

Tab E, No. 1

REVISED

AGENDA

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

JOINT REEF FISH/MACKEREL MANAGEMENT COMMITTEES

ADAMS MARK HOTEL

SIESTA PAVILLION

SAN ANTONIO, TEXAS

MONDAY, MARCH 20, 2000

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

- I. Adoption of Agenda - Minton/R. Williams
- II. Approval of Minutes (**Tab E, No. 2**) - Minton/R. Williams
- III. Ad Hoc Charter Vessel/Headboat AP Recommendations (**Tab E, No. 4**)
 - a. Presentation - Zales/Swingle
 - b. Committees' Recommendations - Minton/R. Williams
- IV. Subsequent Amendment Actions (**Tab E, No. 6**)
 - a. Presentation - Swingle
 - b. Committees' Recommendations - Minton/R. Williams
- V. Other Business - Minton/R. Williams

Members:

Reef Fish Committee:

Minton, Chairman
K. Williams, V. Chairman
Fensom
Hogarth/Designee
Horn
Jernigan
Osburn/Riechers

Mackerel Committee:

R. Williams, Chairman
Fischer, V. Chairman
Jernigan
Lessard
Minton/Heath
K. Williams
Woods/Perret



TAB E NO. 3

2/23/00

CORRECTED COPY

Draft Amendment

for a

Charter Vessel/Headboat Permit Moratorium

Amending the:

Reef Fish Fishery Management Plan

and

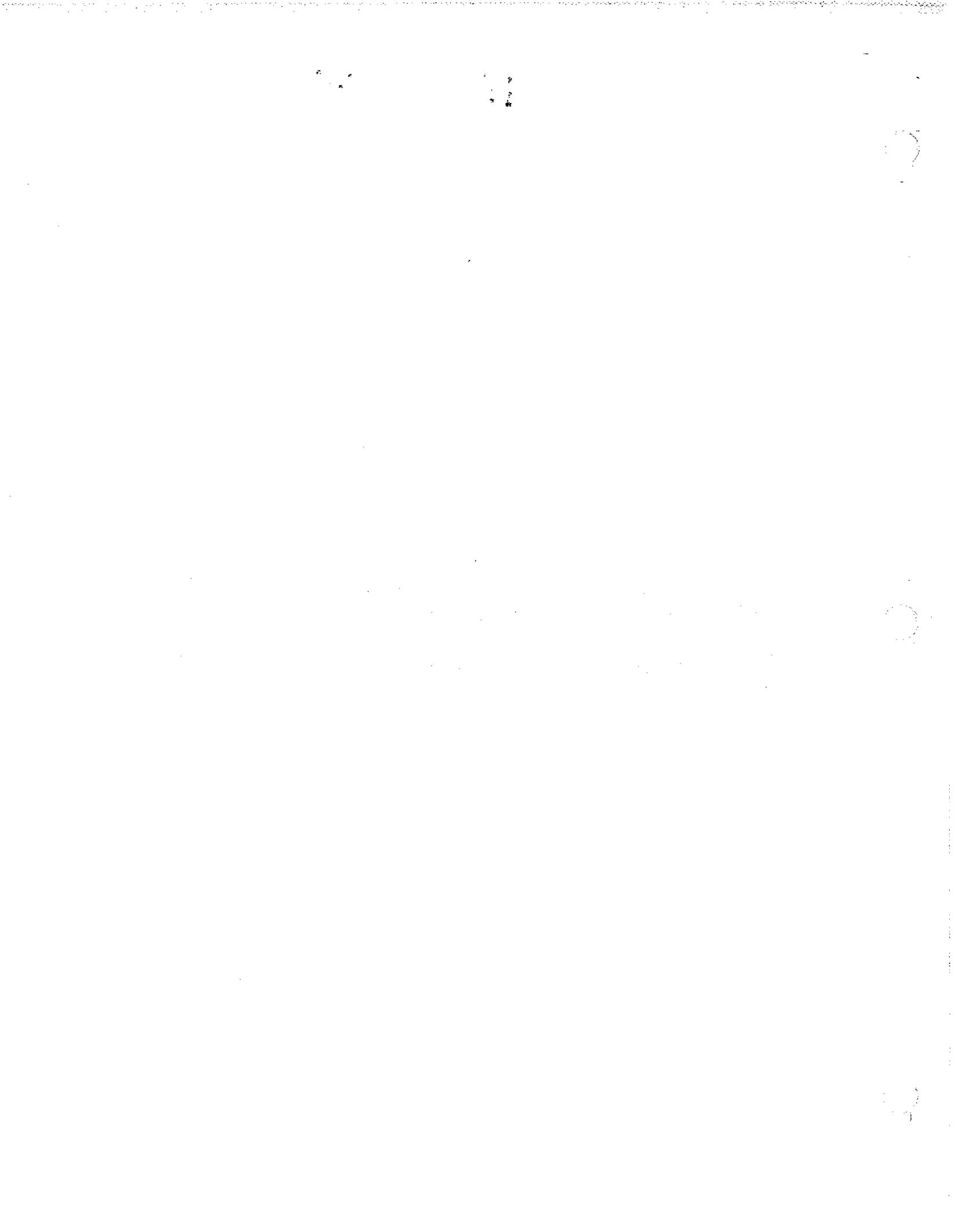
Coastal Migratory Pelagics Fishery Management Plan



