at a council meeting and I can't remember, but  
4543 sometime in the last two meetings and were not supported by the  
4544 majority of the council.

4545

4546 I think it's time to finish this work and send it to the  
4547 Secretary and I support the preferred alternatives that are in  
4548 the document and I support the committee recommendation and I  
4549 oppose this particular amendment.

4550

4551 **MS. BELL:** The motion, as its written on the board, doesn't  
4552 allow for any changes of any of the other alternatives if it  
4553 were to be successful. Isn't that correct? To forward the  
4554 Amendment 23, but change one alternative?

4555

4556 **CHAIRMAN WALKER:** Correct.

4557

4558 **DR. CRABTREE:** Well then you've got a real problem because  
4559 you've provided virtually no rationale for how this meets your  
4560 requirements in terms of the rebuilding plan. You're not  
4561 getting sufficient reduction for what you've already said you're  
4562 going to get.

4563

4564 Furthermore, you're going to have to give a good rationale for  
4565 how it's fair and equitable to put all the burden of rebuilding  
4566 on one sector and not the others and you can't just say because  
4567 the recreational fishery didn't contribute to the problem.  
4568 You're going to have to be much more detailed than that.

4569

4570 Over the period of the whole time series, going back to 1981,  
4571 the recreational share of the take has ranged from 11 to 40  
4572 percent. So they have been part of the cumulative fishing  
4573 mortality rates affecting this fishery and you've got to  
4574 recognize that.

4575 So you're going to need to provide much more rationale for how  
4576 you're going down this route. But the main problem I see with  
4577 this alternative is you're not even in compliance with the  
4578 preferred alternative you've selected in the other part of the  
4579 document and I've heard absolutely no rationale for how that's  
4580 consistent. So I think you have a real problem here.

4581  
4582 **MR. HORN:** Just as a point of order, this motion is totally out  
4583 of order the way it's stated because it's kind of difficult to  
4584 make a change and to send it to the Secretary all at the same  
4585 time. I just don't think - Wayne, you may have a little more  
4586 insight.

4587  
4588 It seems like this should be a motion for a change of an option  
4589 and if that passes, then you've got a document that's complete.  
4590 You're trying to complete it and send it all at the same time.  
4591 I think it's out of order.

4592  
4593 **CHAIRMAN WALKER:** Mr. Adams, would you like to amend your  
4594 motion?

4595  
4596 **MR. ADAMS:** I would delete "to forward Amendment 23."

4597  
4598 **CHAIRMAN WALKER:** Mr. Claverie, do you accept that as the  
4599 seconder?

4600  
4601 **DR. CLAVERIE:** That's okay.

4602  
4603 **CHAIRMAN WALKER:** So now the motion reads: **Change the preferred**  
4604 **alternative from Alternative 3A to Alternative 1, status quo, on**  
4605 **page 48 in Section 4.2.3.2.**

4606  
4607 **MR. HORN:** I call the question.

4608  
4609 **CHAIRMAN WALKER:** Okay. I'm going to ask for a show of hands.  
4610 All those in support of the motion on the board, please raise  
4611 your hand. I'm sorry. We do have to call the question first.  
4612 Is there any objection to calling the question? Hearing no  
4613 objection, the question is called. **All in support of the**  
4614 **motion on the board that I just read, please raise your hand.**  
4615 **The motion fails.**

4616  
4617 **This takes us back to the original motion to forward Amendment**  
4618 **23 to NMFS for review, approval, and implementation.** Is there  
4619 any further discussion?

4620  
4621 **MR. HORN:** I would like to call the question.

4622

4623 **CHAIRMAN WALKER:** Is there any objection to calling the  
4624 question? Hearing no objection, the question is called and this  
4625 will take a roll call vote.  
4626  
4627 **EXECUTIVE DIRECTOR SWINGLE:** Dr. Crabtree.  
4628  
4629 **DR. CRABTREE:** Yes.  
4630  
4631 **EXECUTIVE DIRECTOR SWINGLE:** Ms. Bell.  
4632  
4633 **MS. BELL:** Yes.  
4634  
4635 **EXECUTIVE DIRECTOR SWINGLE:** Dr. Claverie.  
4636 **DR. CLAVERIE:** No.  
4637  
4638 **EXECUTIVE DIRECTOR SWINGLE:** Mr. Riechers.  
4639  
4640 **MR. RIECHERS:** Yes.  
4641  
4642 **EXECUTIVE DIRECTOR SWINGLE:** Mr. Horn.  
4643  
4644 **MR. HORN:** Yes.  
4645  
4646 **EXECUTIVE DIRECTOR SWINGLE:** Mr. Adams.  
4647  
4648 **MR. ADAMS:** No.  
4649  
4650 **EXECUTIVE DIRECTOR SWINGLE:** Ms. Williams.  
4651  
4652 **MS. WILLIAMS:** Yes.  
4653  
4654 **EXECUTIVE DIRECTOR SWINGLE:** Mr. Thomassie.  
4655  
4656 **MR. THOMASSIE:** Yes.  
4657  
4658 **EXECUTIVE DIRECTOR SWINGLE:** Mr. Hendrix.  
4659  
4660 **MR. HENDRIX:** Yes.  
4661  
4662 **EXECUTIVE DIRECTOR SWINGLE:** Mr. Williams.  
4663  
4664 **MR. WILLIAMS:** Yes.  
4665  
4666 **EXECUTIVE DIRECTOR SWINGLE:** Mr. Jewell.  
4667  
4668 **MR. JEWELL:** Yes.  
4669  
4670 **EXECUTIVE DIRECTOR SWINGLE:** Mr. Fensom.

4671 **MR. FENSOM:** No.  
4672  
4673 **EXECUTIVE DIRECTOR SWINGLE:** Ms. Foote.  
4674  
4675 **MS. FOOTE:** Yes.  
4676  
4677 **EXECUTIVE DIRECTOR SWINGLE:** Mr. Minton.  
4678  
4679 **MR. MINTON:** Yes.  
4680  
4681 **EXECUTIVE DIRECTOR SWINGLE:** Ms. Morris.  
4682  
4683 **MS. MORRIS:** Yes.  
4684  
4685 **EXECUTIVE DIRECTOR SWINGLE:** Ms. Walker.  
4686  
4687 **CHAIRMAN WALKER:** Yes.  
4688  
4689 **EXECUTIVE DIRECTOR SWINGLE:** One absent, three nay, and the rest  
4690 yea.  
4691  
4692 **CHAIRMAN WALKER:** How many yeas did we have?  
4693  
4694 **EXECUTIVE DIRECTOR SWINGLE:** Thirteen.  
4695  
4696 **CHAIRMAN WALKER:** **With thirteen yeases, the motion carries.**  
4697 **Thirteen, three, and one was the vote.** Mr. Minton, are you  
4698 ready to continue with the Reef Fish Committee report?  
4699  
4700 **MR. MINTON:** Yes, ma'am. Jennifer Lee updated the status of the  
4701 reef fish Section 7 consultation being conducted for Amendment  
4702 23. It was noted this was the first reef fish consultation  
4703 since 1989.  
4704  
4705 The program has been ongoing for three years and has reported  
4706 twenty sea turtles, eleven of which were caught on hand lines,  
4707 nine identified with one leatherback and one loggerhead. There  
4708 were nine reported caught by longline, five unidentified, one  
4709 green, and three loggerheads.  
4710  
4711 By applying sea turtle CPUE estimates to the entire Gulf of  
4712 Mexico fishery, the following sea turtle takes were estimated  
4713 over the last three years: hand line, eighty-seven hard-shell  
4714 turtles, nine leatherbacks; longline, one hundred hard-shell  
4715 turtles and zero leatherbacks. Any comment on that from anyone?  
4716  
4717 **DR. CLAVERIE:** Is a hand line rod and reel or is it a hand line?  
4718 Do you know?

4719 **MR. MINTON:** I'll defer that to Ms. Lee.

4720  
4721 **MS. JENNIFER LEE:** The data comes from the supplementary discard  
4722 data form, which is a commercial, and so the hand lines, I think  
4723 it includes bandit gear that's without electronic.

4724  
4725 **DR. CRABTREE:** Or electromates or rod and reel.

4726  
4727 **MR. MINTON:** Other comments or questions? Thank you. Under  
4728 Amendment 18A, Steve Atran noted that the amendment had been  
4729 divided into two amendments.

4730 He also noted as a result of an early quota closure of the deep-  
4731 water grouper fishery it was thought the council might wish to  
4732 consider adding alternatives to the endorsement section to  
4733 create a deep-water grouper endorsement. Roy Williams suggested  
4734 rather than endorsement, going straight to an IFQ system for  
4735 groupers.

4736  
4737 **By unanimous vote, the committee recommends, and I so move, that**  
4738 **Amendment 18A will continue with all the alternatives except**  
4739 **5.1.1, Shallow-Water Grouper Endorsement; 5.1.2, Endorsement for**  
4740 **Use of Longline/Drift Buoy Gear; 5.1.3, Transfer of Eligibility**  
4741 **Criteria; 5.1.4, Transferability of Endorsements; 5.1.5, Appeals**  
4742 **Process for Initial Issuance of Endorsements; 5.2.1, Dormant**  
4743 **Commercial and Charter Vessel Reef Fish Permits; and 5.4.1,**  
4744 **Longline and Buoy Gear Phase-out.**

4745  
4746 **CHAIRMAN WALKER:** We have a committee motion.

4747  
4748 **MR. FENSOM:** I speak in opposition to the motion. At the last  
4749 meeting, we came up with a program to have an IFQ for the reef  
4750 fish fishery. That's going to be a major undertaking. We're  
4751 already doing a red snapper IFQ program that unfortunately has  
4752 been in the works since 1992.

4753  
4754 Now I know Congress got in the way in 1995 and that red snapper  
4755 IFQ from 1992, that was to be effective in 1996 and never became  
4756 effective.

4757  
4758 But the truth is we've been working on a red snapper IFQ, and  
4759 there could be additional Congressional intervention, since 1992  
4760 and we don't have it. The first meeting I went to in July of  
4761 1999, there was a discussion about the problem with the red  
4762 grouper and gag grouper and it was terribly overfished and we  
4763 had to do something in a hurry and boy, it was time to move  
4764 forward and we had better get going. That was in 1999.

4765  
4766 A couple of years later, we split out red grouper and we put

4767 Amendment 18 on the back burner and then we were going to go  
4768 back and address that and address all these issues and take a  
4769 good look at the entire grouper fishery and the gag grouper.

4770  
4771 Here we are in 2004 and we've been looking at the gag grouper  
4772 hard since 1999 and we're talking about not working on the  
4773 grouper under the original 18 and starting off on a new track on  
4774 gag grouper IFQ that in the best scenario is going to take  
4775 years.

4776  
4777 For those reasons, I'm opposed to working on three IFQs at the  
4778 same time and I'm opposed to further delay of the gag grouper  
4779 fishery that we would be addressing.

4780  
4781 **MR. WILLIAMS:** Jim, it's not just gag grouper. It's groupers,  
4782 period. It's not just the gag. I don't know if you believe  
4783 otherwise, but it's not. What kind of came to me was that if we  
4784 went through all these with the shallow-water grouper  
4785 endorsements and the longline/drift buoy gear endorsements, et  
4786 cetera, et cetera, we were still not going to be solving our  
4787 problem.

4788  
4789 The next logical step was still going to be to do IFQs. In  
4790 looking at mackerel, we've done all kinds of - We've done  
4791 endorsements and we've got four different zones and I've got  
4792 people from Clearwater bugging me that they want their own zone.  
4793 The panhandle of Florida wants their own zone and no matter how  
4794 many times we partition these fisheries, there's always somebody  
4795 that's going to feel left out and disadvantaged.