**Gulf of Mexico Fishery Management Council
The Commons at Rivergate
3018 U.S. Highway 301 North
Suite 1000
Tampa, Florida 33619-2266
Telephone: (813) 228-2815
Fax: (813) 225-7015
Toll-free 888-833-1844
e-mail: gulfcouncil@gulfcouncil.org**

December 1999

This is a publication of the Gulf of Mexico Fishery Management Council pursuant to National Oceanic and Atmospheric Administration Award No. NA97FC0010.



CONTENTS
Generic Reef Fish/Coastal Migratory Pelagics Amendment
for a
Charter Vessel/Headboat Permit Moratorium

1.0	<u>INTRODUCTION</u>	1
2.0	<u>HISTORY OF MANAGEMENT</u>	2
2.1	<u>Reef Fish Fishery</u>	2
2.1.1	FMP Amendments	2
2.1.2	Regulatory Amendments	8
2.2	<u>Coastal Migratory Pelagics Fishery</u>	11
2.2.1	FMP Amendments	12
2.2.2	Regulatory Amendments	15
3.0	<u>PURPOSE AND NEED FOR ACTION</u>	19
4.0	<u>PROBLEMS REQUIRING A PLAN AMENDMENT</u>	20
5.0	<u>PROPOSED ACTIONS</u>	20
6.0	<u>MORATORIUM ON CHARTER VESSEL/HEADBOAT PERMITS</u>	21
A.	<u>Duration of the Moratorium</u>	22
B.	<u>Initial Eligibility Requirements for Permits</u>	29
C.	<u>A New Gulf Permit for the Coastal Migratory Pelagics Fisheries</u>	34
D.	<u>Permit Transfers During the Moratorium</u>	38
E.	<u>Vessel Size Restrictions on Permit Transfers</u>	40
F.	<u>Re-Issuance of Permits Not Renewed (or Permanently Revoked)</u>	48
G.	<u>Appeals Process Under Moratorium</u>	51
7.0	<u>CHARTER VESSEL REPORTING</u>	54
7.1	Reporting	54
7.2	Permit Condition	56
8.0	<u>REGULATORY IMPACT REVIEW</u>	58
8.1	Introduction	58
8.2	Problems and Objectives	58
8.3	Methodology and Framework for Analysis	58
8.4	Impacts of Management Measures	59
8.5	Public and Private Costs of Regulations	59
8.6	Summary of Economic Impacts	60
8.7	Determination of Significant Regulatory Action	61
8.8	Determination of the Need for an Initial Regulatory Flexibility Analysis	61

9.0	<u>ENVIRONMENTAL ASSESSMENT</u>	63
9.1	Effects on Physical, Human, Fishery, and Wetlands Environments	64
9.2	Effect on Endangered Species and Marine Mammals	64
9.3	Conclusion	64
9.4	Finding of No Significant Environmental Impact	64
10.0	<u>OTHER APPLICABLE LAW</u>	64
10.1	Habitat Concerns	64
10.2	Vessel Safety Considerations	65
10.3	Coastal Zone Consistency	65
10.4	Paperwork Reduction Act	65
10.5	Federalism	66
11.0	<u>LIST OF AGENCIES AND PERSONS CONSULTED</u>	66
12.0	<u>PUBLIC HEARING LOCATIONS AND DATES</u>	67
13.0	<u>LIST OF PREPARERS</u>	67
14.0	<u>REFERENCES</u>	68
15.0	<u>TABLES</u>	70

1.0 INTRODUCTION

Some of the numerical data have been corrected and are in bold in the text and tables. The recreational fisheries in the Gulf region are larger than other east coast regions in terms of landings and participants. During 1995 and 1996, an average of about 4.0 million persons participated in marine recreational fishing in the Gulf states (NMFS 1997) (Page Campbell, TPWD, pers. comm). They made approximately 26.7 million trips annually and landed approximately 205 million pounds of fish. Marine recreational fishermen in the Gulf states spent \$3.5 billion and created an overall economic impact of \$7.0 billion (ASFA, 1997).

In the Gulf region there are **currently** about **3,220** recreational for-hire vessels (**GSMFC 1999 data; TPWD 1999 data**). This includes headboats, charter boats, and smaller guide boats. The headboats and most of the charter boats typically fish offshore. Many of the guide boats fish the estuaries and tidal coastal flats. Dive boats, whose clientele harvest fish, are included in these licensed boats while dive boats that never harvest fish are not. The recreational for-hire boats contribute significantly to the economies of many fishing communities.

These **3,220** licensed recreational for-hire vessels were distributed as follows by state: Florida (**64.2** percent), Texas (**18.0** percent), Louisiana (**11.7** percent), Alabama (**4.6** percent), and Mississippi (**1.5** percent). The most recent censuses of charter vessels and headboats in 1998 for the Gulf region indicated that there were **1,275** charter vessels and **92** headboats (Holland 1998). These census data (Table 1), as contrasted with data in GMFMC (1999), indicate that for Florida, Texas, and Louisiana, a significant portion of the recreational for-hire vessels were likely guide boats. Data in Table 1 indicate the number of charter vessels increased by **31** percent between 1988 and 1998, and by **147** percent between 1981 and 1998, whereas the number of headboats declined by **5** and **2** percent, respectively, for the same periods. Browder, et. al. (1978) documented a decline in headboats in Florida by 20 percent between early 1960's and 1977.

The number of **individual angler** charter vessel trips in the Gulf increased by **51** percent between **the periods 1982 - 1992 and 1993 - 1998 (Figure 1 from SEP 1999)**.

Amendment 2 to the Coastal Migratory Pelagic Fishery Management Plan (FMP) (implemented in 1987) required that charter vessels and headboats fishing in the exclusive economic zone (EEZ) of the Gulf or South Atlantic have permits. Amendment 11 to the Reef Fish FMP (implemented in 1996) required that charter vessels and headboats fishing in the Gulf EEZ have permits. The National Marine Fisheries Service (NMFS) permit records provided in **January 2000** indicated that **1,216** vessels fishing from Gulf ports, including the Florida Keys, had the coastal migratory pelagics permit and **1,171** vessels had the reef fish permit (Tables 3 and 4). The number of permitted vessels is less than that documented (**1,367** vessels) in Table 1 by Holland (1998) **in the charter vessel surveys** but of those vessels some fish within state waters rather than the EEZ.

2.0 HISTORY OF MANAGEMENT

2.1 Reef Fish Fishery

2.1.1 FMP Amendments

The Reef Fish Fishery Management Plan (FMP) was implemented in November, 1984. The regulations, designed to rebuild declining reef fish stocks, included: (1) prohibitions on the use of fish traps, roller trawls, and powerhead-equipped spear guns within an inshore stressed area; (2) a minimum size limit of 13 inches total length (TL) for red snapper with the exception that for-hire boats were exempted until 1987 and each angler could keep 5 undersize fish; and, (3) data reporting requirements.

The NMFS has collected commercial landings data since the early 1950's, recreational harvest data since 1979, and in 1984 initiated a dockside interview program to collect more detailed data on commercial harvest. The first red snapper assessment in 1988 indicated that red snapper was significantly overfished and that reductions in fishing mortality rates (F) of as much as 60 to 70 percent were necessary to rebuild red snapper to a recommended 20 percent spawning potential ratio (SPR). The 1988 assessment also identified shrimp trawl bycatch as a significant source of mortality.