4796  
4797 I think that the long-term solution is just to go straight to  
4798 IFQs and I hope we can have an IFQ in place in two years. That  
4799 would be my intention and I was going to ask Wayne if there was  
4800 any way we could map out a strategy to get the council's portion  
4801 of it done in the next twelve to fourteen months so that NMFS  
4802 could approve it and implement it during the following year and  
4803 we have an IFQ in place on January 1, 2007.

4804  
4805 That's what I would really like to see. So I speak for the  
4806 motion and I think it really is the long-term solution. I think  
4807 all these others are just stop-gap things that are not going to  
4808 solve our problem.

4809  
4810 **MR. RIECHERS:** I'm going to speak in favor of the motion as  
4811 well, Jim, and unfortunately, you weren't here for much of the  
4812 discussion. I think the motion really kind of basically  
4813 supports the motion that we made at the last meeting that you  
4814 and I teamed together on.

4815 Unfortunately, there was so much confusion around that motion  
4816 because people read e-mails instead of minutes of the meeting  
4817 and this, I think, helps clarify exactly what we're trying to do  
4818 and I hate that you're not going to support it because I think  
4819 it really falls right in-line with the motion we had made at the  
4820 previous meeting. But I think it will move us further down the  
4821 road in the direction we need to go.

4822  
4823 **DR. CRABTREE:** Just for the record, the last regulatory changes  
4824 made with respect to gag grouper were implemented in 1998. That  
4825 was when we increased the minimum size limit in the recreational  
4826 fishery to twenty-two inches and the commercial fishery to  
4827 twenty-four inches and closed the Steamboat Lumps, Madison-  
4828 Swanson, and implemented the one-month closure.

4829  
4830 That, based on the analysis we had, was sufficient to end the  
4831 overfishing that was occurring in that fishery. The subsequent  
4832 stock assessment which we had on gag indicated we were not  
4833 overfishing and nor were we overfished.

4834  
4835 **CHAIRMAN WALKER:** Is there anybody else that wants to discuss  
4836 this motion before we vote on it? **Is there any objection to**  
4837 **this motion?**

4838  
4839 **MR. FENSOM:** I object.

4840  
4841 **CHAIRMAN WALKER:** Mr. Fensom. One objection. **The motion**  
4842 **carries.**

4843  
4844 **MR. MINTON:** Without objection, the committee recommends, and I  
4845 so move, that the council start a new amendment that looks at  
4846 alternatives of using an IFQ in the commercial grouper fishery  
4847 in lieu of the management alternatives that were just removed  
4848 from Amendment 18A.

4849  
4850 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
4851 discussion?

4852  
4853 **MR. FENSOM:** The discussion we had on the reef fish IFQ was that  
4854 we would at least look at and consider including recreational in  
4855 that because of problems with the charterboats in the Gulf and  
4856 the possibility of using tags and you could have different  
4857 charterboats or headboats using a different part of the season  
4858 if they had some kind of tag system.

4859  
4860 I honestly don't know if that would work. It seems to me that  
4861 it would work, but we certainly ought to look at a recreational  
4862 IFQ on these shallow-water grouper.

4863 I have a number of people come to me off the record and say  
4864 things about, well, the value of the fish and should the charter  
4865 be able to buy commercial fish and on and on and on. **So I would**  
4866 **suggest an amendment that we put in the word - Well, where it**  
4867 **says "using an IFQ in the commercial and recreational grouper**  
4868 **fishery," which is basically what we did on the reef fish IFQ at**  
4869 **the last meeting.**

4870  
4871 **CHAIRMAN WALKER:** Do we have a second? Mr. Thomassie seconds.  
4872 So the amendment to the motion now reads: That the council  
4873 start a new amendment that looks at alternatives of using an IFQ  
4874 in the commercial and recreational grouper fishery in lieu of  
4875 the management alternatives that were just removed from  
4876 Amendment 18A. Is there any discussion on the motion?

4877  
4878 **DR. CLAVERIE:** Jim, I have to be against that motion because I  
4879 think an IFQ for the recreational fishery is strictly no good.  
4880 But if you wanted to limit it to the for-hire recreational  
4881 fishery, that would be okay.

4882  
4883 **MR. FENSOM:** To that point, Mau, I think if we're going to look  
4884 at an IFQ it ought to be a clean slate and you look at it. I  
4885 would think it would make a lot more sense for the for-hire than  
4886 it would for an individual, but I'm certainly not opposed to  
4887 looking at the entire ball of wax.

4888  
4889 **CHAIRMAN WALKER:** Is there any other discussion? **All those in**  
4890 **favor of the motion, please raise your hand; all those opposed.**  
4891 **The amendment fails.** Now we're back to the motion.

4892  
4893 **MR. WILLIAMS:** A question for Wayne. Wayne, being realistic,  
4894 could we have this grouper IFQ in place by January 1, 2007, two  
4895 years from now?

4896  
4897 **EXECUTIVE DIRECTOR SWINGLE:** We went through the budget exercise  
4898 kind of outlining what we would accomplish in 2005 and we did  
4899 indicate we would complete both Amendment A and Amendment B.

4900  
4901 So there would be basically a year's worth of time that we could  
4902 devote it to it in 2005 and by 2006, I think it would be - We  
4903 will have an example going ahead of that in the red snapper  
4904 fishery, which you can maybe plagiarize some of the methodology,  
4905 at least. I would think it would not unreasonable to be able to  
4906 do it by the end of the two-year period.

4907  
4908 **MR. WILLIAMS:** But NMFS wouldn't have done their portion of it  
4909 by then to get out the ITQ shares and coupons and deal with  
4910 appeals and so on, which will take a while as well.

4911 I was thinking that we could - I think Rick said that Tony  
4912 Lamberti had an old grouper IFQ plan and I was thinking we could  
4913 take the portions of the qualifying criteria that the Red  
4914 Snapper Ad Hoc has approved and we would take them to scoping  
4915 and take something to scoping maybe the first of the year and  
4916 start working on it right away.

4917  
4918 Maybe because 90 percent of it is in Florida, we're going to  
4919 have good landings records on things. They're going to be  
4920 recorded under the trip ticket system. It might be easier to do  
4921 than red snapper. I might be wrong, but I would sure like to be  
4922 optimistic and get it in place to fish in 2007 under an IFQ for  
4923 grouper.

4924  
4925 **DR. CRABTREE:** The things you have to think about - In place,  
4926 you mean implemented and operating. It seems to me to do this,  
4927 you're going to probably want to implement it at the beginning  
4928 of the fishing year.

4929  
4930 Otherwise, you're going to have to close the fishery down,  
4931 determine how much of the quota has already been caught, give  
4932 out the ITQ shares, and reopen it. My guess would be then  
4933 realistically you're looking at the beginning of 2008 and that's  
4934 if we move quickly on it.

4935  
4936 **MS. WILLIAMS:** My question is probably to Dr. Crabtree and also  
4937 to Shep. Is there any way that we can come out today and say  
4938 any landings that occur after October 15, 2004 will not be  
4939 considered for catch history in any future ITQ program so that  
4940 our fishermen are not out there trying to catch fish that they  
4941 can't sell tomorrow anyway?

4942  
4943 **CHAIRMAN WALKER:** I think Ms. Morris is prepared to make a  
4944 motion similar to that, but we need to take care of this one  
4945 first, Ms. Williams.

4946  
4947 **MS. WILLIAMS:** I just wanted to know if it was legal for us to  
4948 do that.

4949  
4950 **MR. GRIMES:** It's the functional equivalent of a control date  
4951 notice and so I don't see that you would have a problem with it.  
4952 But you're not bound to follow it. By saying this is what we're  
4953 saying today, anyone who follows the activities of this or any  
4954 other council realizes you're apt to change your mind and just  
4955 because you're saying that now - I guess you could do it.

4956  
4957 **CHAIRMAN WALKER:** Is everybody ready to vote? The motion is on  
4958 the board. **Is there any objection?**

4959 **MR. FENSOM:** Yes, I object.  
4960  
4961 **CHAIRMAN WALKER:** One objection, Mr. Fensom. The motion  
4962 carries. I'm going to recognize Ms. Morris next.  
4963  
4964 **MS. MORRIS:** In the same vein that Kay Williams was just  
4965 expressing concern of and we had public comment on, I was going  
4966 to offer the following motion: In order to discourage  
4967 acceleration of the grouper fishery to develop catch histories,  
4968 the council records its intent to use catch histories prior to  
4969 November 2004 when developing a grouper IFQ.  
4970  
4971 **CHAIRMAN WALKER:** Ms. Williams seconds.  
4972  
4973 **DR. CRABTREE:** Does this motion then mean that you're going to  
4974 request that we publish a control date to this effect?  
4975  
4976 **CHAIRMAN WALKER:** Ms. Morris, are you requesting us to publish a  
4977 control date of November 1, 2004?  
4978  
4979 **MS. MORRIS:** If that's the proper outcome of this motion, yes.  
4980  
4981 **DR. CRABTREE:** We typically would publish a notice in the  
4982 Federal Register and send out a Southeast Fishery Bulletin  
4983 notifying them and the council would send a letter to me  
4984 requesting that we do so.  
4985  
4986 **MS. MORRIS:** So then I need to add a sentence to the motion  
4987 saying request NOAA Fisheries to publish this as a control date?  
4988  
4989 **DR. CRABTREE:** Yes, I believe that would be appropriate.  
4990  
4991 **MS. MORRIS:** Request NOAA Fisheries publish this as a control  
4992 date.  
4993  
4994 **CHAIRMAN WALKER:** Ms. Williams, do you accept that friendly  
4995 amendment?  
4996  
4997 **MS. WILLIAMS:** Yes, I do, but I do have a quick question for  
4998 Julie. Julie, why November instead of October the 15<sup>th</sup>?  
4999  
5000 **MS. MORRIS:** It just seemed like it was the beginning of the  
5001 next month. Would October the 15<sup>th</sup> be better?  
5002  
5003 **MS. WILLIAMS:** Yes.  
5004  
5005 **MS. MORRIS:** Can we have a control date that is previous to the  
5006 publication by NOAA Fisheries?

5007 **DR. CRABTREE:** Yes. We've done control dates where the day that  
5008 the control date motion was passed, that was the day - What's  
5009 today, the 14<sup>th</sup>? So I don't see a problem with the 15<sup>th</sup>.  
5010  
5011 **MS. MORRIS:** So the friendly amendment to the motion would be  
5012 October 15<sup>th</sup>?  
5013 **MS. WILLIAMS:** Yes.  
5014  
5015 **CHAIRMAN WALKER:** Is there any more discussion on the motion?  
5016  
5017 **MR. FENSOM:** Dr. Crabtree, when we say control date and when  
5018 everybody's talking about that two years from now, is that a  
5019 control date as to catch, is that a control date as to being in  
5020 the fishery? Is that word defined in this fish regulation  
5021 sufficiently that everybody knows what we're talking about?  
5022  
5023 **DR. CRABTREE:** I think so. It's just a notice to fishermen of  
5024 what you're looking at and what you're, at this moment,  
5025 considering doing. It doesn't bind you to it, as Shepherd  
5026 pointed out.  
5027  
5028 But it's just putting fishermen on notice that catches after  
5029 October 15, 2004 may not be considered when the council prepares  
5030 this. But it doesn't have any binding effect on the council.  
5031  
5032 **DR. CLAVERIE:** Julie, a friendly amendment. I think your motion  
5033 would carry a more clarified act if you said "intent to only use  
5034 catch histories prior."  
5035  
5036 **MS. MORRIS:** I accept that as a friendly amendment. Thank you,  
5037 Maumus.  
5038  
5039 **CHAIRMAN WALKER:** Ms. Williams, as the seconder will you accept  
5040 it?  
5041  
5042 **MS. WILLIAMS:** Yes.  
5043  
5044 **MR. RIECHERS:** I trust, Roy, that given the discretions we've  
5045 had about control date over the last couple of weeks or the last  
5046 couple of meetings and during this week already, you are going  
5047 to look closely at that notice to make sure it's robust enough  
5048 that basically it covers activities in the fishery, catches, and  
5049 whatever else we may use to basically signal that we're moving  
5050 down that road, but you're going to word it in a way that it  
5051 covers all those things?  
5052  
5053 **DR. CRABTREE:** Yes.  
5054

5055 **CHAIRMAN WALKER:** The motion is in order to discourage  
5056 acceleration in the grouper fishery to develop catch history,  
5057 the council records its intent to only use catch histories prior  
5058 to October 15, 2004 when developing a grouper IFQ. The council  
5059 requests NOAA Fisheries to publish this as a control date. Is  
5060 there any objection to the motion? With no objection, the  
5061 motion carries. Mr. Minton.

5062  
5063 **MR. MINTON:** Thank you, Madam Chair. Under Scoping Comments on  
5064 Red Snapper IFQ Profile, Walter Keithly reviewed the comments  
5065 received during the ten red snapper IFQ scoping meetings. The  
5066 only common sentiment expressed at the meetings was that the red  
5067 snapper minimum size limit was producing a lot of waste in the  
5068 fishery.

5069  
5070 With regard to the IFQ profile, comments dealt with two aspects,  
5071 VMS and the IFQ document itself. Under VMS, in general Class 2  
5072 license holders opposed VMS and if it was required, it should be  
5073 applied to only the larger boats that catch the majority of the  
5074 fish and the government should pay the costs.

5075  
5076 Under IFQ, with some exceptions, Class 1 license holders were in  
5077 favor of the concept of IFQs. Class 2 were less in favor of the  
5078 IFQs. Wayne Swingle stated that the IFQ profile and public  
5079 comment summaries have been provided to the Ad Hoc Red Snapper  
5080 AP and they will be convened October 26 and 27 to select  
5081 preferred alternatives, taking into account the public comments.

5082  
5083 **CHAIRMAN WALKER:** Thank you. We have a committee motion.

5084  
5085 **MR. MINTON:** It's not a motion. It's just open for comments.

5086  
5087 **CHAIRMAN WALKER:** Do we have any comments? No comments, Mr.  
5088 Minton.

5089  
5090 **MR. MINTON:** Thank you. Under Analyses of Shallow-Water Grouper  
5091 Trip Limits, I'm going to go ahead and read this whole section  
5092 here because I think it's important that the council think about  
5093 these things because at the latter part of this report we will  
5094 be discussing public comments on the different trip limits for  
5095 grouper.

5096  
5097 John Poffenberger gave a presentation summarizing an updated  
5098 version of the analyses in Tab B, Number 8(b). For shallow-  
5099 water grouper, the analyses indicated that in 2001 and 2002, a  
5100 5,500 pound trip limit would have resulted in landings below the  
5101 8.8 million pound shallow-water grouper quota.

5102

5103 However, for 2003, shallow-water grouper landings would not have  
5104 been reached the 8.8 million pound quota, even with no trip  
5105 limit. For deep-water grouper, in 2001, a trip limit of 4,000  
5106 pounds for both hand line and longline would have resulted in  
5107 approximately 1.02 million pounds, right at the deep-water  
5108 grouper quota.

5109 In 2002, a 6,000 pound trip limit would have resulted in the  
5110 1.02 million pound deep-water grouper landings. However, in  
5111 2003, there appears to be an increase in the longline fishing  
5112 activity and a trip limit to 1,500 pounds would have been needed  
5113 to keep the landings under the 1.02 million pound quota.

5114  
5115 Under Other Business, Consideration of a Charterboat Emergency  
5116 Action. Ms. Kay Williams asked for a consideration of emergency  
5117 action to allow the recreational red snapper fishery to remain  
5118 open longer in 2004. However, it was reported by Dr. Roy  
5119 Crabtree that the MRFSS Wave 5, September and October, is not  
5120 complete and so the impact on the 2004 harvest is not known.

5121  
5122 Under Other Business, for Consideration of Moving the Red  
5123 Grouper Stock Assessment Up in the SEDAR Schedule, Wayne Swingle  
5124 noted the next red grouper assessment is scheduled for SEDAR 12.  
5125 The Secretarial Amendment 1 created a rebuilding program and  
5126 that rebuilding program cannot be updated until the stock  
5127 assessment is completed.

5128  
5129 An alternative would be to switch the red grouper assessment to  
5130 SEDAR 10 in place of gag, which is neither overfished nor  
5131 undergoing overfishing. The committee passed the following  
5132 motion: **By a unanimous vote, the committee recommends, and I so**  
5133 **move, that the council instruct staff to go forward with a**  
5134 **regulatory amendment in 2005 to implement 2006 grouper TAC**  
5135 **revisions.**

5136  
5137 **CHAIRMAN WALKER:** We have a committee motion. Is there any  
5138 discussion? I have a question, Mr. Minton. The council doesn't  
5139 actually choose the dates of the SEDAR. It's the SEDAR Steering  
5140 Committee. Now I think our assessment was being done jointly  
5141 with the South Atlantic and so are you asking to move the  
5142 assessment?

5143  
5144 **EXECUTIVE DIRECTOR SWINGLE:** Madam Chairman, that was the  
5145 suggestion by staff that the committee and council might want to  
5146 shift the date of that because currently the red grouper  
5147 assessment would not be finished in a usable form until about  
5148 midyear of 2007.

5149  
5150 So you could move that up almost two years if you did that in

5151 the place of gag and the suggestion of Dr. Crabtree was that we  
5152 just go ahead and develop a regulatory amendment prior to that  
5153 SEDAR review of the red grouper stock.

5154

5155 **CHAIRMAN WALKER:** So will we be in the same situation that we're  
5156 in now with vermilion snapper and that we were with red grouper  
5157 before, that we're going to have an amendment coming in to vote  
5158 on prior to the stock assessment results?

5159

5160 **DR. CRABTREE:** If you put in place a regulatory amendment and  
5161 work on it next year to adjust the TAC in 2006, you'll be voting  
5162 on it next year, which is before the stock assessment is  
5163 completed.

5164

5165 **MR. RIECHERS:** But the regulatory amendment, the reason we had  
5166 to move the motion forward, was to get it started in order to  
5167 meet the stepped increases in the rebuilding plan as set forth  
5168 by the previous amendment.

5169

5170 **CHAIRMAN WALKER:** Yes, I remember now. Thank you. Any other  
5171 discussion on the motion? **Is there any objection to the motion?**  
5172 **Hearing no objection, the motion carries.**

5173

5174 **MR. MINTON:** Madam Chair, that completes the action of the  
5175 committee, other than we heard public testimony on the grouper  
5176 quota and trip limits. That testimony is presented at the end  
5177 of the report in a summary fashion.

5178

5179 We did not have consensus as to the amount of the trip limits or  
5180 closures. I suppose at this time it would be appropriate for  
5181 council to discuss if they want to try to do any trip limits or  
5182 what those might be if they do and also the timing for any  
5183 closures if they had. I'll turn it back over to you at this  
5184 point and let you see what council's directives are.

5185

5186 **CHAIRMAN WALKER:** Thank you, Mr. Minton. We've been going a  
5187 little over two hours. Would the council like to take a short  
5188 five-minute break and then come back?

5189

5190 (Whereupon, a short recess was taken.)

5191

5192 **CHAIRMAN WALKER:** If the council will take their seats, we'll  
5193 resume. We're at the point to address the public testimony that  
5194 the Reef Fish Committee received on grouper quota and trip  
5195 limits. Do I have anyone that wants to speak on this issue?

5196

5197 **MR. RIECHERS:** If I could, we've discussed this issue several  
5198 times in the past several meetings and, of course, had more

5199 public hearing about it at this meeting and in fact, even have  
5200 had earlier testimony from Shep regarding that economic  
5201 conditions in the charterboat fishery can warrant emergency  
5202 action.

5203

5204 So I believe we're safe in saying that we in fact can forward an  
5205 emergency action. Since the NMFS hands went up immediately on  
5206 the issue, I will certainly let them comment.

5207

5208 **MR. GRIMES:** You're in a different circumstance, I would say,  
5209 with the charter moratorium. The point there is that in the  
5210 past few months Dr. Crabtree's office has received a number of  
5211 letters and these were unforeseen circumstances that people  
5212 would, for whatever reason, not apply in time.

5213

5214 In the case of your red grouper trip limit, this is the fourth  
5215 consecutive meeting I believe you've had some sort of discussion  
5216 about this.

5217

5218 Right now, there are no unforeseen circumstances. It looks as  
5219 though the fishery is going to close at exactly the same time it  
5220 was predicted to close a couple of years ago in Secretarial  
5221 Amendment 1 or a year ago or whatever it is and at this point, I  
5222 have not heard any sufficient rationale put forward for an  
5223 emergency rule in this case.

5224

5225 **MR. RIECHERS:** While I certainly appreciate your take on that  
5226 situation, I believe we have heard enough evidence to suggest  
5227 that certainly the deep-water grouper closed earlier than may  
5228 have been anticipated and then that forced pressure into the  
5229 shallow-water grouper complex.

5230

5231 We basically heard that testimony for several meetings and with  
5232 that, while I certainly respect your opinion on that, **I would**  
5233 **move that we go forward with an emergency rule to establish trip**  
5234 **limits in the shallow and deep-water grouper complex.**

5235

5236 **MR. HENDRIX:** Second.

5237

5238 **CHAIRMAN WALKER:** We have a motion and a second and I guess  
5239 we're going to see where this goes before we actually - So the  
5240 motion is to go forward with an emergency rule to establish trip  
5241 limits in deep-water and shallow-water grouper complex. Should  
5242 we include "for next year," Mr. Riechers? For 2005.  
5243 Discussion?

5244

5245 **MR. RIECHERS:** One of the reasons, Shep, is obviously we do know  
5246 where we stand this year and that your closure may be happening

5247 on or about near the time that you had anticipated.

5248

5249 But because the deep-water closed and the shifting of effort, we  
5250 have heard testimony from many people and in fact, they  
5251 basically have now supported the concept of an IFQ to stay away  
5252 from these openings and closings and to have more flexibility.

5253 With that, they're coming before us asking for a regulation  
5254 change that they know can't go into effect immediately and  
5255 unfortunately, that we would have to do an emergency action on  
5256 to even have it in effect by late next year.

5257

5258 So I think that in the spirit of what we try to do here in  
5259 managing fish and that both regards to the biology, the  
5260 economics, and those conditions out there, social conditions out  
5261 there, that I think we're well within our right at least  
5262 pursuing this and then certainly if you all choose to deny it,  
5263 that will be up to you all. But I think as a council, we just  
5264 need to make a decision whether we would like to go forward.

5265

5266 **MR. HORN:** I speak against this motion. Everybody knew,  
5267 everybody that's in the grouper fishery, knew that if a quota  
5268 was reached it would close, whether that would be after fifty-  
5269 three days, as we did in the snapper fishery, or after you go  
5270 eleven months and three weeks, or whatever you want to do,  
5271 everybody knew that there would be a time, especially as stocks  
5272 improve, that the closure was inevitable.

5273

5274 I've listened to the arguments all week from the different  
5275 fishermen about how they should do it or what they should do. I  
5276 think the statement that we listened to or the presentation we  
5277 listened to from John Poffenberger at the Reef Fish Committee  
5278 meeting, and it's in the report that we just had from Mr.  
5279 Minton, that with trip limits sometimes the quota wouldn't be  
5280 met and without trip limits sometimes the quota wouldn't be met.

5281

5282 I know they projected a closure for this year. There's been a  
5283 lot of circumstances that could go for or against that. There's  
5284 been a lot of storms and then the showing up of a lot of fish  
5285 recently and who knows what the difference is.