Amendment 1 to the Reef Fish Fishery Management Plan, implemented in 1990, set as a primary objective of the FMP the stabilization of long-term population levels of all reef fish species by establishing a survival rate of biomass into the stock of spawning age to achieve at least 20 percent spawning stock biomass per recruit (SSBR), relative to the SSBR that would occur with no fishing. It set a red snapper 7-fish recreational bag limit and 3.1 million pound commercial quota that together were to reduce fishing mortality by 20 percent and begin a rebuilding program for the stock. This amendment also established a 5-fish recreational bag limit and 11.0 million pound commercial quota¹ for groupers, with the commercial quota divided into a 9.2 million pound shallow-water quota and a 1.8 million pound deep-water quota. A framework procedure for specification of total allowable catch (TAC) was created to allow for annual management changes, and a target date for achieving the 20 percent SSBR goal was set at January 1, 2000. This amendment also established a longline and buoy gear boundary inshore of which the directed harvest of reef fish with longlines and buoy gear was prohibited, and the retention of reef fish captured incidentally in other longline operations (e.g. shark) was limited to the recreational bag limit. Subsequent changes to the longline/buoy boundary could be made through the framework procedure for specification of TAC.

¹ These values have been subsequently modified to correct for revisions adopted in the gutted to whole weight ratio. Historically, the conversion ratio used was 1.18, subsequently, the ratio has been corrected and 1.05 is used. This results in these values being 9.8, 8.2 and 1.6 million pounds respectively, for total, shallow-water and deep-water grouper quotas (e.g., $11.0 \div 1.18 \times 1.05 = 9.8$). There is no impact on the commercial fishery from the revision as fish have always been reported in gutted weight and that data is transformed to whole weight for NMFS records.

Amendment 2, implemented in 1990, prohibited the harvest of jewfish to provide complete protection for this species in federal waters in response to indications that the population abundance throughout its range was greatly depressed. This amendment was initially implemented by emergency rule.

In November, 1990, NMFS announced that anyone entering the commercial reef fish fishery in the Gulf of Mexico and South Atlantic after a control date of November 1, 1989 may not be assured of future access to the reef fish fishery if a management regime is developed and implemented that limits the number of participants in the fishery. The purpose of this announcement was to establish a public awareness of potential eligibility criteria for future access to the reef fish resource, and does not prevent any other date for eligibility or other method for controlling fishing effort from being proposed and implemented.

At the direction of the Council, the Reef Fish Scientific Assessment Panel met in March 1990 and reviewed the 1990 NMFS Red Snapper Stock Assessment. The recommendation of the panel at that time was to close the directed fishery because the allowable biological catch (ABC) was being harvested as bycatch of the shrimp trawl fishery. No viable alternatives were identified that would achieve the 20 percent SPR goal by the year 2000 without closure of the directed fishery; because no means existed for reducing trawl bycatch. As a result, **Amendment 3**, implemented in July 1991, provided additional flexibility in the annual framework procedure for specifying TAC by allowing the target date for rebuilding an overfished stock to be changed depending on changes in scientific advice, except that the rebuilding period cannot exceed 1.5 times the generation time of the species under consideration. It revised the FMP's primary objective, definitions of optimum yield and overfishing and framework procedure for TAC by replacing the 20 percent SSB target with 20 percent spawning potential ratio (SPR). The amendment also transferred speckled hind from the shallow-water grouper quota category to the deep-water grouper quota category and established a new target year for recovery of the red snapper stock to the 20 percent SPR goal of 2007.

The 1992 commercial red snapper fishery opened on January 1 and closed after just 53 days when a derby fishery developed and the quota was quickly filled. An emergency rule, implemented in 1992 by NMFS at the request of the Council, reopened the red snapper fishery from April 3, 1992 through May 14, 1992 with a 1,000 pound trip limit. This rule was implemented to alleviate economic and social upheavals that occurred as a result of the 1992 red snapper commercial quota being rapidly filled. Although this emergency rule resulted in a quota overrun of approximately 600,000 pounds, analysis by NMFS biologists determined that this one time overrun would not prevent the red snapper stock from attaining its target 20 percent SPR.