5286

5287 So again, this is not a surprise. If they all tell you it's a  
5288 surprise, they're fooling themselves because when you have a  
5289 quota, the odds are you're going to reach it sooner or later,  
5290 whether it's this year, next year, or the year after and you're  
5291 going to have a closure.

5292

5293 But the arguments of a 5,500 pound trip limit to me is really  
5294 kind of arbitrary because you take these folks that want to be

5295 the best they can be and they're a little more ambitious and  
5296 they want to work a little harder and maybe they have more bills  
5297 to pay.

5298  
5299 I don't know what it is, but to tell them that you're going to  
5300 take the biggest hit and you're going to have to be socialized  
5301 down to a lower level, whether you want to be or not, I think is  
5302 really kind of poor.

5303  
5304 But I think that at this point in time this is not a good way to  
5305 go unless you look at it through some analysis of an across-the-  
5306 board change and again, I think leaving it like it is and seeing  
5307 what happens the first three or four months of next year and  
5308 worry about it then. Thank you.

5309  
5310 **MR. GRIMES:** So sort of what I've heard is that we knew -- The  
5311 deep-water grouper closure is the most recent unforeseen  
5312 circumstance. The first time you were told of that was I  
5313 remember in the Keys, in Key Largo, there was discussion over  
5314 when it would close.

5315  
5316 But that's the most recent circumstance. You didn't realize  
5317 that that was going to close as soon as it did and the emergency  
5318 rule and your trip limit would be focused to prevent next year  
5319 from having such an early deep-water closure and you would roll  
5320 it into shallow-water because you would want an across-the-board  
5321 grouper trip limit I presume, or something along those lines.

5322  
5323 If you do it via emergency rule, it's going to take several  
5324 months and it would depend on Dr. Crabtree's staff. But it's an  
5325 180-day rule and so the trip limit would be in place for six  
5326 months.

5327  
5328 It would expire at some point and you would have to deal with  
5329 extending it and I would also just like to comment that it seems  
5330 to me at the Key Largo meeting this council considered and  
5331 decided not to move forward with a regulatory amendment to  
5332 establish this very same trip limit.

5333  
5334 So while I'm trying to work on the rationale here, this is  
5335 definitely an uphill argument for an emergency rule and just be  
5336 aware of that.

5337  
5338 **CHAIRMAN WALKER:** Mr. Grimes, for clarification, I want to ask  
5339 you a question. An emergency rule is for 180 days. But can it  
5340 not be extended for another 180 days?

5341  
5342 **MR. GRIMES:** Yes, it can be extended one additional 180-day

5343 period if permanent regulations are following.

5344

5345 **CHAIRMAN WALKER:** I just wanted that for clarification.

5346

5347 **MR. MINTON:** I go back to in the report similar to what Mr. Horn  
5348 had stated. If you reread that section where we summarized John  
5349 Poffenberger's comments and if you look at that carefully, the  
5350 type trip limit that you pick may or may not work in any given  
5351 year and it's almost like the roll of a dice.

5352

5353 If we pick 5,500, it might come up short and if we pick 7,500,  
5354 it still might not even fill the quota. I spoke with several of  
5355 the folks here that are dealers in this fishery and I really  
5356 believe in this room today we have had dealers that would  
5357 represent probably 70 or maybe even 80 percent of the grouper  
5358 catch, grouper landings, for the Gulf.

5359

5360 They're asking us to help them manage their business and I would  
5361 suggest to them that they can manage their own business. We  
5362 have a quota and that if they start to see that that quota is  
5363 going to be reached that they can talk to their fishermen and  
5364 say we're going to need to cut you off or we're going to need to  
5365 reduce it and work among themselves and try to do this for  
5366 another year, rather than us try to either go through emergency  
5367 or a plan amendment to do this.

5368

5369 Every time, I think the fishermen will admit, that we try to  
5370 help them, sometimes we don't get exactly the results that they  
5371 think that they've been helped and so I would strongly suggest  
5372 that we do not do this at this time, but to also suggest to  
5373 these dealers and the fishermen here that they work together and  
5374 try to come up with a plan among themselves of how to manage  
5375 this.

5376

5377 I think NMFS is able to provide near real time data because of  
5378 the majority of the landings coming into Florida and so you'll  
5379 have a good time to know this. They'll know in the future what  
5380 they've got left in the quota and hopefully be able to make  
5381 those decisions as a business decision among themselves. Thank  
5382 you.

5383

5384 **MR. THOMASSIE:** I speak in opposition to this because we've  
5385 heard over and over again what trip limits do. It changes the  
5386 fishing habits of the fishermen and it may not be effective and  
5387 cause any real reduction and also to defer to what Shep said  
5388 about not even being able to get a good rationale for imposing  
5389 an emergency rule. So I speak in opposition.

5390

5391 **MR. RIECHERS:** First, I'll respond to Shep and then I'll  
5392 actually speak to the motion so we're just not responding to  
5393 NMFS in regards to this, or NOAA General Counsel.

5394  
5395 I will remind you at the Key Largo meeting that basically I  
5396 think if you look back at the record we were waiting to - You  
5397 all asked us to wait to let the records of landings come in to  
5398 see when those closures would occur and, of course, the closures  
5399 are going to occur near where you predicted they were going to  
5400 occur.

5401  
5402 Given what we've heard in public testimony, we still have an  
5403 extended period of closure that we believe is going to occur and  
5404 we've heard time and time again about what closures will do to  
5405 both markets and the fishery out there and how the fishery  
5406 reacts to that and typically it's been negative.

5407  
5408 None of us want to go down this road. We really wish we were  
5409 further down the road at 2008, as Dr. Crabtree would indicate  
5410 that the start date of some sort of IFQ might be possible.

5411  
5412 That's where we all would preferably be today, but that's not  
5413 where we are and so with that, I would just propose that we go  
5414 forward with this, at least go forward with a further discussion  
5415 about what those options are, and I think we could allow the  
5416 season to stay open longer in the next couple years as we move  
5417 forward with a different plan.

5418  
5419 **MS. BELL:** I speak against the motion. I do not believe it's an  
5420 emergency. This is a fishery that we're heavily involved in and  
5421 I don't see that there's an emergency. If I did, I would tell  
5422 you all because it's important to us to have a year-round  
5423 season. I don't see the emergency.

5424  
5425 Robin, you stated that we do know where we stand with the  
5426 landings. I had a conversation with John Poffenberger yesterday  
5427 and he said that he would come to St. Petersburg and talk with  
5428 some of us because we think we found another dealer, that's  
5429 ranked as one of the top ten, that does not belong there.

5430  
5431 So I really don't think we do know where we stand and I would  
5432 like to at least have an opportunity to look at that and I know  
5433 it always seems to come back to the data is wrong, but if the  
5434 data is wrong, it's really important and we do need to look at  
5435 it.

5436  
5437 Yesterday we listened to nine people that spoke against trip  
5438 limits. Six people spoke for trip limits and one person said

5439 that they would support a trip limit if it were versus that or a  
5440 closure.

5441  
5442 What that just shows me is there's a lot of uncertainty about  
5443 which way to go and I would hate to take an emergency action on  
5444 something like this. Trip limits, they cause derbies. They  
5445 increase the cost of fishing.

5446  
5447 If you look at the notes on the back of our report, Steve Rasch  
5448 said they do not ensure that the fishery will remain open,  
5449 because of those reasons. The derby, those guys might just turn  
5450 around that much more quickly and make more trips. It's not a  
5451 surefire answer.

5452  
5453 My big thing is it's not fair. I really, really have a problem  
5454 with it not being fair. It's like the bandit boats going after  
5455 the longliners and now you've got the smaller longliners going  
5456 after the bigger longliners and it's really not fair. Thank  
5457 you.

5458  
5459 **MR. WILLIAMS:** First, I guess a comment to Vernon. Vernon, I  
5460 don't think it would be legal for those fish houses to call one  
5461 another up to try to regulate fishermen among themselves. I  
5462 know a guy that paid a \$100,000 fine on the east coast because  
5463 he used to call somebody else up and they adjusted the price of  
5464 Spanish mackerel between the two of them and the Federal Trade  
5465 Commission nailed them big time.

5466  
5467 I doubt seriously if they have the ability to legally regulate  
5468 the rate at which those fish come in. It doesn't mean they  
5469 don't do it, but I don't think they can legally do it.

5470  
5471 Robin, is it your intention that this would be followed up with  
5472 a regulatory amendment on trip limits? We would do an emergency  
5473 rule and then follow that up under the regulatory procedure to  
5474 adopt trip limits permanently?

5475  
5476 **MR. RIECHERS:** Yes, that would be my intention, Roy.

5477  
5478 **MR. WILLIAMS:** I, like probably everybody, have mixed emotions  
5479 on this. But since the mid-1980's when I first worked with  
5480 Spanish mackerel, I have heard fishermen and fish houses talk  
5481 about the need for product continuity.

5482  
5483 When fisheries close and they lose the supply to their markets,  
5484 it really has devastating effects. I heard it first in Spanish  
5485 mackerel. We hear it just about every meeting how the three-  
5486 month amberjack closure has destroyed the amberjack commercial

5487 fishery and I'm serious. Somebody makes that statement almost  
5488 every meeting and they made that statement yesterday. The  
5489 discussion of amberjack and the effect of the three-month  
5490 closure was brought up.

5491  
5492 So I think these closures are real. We did accurately predict,  
5493 or NMFS accurately predicted, the approximate date that the  
5494 shallow-water grouper fishery was going to close, but nobody  
5495 predicted the deep-water grouper fishery. That was a shock when  
5496 it closed.

5497  
5498 It closed in July, but I think it would have closed even earlier  
5499 than that, as I recall, had the plan been implemented. So I  
5500 think there is some merit in trying to regulate this fishery  
5501 with trip limits until we can put an IFQ plan in place. So I'm  
5502 going to support the motion.

5503  
5504 **MR. MINTON:** To his point earlier. Roy, when I talked with the  
5505 dealers and the folks, I specifically pointed out the problem of  
5506 price, that you can't do that. But I don't see any legal  
5507 problems in talking about trip limits for boats or what they're  
5508 putting their people on, as long as you don't let price enter  
5509 into it.

5510  
5511 **CHAIRMAN WALKER:** For clarification on something that Mr.  
5512 Williams said, Dr. Crabtree, did we go over the quota on deep-  
5513 water grouper before it closed?

5514  
5515 **DR. CRABTREE:** I think we're pretty close on it.

5516  
5517 **MS. WILLIAMS:** Once again, we're talking about red grouper and  
5518 I'm torn over it because we've already went through this battle  
5519 once before with the fishermen. We knew and we were told the  
5520 things that we thought were going to happen in the secretarial  
5521 amendment didn't happen and now we're told it's an emergency  
5522 because we're going to have a closure.

5523  
5524 Let's look at the closures in our other fisheries. You've got a  
5525 closure in your red snapper fishery, basically. You've got a  
5526 closure in your charterboat industry, as far as your red snapper  
5527 season. We have closures in a lot of our fisheries.

5528  
5529 So just the fact that you're going to have a closure, we close  
5530 our commercial fisheries all the time for conservation measures.  
5531 So just to say there's going to be a closure, I don't know if  
5532 there's going to be a closure. I haven't gotten a firm date  
5533 from Roy what day he expects it to close. I know it's difficult  
5534 for him, especially with all of the recent storms that we've

5535 had.

5536

5537 I don't know how much fish they're selling. We heard one dealer  
5538 stand up here and say, I'm not buying any fish from anybody. I  
5539 can't sell them and I can't get rid of them and we've got all  
5540 these hurricane fish. So I'm concerned about that part of it.

5541 I can't support the motion because there's no poundage. I have  
5542 no idea what Robin is thinking about what type of poundage to  
5543 use for these future trip limits. So to me, this is just a  
5544 blanket motion and without more information, I just can't  
5545 support it. Thank you.

5546

5547 **CHAIRMAN WALKER:** Ms. Williams, I think Mr. Riechers stated in  
5548 his motion though the poundage is going to come after this if  
5549 this particular motion passes.

5550

5551 **DR. CRABTREE:** I'm certainly not going to try to give any sort  
5552 of prediction on the date as to when the shallow-water fishery  
5553 will close. Given all the weather events this year, it's going  
5554 to be difficult to say and I'm not going to voice an opinion on  
5555 the need or lack of need for a trip limit at this point. I'll  
5556 let you hash through that.

5557

5558 But I do have concerns regarding the rationale. I think you can  
5559 make an argument that the deep-water fishery closure was sooner  
5560 than anticipated and so I think you can make that argument.

5561

5562 I would remind you though that the remedy you then propose is  
5563 going to have to be sufficient to result in the significant  
5564 lengthening of the deep-water fishery and based on what John  
5565 Poffenberger gave us, it would have taken a 1,500 pound trip  
5566 limit last year in the deep-water fishery to have kept it open  
5567 all year.

5568

5569 I'm not sure that a 6,000 or a 5,500 pound trip limit is going  
5570 to have much effect on when the deep-water fishery closes. So  
5571 if you submit to us a rule based on a particular emergency, but  
5572 your remedy is not going to have any real effect on the  
5573 emergency, then we're going to have a problem. So you haven't  
5574 put forth any poundages here, but as you get to them, you need  
5575 to think about that.

5576

5577 **MR. HORN:** I think we heard testimony and I think Mr. Abrams  
5578 stated that his boats are tied up and that happened probably at  
5579 this time - No, it was actually sooner in the week last week.  
5580 So he has a self-imposed closure on his boats right now.

5581

5582 I think Mr. Krebs had the same statement to me personally. I

5583 was told, and I may be wrong, that Mr. Rasch was holding his  
5584 boats in. Now that's that area where the grouper showed up. I  
5585 understand that is not the situation further south in Florida,  
5586 down where Ms. Bell is, that they didn't have the showing up of  
5587 the gag and large harvests all at one time.  
5588

5589 So keep in mind everybody just voted for a forty-day closure in  
5590 the vermilion snapper fishery. Again, these closures happen and  
5591 I understand and I don't know. Again, I would like to know what  
5592 kind of projection you think you're going to have, based on what  
5593 you know, when you're going to close.  
5594

5595 Is it going to be in October? Is it going to be in November?  
5596 Is it going to be in December? All those things are important.  
5597 If you could give some kind of indication and I know the course  
5598 of events have changed things lately with the rash of storms  
5599 that we had in the Gulf and that it makes a big difference.  
5600

5601 But again, keep in mind we have closures everywhere. It's  
5602 tough, there's no question. If you leave one closed long  
5603 enough, the marketing factor, that's a fact. That's a true  
5604 statement. How long is that? I'm not quite sure. I know that  
5605 the ninety-day amberjack closure wrecked that fishery, for the  
5606 most part because other things took its place.  
5607

5608 There were other fish that were about the same quality that were  
5609 produced somewhere else and most of it came out of imports that  
5610 took its place. The same thing with red snapper, imports. Of  
5611 course, the imports was taking its place because of the demand.  
5612 Keep in mind, that's demand, demand, demand.  
5613

5614 We're still not producing hardly anything compared to what we're  
5615 importing into our country. The markets are there and they're  
5616 going to stay whether we have them personally, whether I do - I  
5617 may lose mine because of a closure and Ms. Bell may lose hers  
5618 because of a closure, but not everybody does.  
5619

5620 Again, I think that waiting until next year to address this  
5621 issue to see how production is going to be at the beginning of  
5622 the year, I know red grouper is the issue of the overfishing and  
5623 gag grouper is not. All these fish that were talked about  
5624 lately that were caught all of a sudden were not red grouper.  
5625 They were all gag grouper, almost every one of them.  
5626

5627 I've got a fisherman who is a little-man fisherman, so to speak.  
5628 He has a small haul seine and he fishes in eight to ten foot of  
5629 water. Last week, he caught three gags and two scamp behind the  
5630 shipyard in Pascagoula and I can walk over there. Those fish

5631 must be scattered everywhere and the game wardens were standing  
5632 right there with him and said what is that and they were all  
5633 undersized, of course. He threw them back.

5634  
5635 But still, those fish showed up, but most of them were gag. Not  
5636 overfished. Not a big deal, not really. Utilize that resource.  
5637 They're doing the best they can and I think waiting to see what  
5638 happens is the prudent thing to do. Jumping on this, because  
5639 just like I said, we have no idea from past history what would  
5640 work because of the landings that we've had.

5641  
5642 We know what we caught and you put trip limits and one time it  
5643 works and one time it doesn't and so I think that's handcuffing  
5644 the fishermen and again, I was at the discussion and with no  
5645 more, I would like to call the question to find out what we're  
5646 going to do.

5647  
5648 **CHAIRMAN WALKER:** Is there any objection to calling the  
5649 question? There's no objection. The motion is to go forward  
5650 with an emergency rule to establish trip limits in deep-water  
5651 and shallow-water grouper complex for 2005. I'm going to ask -

5652  
5653 **MR. MINTON:** I would like a roll call vote.

5654  
5655 **CHAIRMAN WALKER:** Mr. Minton has requested a roll call vote.

5656  
5657 **EXECUTIVE DIRECTOR SWINGLE:** Mr. Horn.

5658  
5659 **MR. HORN:** No.

5660  
5661 **EXECUTIVE DIRECTOR SWINGLE:** Mr. Williams.

5662  
5663 **MR. WILLIAMS:** Yes.

5664  
5665 **EXECUTIVE DIRECTOR SWINGLE:** Ms. Bell.

5666  
5667 **MS. BELL:** No.

5668  
5669 **EXECUTIVE DIRECTOR SWINGLE:** Mr. Adams.

5670  
5671 **MR. ADAMS:** No.

5672  
5673 **EXECUTIVE DIRECTOR SWINGLE:** Ms. Williams.

5674  
5675 **MS. WILLIAMS:** No.

5676  
5677 **EXECUTIVE DIRECTOR SWINGLE:** Dr. Crabtree.

5678

5679 DR. CRABTREE: No.  
5680  
5681 EXECUTIVE DIRECTOR SWINGLE: Mr. Fensom.  
5682  
5683 MR. FENSOM: Yes.  
5684  
5685 EXECUTIVE DIRECTOR SWINGLE: Mr. Minton.  
5686  
5687 MR. MINTON: No.  
5688  
5689 EXECUTIVE DIRECTOR SWINGLE: Mr. Jewell.  
5690  
5691 MR. JEWELL: No.  
5692  
5693 EXECUTIVE DIRECTOR SWINGLE: Mr. Hendrix.  
5694  
5695 MR. HENDRIX: Yes.  
5696  
5697 EXECUTIVE DIRECTOR SWINGLE: Mr. Thomassie.  
5698  
5699 MR. THOMASSIE: No.  
5700  
5701 EXECUTIVE DIRECTOR SWINGLE: Mr. Riechers.  
5702  
5703 MR. RIECHERS: Yes.  
5704  
5705 EXECUTIVE DIRECTOR SWINGLE: Dr. Claverie.  
5706  
5707 DR. CLAVERIE: Yes.  
5708  
5709 EXECUTIVE DIRECTOR SWINGLE: Ms. Morris.  
5710  
5711 MS. MORRIS: Yes.  
5712  
5713 EXECUTIVE DIRECTOR SWINGLE: Ms. Walker.  
5714  
5715 CHAIRMAN WALKER: Yes.  
5716  
5717 EXECUTIVE DIRECTOR SWINGLE: Seven yeses and eight nos.  
5718  
5719 CHAIRMAN WALKER: The motion fails with an eight to seven vote.  
5720  
5721 MR. WILLIAMS: Would it be appropriate to offer a motion to  
5722 begin to add trip limits into the regulatory amendment that we  
5723 plan to do on red grouper to adjust the bag limit and quota?  
5724  
5725 CHAIRMAN WALKER: Are you talking about adding alternatives for  
5726 trip limits in which amendment?

5727 **MR. WILLIAMS:** We voted earlier, the committee voted to begin -  
5728 We're going to do a regulatory amendment -  
5729

5730 **CHAIRMAN WALKER:** I see it. The council instructs staff to go  
5731 forward with a regulatory amendment in 2005 to implement 2006  
5732 grouper TAC revisions.  
5733

5734 **MR. WILLIAMS:** Would it be appropriate to offer an amendment to  
5735 add trip limits to that regulatory amendment?  
5736

5737 **CHAIRMAN WALKER:** Mr. Swingle, do you see a problem with Mr.  
5738 Williams making a motion to add trip limits to the regulatory  
5739 amendment that we have instructed staff to go forward with?  
5740

5741 **EXECUTIVE DIRECTOR SWINGLE:** No. We would need some direction  
5742 on what type of trip limits you want for both the shallow-water  
5743 and the deep-water components of the fishery though.  
5744

5745 **MR. WILLIAMS:** Then I would offer a motion that we include in  
5746 the proposed regulatory amendment for grouper options for  
5747 shallow-water and deep-water grouper trip limits and that one of  
5748 the options be the one offered by the Gulf Fisherman's  
5749 Association for 7,500 pounds during the first six months of the  
5750 year and 5,500 pounds thereafter.  
5751

5752 **The motion would be that we include in the proposed regulatory**  
5753 **amendment for grouper options for shallow-water and deep-water**  
5754 **grouper trip limits and that one of the options be the Gulf**  
5755 **Fisherman's Association's proposal for 7,500 pounds during**  
5756 **January through June and 5,500 pounds July through December.**  
5757

5758 **CHAIRMAN WALKER:** But Mr. Williams, you're just saying that this  
5759 be one of the options. You want them, according to NEPA, to go  
5760 through different options. We have a motion. Do we have a  
5761 second? Mr. Claverie seconds.  
5762

5763 **DR. CRABTREE:** I want to start by saying that I'm not opposed to  
5764 a trip limit in this fishery. But I felt like the emergency  
5765 rule, which I voted against, had problems in terms of the  
5766 rationale and I also think we recognize this is going to be  
5767 controversial.  
5768

5769 The industry is divided on this. Emergency rules don't provide  
5770 any opportunity for notice and comment on it and so I think the  
5771 regulatory amendment is the more appropriate way to go. I would  
5772 ask Roy, I believe Gulf Fisherman's trip limit is a combined  
5773 deep-water and shallow-water grouper trip limit. It's an  
5774 overall grouper trip limit.

5775 **MR. WILLIAMS:** Right, yes.

5776  
5777 **DR. CRABTREE:** Do you want this amendment, do we want to only  
5778 look at overall combined grouper trip limits or do we want to  
5779 evaluate separate trip limits for shallow-water and separate  
5780 limits for deep-water? It makes more sense to me, I think, to  
5781 probably look at a grouper trip limit.

5782  
5783 **MR. WILLIAMS:** I intended a single trip limit that would be for  
5784 all groupers, period.

5785  
5786 **DR. CRABTREE:** Then I speak in favor of the motion.

5787  
5788 **MR. HORN:** What impact would this have on the council staff  
5789 going forward with an IFQ plan for the grouper fishery? Would  
5790 this be right along with it and they're going to be doing two  
5791 things that actually would be opposing one another?

5792  
5793 **EXECUTIVE DIRECTOR SWINGLE:** We were already directed to go  
5794 ahead with a regulatory amendment for red grouper by a  
5795 subsequent motion in this meeting. So that is kind of marching  
5796 orders in place. This would just result in a little more  
5797 complexity for that regulatory amendment in which we were  
5798 instructed to set TAC with by adding the trip limits. So no,  
5799 not much difference really.

5800  
5801 **MR. HORN:** But would it require more effort in the public  
5802 hearings and situations like that on a regulatory amendment  
5803 that's just dealing with TAC as opposed to a regulatory  
5804 amendment dealing with trip limits for two totally separate  
5805 fisheries, deep-water, shallow-water, and such as that?

5806  
5807 **EXECUTIVE DIRECTOR SWINGLE:** It would make it slightly more  
5808 complex, but I don't see that a series of trip limits would  
5809 materially alter the completion time and all of that. Some of  
5810 that analysis has probably been done by Dr. Poffenberger that we  
5811 could use.

5812  
5813 The problem I have, we just at this point have only one  
5814 suggestion and it would be smarter really to look at several  
5815 alternatives of trip limits.

5816  
5817 **MR. HORN:** Then I would add another option to look at would be  
5818 to have an across-the-board reduction based on a percentage  
5819 rather than a fixed poundage such as this of saying you've got a  
5820 5,000 or 10,000 pound trip limit. If you're going to reduce the  
5821 harvest, reduce it proportionally equally with the fishermen by  
5822 their landings.

5823 **CHAIRMAN WALKER:** Is that a motion to amend the motion, Mr.  
5824 Horn?  
5825  
5826 **MR. HORN:** Yes, that's an amendment.  
5827  
5828 **MR. MINTON:** That sounds an awful lot like an IFQ before we  
5829 actually take one up, doesn't it?  
5830  
5831 **MR. HORN:** It's just a harvest reduction and everybody takes the  
5832 same percentage hit. That's not an IFQ.  
5833  
5834 **MS. WILLIAMS:** Roy, how would you feel about adding also to the  
5835 motion to include in this some type of a once they reach 50  
5836 percent of their quota that then they go perhaps into these trip  
5837 limits and some type of an analysis, just to have that as an  
5838 alternative, along with these other things, just to show that  
5839 we're trying to be equitable as far as the recommendations that  
5840 we received from the public today.  
5841  
5842 **MR. WILLIAMS:** It would be my intention for staff to develop a  
5843 full range of options. I just wanted one of them to be the one  
5844 that was in this letter. So yes, just tell them what you want  
5845 and I would think they should include it.  
5846  
5847 **CHAIRMAN WALKER:** Mr. Horn, I apologize. You made a motion and  
5848 I didn't ask for a second and it's not on the board.  
5849  
5850 **MR. HORN:** In light of what Mr. Williams said, and I think he's  
5851 probably correct, that we just add a lot of options and we won't  
5852 require motions to do that. We never have in the past, have we,  
5853 Wayne?  
5854  
5855 **EXECUTIVE DIRECTOR SWINGLE:** No, unless some element of the  
5856 industry has suggested an alternative you think ought to be  
5857 included.  
5858  
5859 **MR. HORN:** What I'm saying though is that motions will not be  
5860 required to add options to this should it pass.  
5861  
5862 **CHAIRMAN WALKER:** Exactly. Yes, that is correct.  
5863  
5864 **MR. HORN:** So then I withdraw my amendment because it can be  
5865 done later.  
5866  
5867 **MR. HENDRIX:** That was the same thing I was going to discuss.  
5868 In the process of developing the amendment, all of the different  
5869 options will be included. Is that correct?  
5870

5871 **CHAIRMAN WALKER:** That is correct. NEPA requires us to do that.

5872

5873 **MR. MINTON:** I would like to also say I'm not against trip  
5874 limits at all, but I think at this point in time we have not  
5875 seen enough analysis to really know what would be the outcome if  
5876 we were to implement and that's why previously I objected to the  
5877 emergency action.

5878

5879 This type of analysis of going through a regulatory amendment  
5880 hopefully will provide us that information and I say hopefully  
5881 because if you look again at Poffenberger's analysis, it's  
5882 almost a which year do you pick as to what you have to do and  
5883 it's a very hard thing to come up with an average of four or  
5884 five atypical years of harvest.

5885

5886 That's your good one is an average and it's going to be very  
5887 difficult and so this analysis hopefully will take time and  
5888 maybe we'll arrive at something. But I would be willing to say  
5889 that we're going to be in the same pot a year from now, we'll  
5890 just have more information to tell us we don't know what we're  
5891 going to do.

5892

5893 **MS. WILLIAMS:** I would like to make a substitute motion that we  
5894 include in the proposed regulatory amendment for grouper options  
5895 for shallow-water and deep-water grouper trip limits, period.  
5896 If can get a second, I'll tell you why.

5897

5898 **MR. HORN:** I'll second.

5899

5900 **MS. WILLIAMS:** By doing that, then it doesn't look like we're  
5901 picking one over the other. Mr. Hendrix, I just heard him say  
5902 we will include various options in the regulatory amendment for  
5903 consideration and I think that would be more equitable as far as  
5904 to the public and to the industry to know that we will be  
5905 considering all of them and not necessarily one over the other.

5906

5907 **CHAIRMAN WALKER:** We have a substitute motion on the board. Mr.  
5908 Minton, did you want a roll call vote for this one? As a show  
5909 of hands, all in support of the substitute motion that we  
5910 include in the proposed regulatory amendment for shallow-water  
5911 and deep-water grouper trip limits, please raise your hand. **The**  
5912 **motion carries.** So the substitute motion takes care of -

5913

5914 **MR. WILLIAMS:** I've sat on both the South Atlantic Council and  
5915 the Gulf Council and Joe has been with the South Atlantic  
5916 Council for years and years and that's the way they do it.  
5917 That's not the way it's done here. A substitute motion replaces  
5918 the original motion and that's the house rules here. That's

5919 just the way it works.

5920

5921 **CHAIRMAN WALKER:** Joe, you were probably telling us by Robert's  
5922 Rules what is actually required.

5923

5924 **MR. ATRAN:** I just wanted to clarify and I'm not sure if it's  
5925 clear to everyone else, but it looks to me like the motion you  
5926 just passed is asking us to evaluate separate deep-water and  
5927 shallow-water grouper trip limits whereas the original motion  
5928 was looking at a combined trip limit.

5929

5930 **CHAIRMAN WALKER:** I agree.

5931

5932 **MR. HORN:** What would prevent from looking at all options  
5933 separate, together? There could be options in there and be the  
5934 same thing. You could do it both ways.

5935

5936 **MR. RIECHERS:** The only thing I caution or urge against here is  
5937 that we have left it open so there's going to be a lot of  
5938 different options that can be looked at and Mr. Horn was earlier  
5939 considering staff time and when we do ask for them to do such a  
5940 large suite of options or percentages in all of these things,  
5941 then we do start reaching points where it probably is going to  
5942 take them longer to push the thing through. So I would just  
5943 make sure we're close to the target before we ask them.

5944

5945 **MR. WILLIAMS:** Those are good points and I don't think staff  
5946 should have to develop lots of options. **I think it ought to be**  
5947 **a combined grouper options and I'm going to make a motion just**  
5948 **to try to simplify it that the trip limits we consider be**  
5949 **combined trip limits for all groupers.**

5950

5951 **CHAIRMAN WALKER:** I have a motion. Do I have a second? Mr.  
5952 Riechers and Ms. Williams seconds.

5953

5954 **MR. HORN:** Roy, what prompted the closure of the deep-water  
5955 grouper? It was pretty much yellowedge production. Is that not  
5956 correct?

5957

5958 **DR. CRABTREE:** The majority of the catch is yellowedge, but it  
5959 is an aggregate quota.

5960

5961 **MR. HORN:** But again, the increase that we had this year was  
5962 through the yellowedge longline fishery and not from Warsaw and  
5963 kitty mitchells and snowies.

5964

5965 **DR. CRABTREE:** My staff is telling me that that's correct.

5966

5967 **MR. HORN:** Then that's my point about the deep-water. The  
5968 yellowedge is the primary fish, there's no question about it and  
5969 Warsaw, snowies, and kitty mitchells, in our neck of the woods,  
5970 has always been a bycatch and every one that's being caught is  
5971 dead today. That hasn't changed anything and if they're fishing  
5972 vermilion, you're going to catch them because you're in deeper  
5973 water. That's where they are and that's why they're called  
5974 deep-waters.

5975  
5976 But so maybe yellowedge needs to be singled out as opposed to some  
5977 of the others because longliners are targeting yellowedge. The  
5978 other three species are a bycatch and not a target species, that  
5979 I'm aware of, of anyone in the Gulf of Mexico up in our part.

5980  
5981 I can't speak for south Florida, because I don't know what goes  
5982 on down there in the deeper water. But up where we are,  
5983 yellowedge is a target species and that's what they catch.

5984  
5985 They don't have 100 percent, but the largest majority of their  
5986 catch is yellowedge and some Warsaws and some snowies, but those  
5987 are bycatch products of the yellowedge fishery, but they're also  
5988 bycatch of the snapper, but primarily the beeliner, vermilion  
5989 snapper, fishery. So I think those options need to be there  
5990 because again, that is the primary species.

5991  
5992 **MS. MORRIS:** I just feel like we're getting off our agenda here  
5993 pretty drastically and that the time to talk about specifics of  
5994 options in a regulatory amendment is when we have an options  
5995 paper for the regulatory amendment and I don't think we need to  
5996 spend a lot more time at this meeting trying to think through  
5997 all the different options and orientations.

5998  
5999 I think we've taken care of sending the message that we want  
6000 trip limits to be considered as options and another meeting,  
6001 another agenda, another time would be the time to focus on what  
6002 the variety of those options should be.

6003  
6004 **CHAIRMAN WALKER:** **Mr. Williams has requested to withdraw his**  
6005 **motion if the seconder agrees.** Mr. Riechers?

6006  
6007 **MR. RIECHERS:** I agree.

6008  
6009 **CHAIRMAN WALKER:** We're going to move on out of Reef Fish and  
6010 we're going into Other Business. The first item is Shrimp and  
6011 Mr. Swingle is going to start and I think Mr. Thomassie will  
6012 finish it up.

6013  
6014 **EXECUTIVE DIRECTOR SWINGLE:** Ms. Karen Foote, in a kind of an

6015 information type package under Tab K, Number 2, and basically it  
6016 just points out the shrimp industry is going forward with trying  
6017 to collect funds to file an anti-dumping suit for shrimp and  
6018 I'll deed it to Walter from that point on.

6019

6020 **MR. THOMASSIE:** Basically in K-2 they have a letter from the  
6021 State of Louisiana outlining what's going on as far as the  
6022 participation for Louisiana and the anti-dumping petition and so  
6023 forth.

6024

6025 I think the biggest thrust of this was basically towards  
6026 fishermen and retailers and wholesalers of the product to go  
6027 ahead and show their support for the petition and write the ITC  
6028 and also potentially help funding for it and that's basically  
6029 it. It's informational to try and get the word out to the  
6030 people in the industry to support the effort.

6031

6032 **CHAIRMAN WALKER:** Are there any questions? Hearing no  
6033 questions, we'll go on to Mississippi Fishing Banks. It's a  
6034 letter that we received.

6035

6036 **EXECUTIVE DIRECTOR SWINGLE:** Basically what they're doing is  
6037 requesting that we implement through our framework procedure  
6038 that was part of Reef Fish Amendment 5 special management zones  
6039 that would encompass all of their offshore reefs and they didn't  
6040 provide a map and so I had Joe Jewell's staff provide us with a  
6041 map, which was handed out, so you can see where the offshore  
6042 reefs for the State of Mississippi are.

6043

6044 They were really well aware that we had a framework procedure  
6045 for that type of an action and we did, on the last page of their  
6046 letter, append a framework procedure that allows to establish  
6047 special management zones.

6048

6049 Historically, we've only used that once and that was to consider  
6050 special management zones off of Alabama. I think Vernon has  
6051 about four tracts that total a thousand square miles and there  
6052 was a recommendation that those be designated as special  
6053 management zones and that the fishermen in there be allowed to  
6054 only use three hooks. I think the regional director only  
6055 approved one of those areas with that designation.

6056

6057 But under our framework procedure, the Mississippi Banks and any  
6058 other applicant, has the right to have the council consider  
6059 establishing management zones and the other handout we have was  
6060 the way we do business under that framework procedure is the  
6061 actions are taken by a special management zone monitoring team.

6062

6063 This listed the members of that at the time we considered the  
6064 Alabama special management zones. Each state had one  
6065 representative and the Regional Office had one and the Southeast  
6066 Fisheries Science Center had one.

6067  
6068 So if you elect to proceed with this, the states probably would  
6069 want to change some of their representatives on this and the  
6070 National Marine Fisheries Service has already suggested a change  
6071 in their personnel on that.

6072  
6073 So it's up to you. Also in their letter they're requesting a  
6074 similar designation for all of their offshore reefs in the EEZ,  
6075 which there's a considerable number of them, and particularly  
6076 some of the larger ones are out there and they're requesting the  
6077 designation for a three-hook restriction on all of those.

6078  
6079 **CHAIRMAN WALKER:** Mr. Swingle, what would be the appropriate  
6080 committee to send this to, since the council -- We just got it  
6081 and so I don't know that the council would take any action.  
6082 What is the appropriate committee to send this to?

6083  
6084 **EXECUTIVE DIRECTOR SWINGLE:** Reef Fish. It's a framework  
6085 procedure in Reef Fish Amendment 5.

6086  
6087 **MS. MORRIS:** Do these normally come from private groups or do  
6088 they come from the state -

6089  
6090 **EXECUTIVE DIRECTOR SWINGLE:** The South Atlantic Council started  
6091 the process of designating special management zones and in that  
6092 instance, I think some of them may have come from - I know a lot  
6093 of them came independently from the states, but I don't really  
6094 recall.

6095  
6096 **MS. MORRIS:** I would be very interested to have a reaction to  
6097 this from the State of Mississippi and their marine resources  
6098 department before taking any further action. Joe, do you have  
6099 any response from your department?

6100  
6101 **MR. JEWELL:** Are you asking that the request come through the  
6102 Department of Marine Resources or are you asking me to comment  
6103 on the request?

6104  
6105 **MS. MORRIS:** Right now I'm just asking you to comment on the  
6106 request.

6107  
6108 **MR. JEWELL:** Essentially, all I can state is what was written in  
6109 the letter. We have a private organization, the Mississippi  
6110 Gulf Fishing Banks, that does create these artificial reefs

6111 offshore. They're not quite as large as some of the other reefs  
6112 out in the Gulf, but they are asking specifically three things.

6113  
6114 They want a special management zone, they want to limit both  
6115 commercial and recreational fishermen on these special  
6116 management zones to three hooks, and they're also asking for  
6117 input from the council on the concept of a fish hatchery.

6118  
6119 **CHAIRMAN WALKER:** Ms. Morris and I both agree that it should go  
6120 to the Reef Fish Committee, Artificial Reef Committee at the  
6121 next meeting. We have an Artificial Reef Committee.

6122  
6123 **EXECUTIVE DIRECTOR SWINGLE:** Yes, we do. But the framework  
6124 procedure is in the reef fish plan. So I don't know. Probably  
6125 it doesn't really matter either way.

6126  
6127 **CHAIRMAN WALKER:** How about a joint meeting of the Artificial  
6128 Reef and Reef Fish Committees?

6129  
6130 **MR. MINTON:** I guess it really doesn't matter in a real sense,  
6131 but if Artificial Reef could handle it, Reef Fish is pretty  
6132 stacked up with stuff right now. But maybe a joint meeting  
6133 would be appropriate.

6134  
6135 **MR. HORN:** In one of the documents that we have in the briefing  
6136 book, and I misplaced mine, but I've got part of the copy and  
6137 there's a statement about this that was given from our company,  
6138 Clark Seafood, and it states that Clark Seafood is a local  
6139 commercial fishing company that typically uses gear that will be  
6140 restricted by the proposed SMZ. This company indicates that  
6141 they do not fish in the habitats contained and blah, blah, blah  
6142 and so forth.

6143  
6144 When this was presented to me personally through the Department  
6145 of Marine Resources, I was not given a map and the indication  
6146 that I understood at the time was that these were all shallow-  
6147 water reefs and the map that we have, the small areas that are  
6148 just south of the islands, that statement that is made there is  
6149 true.

6150  
6151 But when you get out to the ones that are out east of the  
6152 Chandelier Islands, those are extremely deep-water areas. Those  
6153 are not shallow reefs. Those are very deep places as far as  
6154 fishing goes and I would clarify that for those deep areas that  
6155 that statement in this document is incorrect because we do fish  
6156 those areas in the deeper water and I would have a hard time  
6157 supporting those areas.

6158

6159 **CHAIRMAN WALKER:** Thank you, Mr. Horn, and I would definitely  
6160 recommend that you attend the committee meeting of Reef Fish and  
6161 Artificial Reef at the next meeting to voice any concerns.

6162 **MR. JEWELL:** I just want a clarification. Does that mean that  
6163 this is going to be forwarded on for consideration to the  
6164 Artificial Reef Committee?

6165  
6166 **CHAIRMAN WALKER:** I don't know whether it will be considered,  
6167 but it's going to go to the Artificial Reef and the Reef Fish  
6168 Committee as a joint committee meeting. Who has the ballots?

6169  
6170 **MR. MINTON:** It may mark the first time in the history of this  
6171 council that the chairman's votes were not counted by Mr.  
6172 Simpson and so I don't know if we should postpone this until  
6173 next meeting.

6174  
6175 **CHAIRMAN WALKER:** No. We're going to take nominations for chair  
6176 first. But before we do that, I want to sincerely thank the  
6177 council for the opportunity and the privilege to serve as your  
6178 chairman. I have enjoyed it this year and I hope I haven't  
6179 embarrassed you. I would also like to thank Julie Morris who  
6180 has been very supportive. Her knowledge and friendship has  
6181 meant a lot to me in the past year. Now, I will open  
6182 nominations for Chairman.

6183  
6184 **MR. WILLIAMS:** I would like to nominate Julie Morris for the  
6185 position of Chairman. I've known Ms. Morris for about four or  
6186 five years, since the time that the Game and Freshwater Fish  
6187 Commission, of which she was chairman of at one time in Florida,  
6188 was merged with the Marine Fisheries Commission.

6189  
6190 She was the new commission's first permanent chair. I think we  
6191 had an interim chair for one meeting, but she was the  
6192 commission's first permanent chair and she did really an  
6193 excellent job in managing meetings, nearly as good as you, Madam  
6194 Chairman, and I think she would be an excellent chairman and  
6195 fair.

6196  
6197 I think you all know that she is on staff at the University of  
6198 South Florida's campus at New College, right? I'm wrong. I  
6199 thought New College was a campus of the University of South  
6200 Florida. She can correct that later. The campus of New  
6201 College. I think she would be an excellent chair and I hope you  
6202 will vote for her.

6203  
6204 **CHAIRMAN WALKER:** Thank you, Mr. Williams. Any other  
6205 nominations?

6206

6207 **MR. FENSOM:** Second.  
6208  
6209 **CHAIRMAN WALKER:** Mr. Fensom has seconded it.  
6210 **MR. MINTON:** I would like to move that we close nominations and  
6211 by acclamation, move that Ms. Morris be the Chairman.  
6212  
6213 **CHAIRMAN WALKER:** Do I have a second? Any objection? No  
6214 objection and congratulations, Chairman Morris. Now we'll move  
6215 on to Vice Chair and the floor is open for nominations.  
6216  
6217 **MR. RIECHERS:** I would like to nominate Joe Hendrix for Vice  
6218 Chair. Can I say a few words?  
6219  
6220 **CHAIRMAN WALKER:** Sure. Go ahead.  
6221  
6222 **MR. RIECHERS:** Vernon said he seconded and then I'll say a  
6223 couple of words. As you know, even though Joe kind of got off  
6224 to a rocky start with the black-banded ceremony that we all  
6225 endured there, he really hit the ground running and what he has  
6226 done during that period of time, he always comes prepared and  
6227 he's taken a leadership role in really getting with some of  
6228 those constituents, some of those who really didn't like his  
6229 appointment when he first came on the council.  
6230  
6231 Through that, he really brings that kind of ability to build  
6232 consensus and work with all those constituent groups that we  
6233 deal with and I think he'll serve as a good Vice Chair to Julie  
6234 and help us move on down the road with these many amendments  
6235 that we have moving. Thank you.  
6236  
6237 **CHAIRMAN WALKER:** Thank you, Mr. Riechers.  
6238  
6239 **MR. FENSOM:** I was trying to nominate Mr. Hendrix, but Mr.  
6240 Riechers beat me to it. I have literally known Joe Hendrix  
6241 since I was three years old. He grew up down the street from me  
6242 and we lived in Port St. Joe, a town of 5,000 people, and there  
6243 were two businesses there, the St. Joe Paper Company and  
6244 commercial fishing.  
6245  
6246 Joe grew up knowing all of the commercial fishing people and  
6247 working with them. I know he was very good friends, and still  
6248 is, with members of the Raffield Family. He grew up  
6249 sportfishing and he knows this business from his childhood and  
6250 then he went to school and studied marine biology and he knows  
6251 that and he's been in the shrimp industry and Joe has got the  
6252 background.  
6253  
6254 He comes to the meetings prepared and I wanted to nominate him,

6255 but I did want to make those comments and I think Joe would be  
6256 an excellent Vice Chairman.

6257

6258 **CHAIRMAN WALKER:** Any other nominations?

6259

6260 **MS. BELL:** I would like to nominate Kay Williams and I need a  
6261 second first.

6262

6263 **DR. CLAVERIE:** Second.

6264

6265 **MS. BELL:** I would like to say a few words. I've known Kay for  
6266 a number of years, going back to the AP panels, and she comes  
6267 from a commercial background primarily. I though don't think  
6268 that necessarily just reflects who she looks out for. She's a  
6269 good consensus builder and she's great at running a meeting. I  
6270 think that's pretty important and I think she would make a great  
6271 Vice Chair. She's definitely got the time to devote to it and  
6272 the interest. Thank you.

6273

6274 **CHAIRMAN WALKER:** Any other nominations? Can I have a motion to  
6275 close nominations? Mr. Riechers and seconded by Mr. Minton.  
6276 Any opposition to closing nominations? Have we got the ballots  
6277 ready?

6278

6279 (Whereupon, the ballots for Vice Chairman were counted.)

6280

6281 **CHAIRMAN WALKER:** Congratulations, Vice Chairman Hendrix. I  
6282 don't think there's any more business to come before the  
6283 council. All of the written reports should be turned in.

6284

6285 **MR. MINTON:** I would like to request that council prepare a  
6286 hotel evaluation form which will be distributed to the members  
6287 so that when we go around we can talk about things we like,  
6288 things we didn't like, and this could be compiled in the office  
6289 so we can avoid either going back to places or certainly go to  
6290 them. Just so we'll have it on some kind of record and  
6291 continuity over time.

6292

6293 **CHAIRMAN WALKER:** So you want the council members to grade the  
6294 hotels that they've stayed in.

6295

6296 **MR. BROWN:** Madam Chair, I just wanted to - I just got a note  
6297 passed to me that John Roussel is the new chair of the Gulf  
6298 States Marine Fisheries Commission and their next meeting will  
6299 be in March, the week of the 14<sup>th</sup>, at Point Clear Grande Hotel.

6300

6301 **MS. WILLIAMS:** I would like to know if we have paid for maid  
6302 service before I get ready to check out since I haven't had maid

6303 service, just so I'll know what to say at the desk.  
6304

6305 **CHAIRMAN WALKER:** Cathy arranged for all of the rooms to have  
6306 maid service at a cost of \$11.00 for the week per room. I know  
6307 they've come in my room twice and I got clean towels, but that's  
6308 - Let's have a show of hands before we leave. How many never  
6309 had their rooms cleaned at all?

6310  
6311 **MS. CATHY READINGER:** We're not going to be charged.  
6312

6313 **CHAIRMAN WALKER:** We're not going to be charged. Cathy has  
6314 informed us there will not be a charge and so check your bills  
6315 and make sure you are not charged the \$11.00 whenever you check  
6316 out. Again, thank you for a good meeting.  
6317

6318 **DR. CLAVERIE:** Vernon and you thanked Steve for the CD and he  
6319 has his earphones on and didn't hear that and I wish you would  
6320 do that again when he doesn't have his earphones on.  
6321

6322 **CHAIRMAN WALKER:** Yes, Steve. You did have your earphones on  
6323 when Vernon and I were bragging about the job that you did in  
6324 putting the agenda and all the documents on CD. The council  
6325 very much appreciates your efforts in doing that.  
6326

6327 **MR. WILLIAMS:** Steve, I don't know if you were the one that got  
6328 the wireless service in here this time, but if you were, you're  
6329 to be congratulated on that too. But do it every meeting from  
6330 now on.  
6331

6332 **MR. ATRAN:** The wireless wasn't me, but I did do the CDs. Thank  
6333 you.  
6334

6335 **MR. BROWN:** I would like to extend thanks to the staff for  
6336 having tabs for the books this time.  
6337

6338 **CHAIRMAN WALKER:** Thank you very much. That was one of the  
6339 requests that I had made of them and they've got it worked out  
6340 now and it's going to be even better next time I understand.  
6341 Thank you very much for a good meeting. We're adjourned.  
6342

6343 (Whereupon, the meeting was adjourned at 4:20 o'clock p.m.,  
6344 October 14, 2004.)  
6345

6346 - - -  
6347

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6443

PAGE 8: Motion to reconvene a joint SSC meeting to review the Mackerel SEDAR work product. Motion carried on page 10.

PAGE 32: Motion that a.) maps defining EFH for each FMP and b.) a map showing the existing closed areas listed in Table 1 be included in the public hearing draft of the EFH Amendment. Motion carried on page 32.

PAGE 32: Motion that two options, large and small boxes, for enclosing northwestern Gulf coral areas in HAPCs be included in the public hearing draft of the EFH Amendment. Motion carried on page 33.

PAGE 33: Motion that the range for maximum permitted weights be from eight ounces to two pounds for the public hearing draft of the EFH Amendment. Motion carried on page 34.

PAGE 36: Motion that the discipline policy indicated in Tab I, Number 2 revised, with the above noted changes to be incorporated in the council's SOPPs. Motion carried on page 36.

PAGE 36: Motion to accept the SEDAR Process and Panel Pool language as indicated in Tab I, Number 3, that is to be inserted in the appropriate section of the SOPPs. Motion carried on page 36.

PAGE 37: Motion that the council submit the SOPPs as revised to NOAA for consideration. Motion carried on page 37.

PAGE 38: Motion to approve the budgets for calendar years 2005 through 2009, as listed in Tab L, Numbers 3a through 3f. Motion carried on page 39.

PAGE 40: Motion that we change the word from "active" on the permits to "valid permits." Motion carried on page 40.

PAGE 40: Motion that Alternative 4 be the preferred alternative for Action 1. Motion carried on page 40.

PAGE 40: Motion to send Amendment 15 to the Coastal Migratory Pelagics FMP to public hearings. Motion carried on page 40.

PAGE 41: Motion that Alternative 4 be the preferred alternative for Action 1. Motion carried on page 41.

PAGE 41: Motion to send Amendment 24 to the Reef Fish FMP to

6444 public hearings. Motion carried on page 41.  
6445  
6446 PAGE 57: Motion that we write a letter to Dr. Crabtree asking  
6447 him for an emergency rule to reopen the application period for  
6448 the charter/headboat moratorium in the Gulf for sixty days based  
6449 upon economic harm so long as the affected vessels demonstrate  
6450 eligibility based upon the original criteria of permit  
6451 application and some dependence on charter/headboat fishing in  
6452 the Gulf. Motion carried on page 59.  
6453  
6454 PAGE 59: Motion to recommend approval of Actions 10 and 11 to  
6455 the council. Motion carried on page 59.  
6456  
6457 PAGE 59: Motion that Option 2 under Alternative 8A be moved the  
6458 appendix as an alternative that was considered but rejected.  
6459 Motion carried on page 59.  
6460  
6461 PAGE 60: Motion that Option 1 of Alternative 8B be revised to  
6462 read as follows: Improve the shrimping effort data by requiring  
6463 that all shrimp vessels operating in the EEZ participate in an  
6464 electronic logbook program administered by NMFS to adequately  
6465 determine the amount and location of effort that is occurring in  
6466 the shrimp fishery of the EEZ. Vessel permits will not be  
6467 renewed for vessels that do not participate in the electronic  
6468 logbook program established by NMFS. Motion carried on page 60.  
6469  
6470 PAGE 63: Motion to send that letter with the following  
6471 editorial changes. The first change is page 3, paragraph 3,  
6472 line 3, change "Pully" to "Pulley's" and line 6, change "Bright"  
6473 to "Rankin-Bright." Page 4, Action 3, change last sentence to  
6474 read as follows: "As previously stated, the council is in the  
6475 process of developing an amendment prohibiting trawling, traps  
6476 and pots, and bottom longline and buoy gear on coral habitat in  
6477 the Gulf EEZ and protecting coral resources under its EFH  
6478 program." The second change is page 4, last paragraph, line 9,  
6479 add after "weather" insert "in shallow water." Motion carried  
6480 on page 63.  
6481  
6482 PAGE 65: Motion that the council recommend status quo for  
6483 Section 3.4 due to questions about confidentiality of data.  
6484 Motion carried on page 66.  
6485  
6486 PAGE 66: Motion that the council recommend status quo for  
6487 Sections 4.1 and 4.2, due to a preference that precautionary  
6488 principles be invoked in managing swordfish stocks. Motion  
6489 carried on page 66.  
6490  
6491 PAGE 67: Motion that the council pass along the AP and SSC

6492 recommendations, which are don't have a gillnet fishery, with a  
6493 note that the recommendation to not allow the gillnet gear in  
6494 the Gulf of Mexico for shark fishing applies to EEZ waters only.  
6495 Motion carried on page 67.  
6496  
6497 PAGE 67: Motion that the council recommend that circle hooks be  
6498 required for live bait only and that the hooks have no offset.  
6499 Motion carried on page 68.  
6500  
6501 PAGE 68: Motion that the council recommend again, if there's  
6502 going to be time and area closures in the Gulf, that it be for  
6503 the entire Gulf EEZ. Motion failed on page 71.  
6504  
6505 PAGE 74: Motion that the council recommend that if an online  
6506 internet reporting system is established, the telephone call-in  
6507 system continue to be used as an alternative for persons who are  
6508 concerned about confidentiality issues with the internet.  
6509 Motion carried on page 74.  
6510  
6511 PAGE 74: Motion that council recommend that any changes made  
6512 under Section 6.4 - Artisinal Fishery, that's down in the  
6513 Caribbean, should not impact the 250 billfish allowance or any  
6514 other Gulf of Mexico fishery since the artisinal fishery is  
6515 essentially a commercial harvest. Motion carried on page 74.  
6516  
6517 PAGE 78: Motion that instead of requiring all tournaments to  
6518 report both catch and effort, to require all tournaments to  
6519 report landings and selected tournaments to report effort.  
6520 Motion carried on page 78.  
6521  
6522 PAGE 78: Motion that the SSC recommendations for Section 9.3  
6523 and 9.4 be forwarded to NMFS, but with the elimination of the  
6524 sentence that states, "The Gulf Council needs to be politically  
6525 active to get observer program funds in this region." Motion  
6526 carried on page 78.  
6527  
6528 PAGE 79: Motion that the council comment that they are opposed  
6529 to making the workshops in Section 10 mandatory. Motion carried  
6530 on page 79.  
6531  
6532 PAGE 79: Motion that the council oppose adding the use of green  
6533 sticks to the list of authorized gear for HMS. Motion carried  
6534 on page 80.  
6535  
6536 PAGE 80: Motion that we request NMFS to add spearfishing as an  
6537 approved gear for HMS. Motion carried on page 81.  
6538  
6539 PAGE 81: Motion that the council strongly recommends that the

6540 Billfish FMP and the HMS FMP be kept separate. Motion carried  
6541 on page 82.  
6542

6543 PAGE 82: Motion the council comment that in Section 14.6 the  
6544 council approves Option 2 (reopen the application process for  
6545 artisinal fishermen in the Caribbean) provided it does not  
6546 affect fisheries in the Gulf of Mexico. Motion carried on page  
6547 82.  
6548

6549 PAGE 83: Motion that data and research need recommendations  
6550 identified by SSC members be forwarded to the HMS Division.  
6551 Motion carried on page 84.  
6552

6553 PAGE 84: Motion to add as a research item on our research list  
6554 research on circle hooks used with and without an offset as to  
6555 billfish, tunas, and sharks. Motion carried on page 86.  
6556

6557 PAGE 86: Motion to forward the AP and SSC recommendations  
6558 listed in the draft letter to HMS Division as their  
6559 recommendations without council comment. Motion carried on page  
6560 86.  
6561

6562 PAGE 87: Motion that we send this letter to Dr. Hogarth as  
6563 included here. Motion carried on page 88.  
6564

6565 PAGE 91: Motion that Amendment 23 be forwarded to the National  
6566 Marine Fisheries Service for review and approval. Motion  
6567 carried on page 99.  
6568

6569 PAGE 100: Motion that Amendment 18A will continue with all the  
6570 alternatives except 5.1.1, Shallow-Water Grouper Endorsement;  
6571 5.1.2, Endorsement for Use of Longline/Drift Buoy Gear; 5.1.3,  
6572 Transfer of Eligibility Criteria; 5.1.4, Transferability of  
6573 Endorsements; 5.1.5, Appeals Process for Initial Issuance of  
6574 Endorsements; 5.2.1, Dormant Commercial and Charter Vessel Reef  
6575 Fish Permits; and 5.4.1, Longline and Buoy Gear Phase-out.  
6576 Motion carried on page 102.  
6577

6578 PAGE 102: Motion that the council start a new amendment that  
6579 looks at alternatives of using an IFQ in the commercial grouper  
6580 fishery in lieu of the management alternatives that were just  
6581 removed from Amendment 18A. Motion carried on page 104.  
6582

6583 PAGE 105: Motion that in order to discourage acceleration in  
6584 the grouper fishery to develop catch history, the council  
6585 records its intent to only use catch histories prior to October  
6586 15, 2004 when developing a grouper IFQ. The council requests  
6587 NOAA Fisheries to publish this as a control date. Motion

6588 carried on page 106.

6589

6590 PAGE 108: Motion that the council instruct staff to go forward  
6591 with a regulatory amendment in 2005 to implement 2006 grouper  
6592 TAC revisions. Motion carried on page 109.

6593

6594 PAGE 110: Motion to go forward with an emergency rule to  
6595 establish trip limits in deep-water and shallow-water grouper  
6596 complex for 2005. Motion failed on page 120.

6597

6598 PAGE 124: Motion that we include in the proposed regulatory  
6599 amendment for grouper options for shallow-water and deep-water  
6600 grouper trip limits. Carried on page 124.

6601

6602

- - -