Amendment 4, implemented in May 1992, established a moratorium on the issuance of new reef fish permits for a maximum period of three years. The moratorium was created to moderate short-term future increases in fishing effort and to attempt to stabilize fishing

mortality while the Council considers a more comprehensive effort limitation program. It allows the transfer of permits between vessels owned by the permittee or between individuals when the permitted vessel is transferred. Amendment 4 also changed the time of the year that TAC is specified from April to August and included additional species in the reef fish management unit.

Amendment 5, implemented in February 1994, established restrictions on the use of fish traps in the Gulf of Mexico exclusive economic zone (EEZ); implemented a three year moratorium on the use of fish traps by creating a fish trap endorsement and issuing the endorsement only to fishermen who had submitted logbook records of reef fish landings from fish traps between January 1, 1991 and November 19, 1992; created a special management zone (SMZ) with gear restrictions off the Alabama coast; created a framework procedure for establishing future SMZ's; required that all finfish except for oceanic migratory species be landed with head and fins attached; established a schedule to gradually raise the minimum size limit for red snapper to 16 inches over a period of five years; and closed the region of Riley's Hump (near Dry Tortugas, Florida) to all fishing during May and June to protect mutton snapper spawning aggregations.

An Emergency Rule effective December 30, 1992 created a red snapper endorsement to the reef fish permit for the start of the 1993 season. The endorsement was issued to owners or operators of federally permitted reef fish vessels who had annual landings of at least 5,000 pounds of red snapper in two of the three years from 1990 through 1992. For the duration of the emergency rule, while the commercial red snapper fishery was open, permitted vessels with red snapper endorsements were allowed a 2,000 pound possession limit of red snapper, and permitted vessels without the endorsement were allowed 200 pounds. This emergency action was initially effective for 90 days, and was extended for an additional 90 days with the concurrence of NMFS and the Council. A related emergency rule delayed the opening of the 1993 commercial red snapper season until February 16 to allow time for NMFS to process and issue the endorsements.

Amendment 6, implemented in June, 1993, extended the provisions of the emergency rule for red snapper endorsements for the remainder of 1993 and 1994, unless replaced sooner by a comprehensive effort limitation program. In addition, it allowed the trip limits for qualifying and non-qualifying permitted vessels to be changed under the framework procedure for specification of TAC.

Amendment 7, implemented in February 1994, established reef fish dealer permitting and record keeping requirements; allowed transfer of fish trap permits and endorsements between immediate family members during the fish trap permit moratorium; and allowed transfer of other reef fish permits or endorsements in the event of the death or disability of the person who was the qualifier for the permit or endorsement. A proposed provision of this amendment that would have required permitted vessels to sell harvested reef fish only to permitted dealers was disapproved by the Secretary of Commerce and was not implemented.

Amendment 8, which proposed establishment of a red snapper Individual Transferable Quota (ITQ) system, was approved by NMFS and final rules were published in the Federal Register on November 29, 1995. This amendment provided for an initial allocation of percentage shares of the commercial red snapper quota to vessel owners and historical operators based on fishermen's historical participation in the fishery during the years 1990-1992. It also set a four year period for harvest under the ITQ system, during which time the Council and NMFS would monitor and evaluate the program and decide whether to extend, terminate or modify it. Amendment 8 also established a special appeals board, created by the Council, to consider requests from persons who contest their initial allocations of shares or determination of historical captains. The appeals board was originally scheduled to meet during January 1996, and the ITQ system itself was to become operational in April 1996. However, the federal government shutdown of December 1995- January 1996 forced an indefinite postponement of the appeals board meetings, and concerns about Congressional funding of the ITQ system made it inadvisable for the ITQ system to become operational, pending Congressional action. In October 1996, Congress, through re-authorization of the Magnuson-Stevens Act, repealed the red snapper ITQ system and prohibited Councils from submitting, or NMFS from approving and implementing, any new individual fishing quota program before October 1, 2000.

Amendment 9, implemented in July 1994, provided for collection of red snapper landings and eligibility data from commercial fishermen for the years 1990 through 1992. The purpose of this data collection was to evaluate the initial impacts of the limited access measures being considered under Amendment 8 and to identify fishermen who may qualify for initial participation under a limited access system. This amendment also extended the reef fish permit moratorium and red snapper endorsement system through December 31, 1995, in order to continue the existing interim management regime until longer term measures could be implemented. The Council received the results of the data collection in November 1994, at which time consideration of Amendment 8 resumed.

Withdrawn **Amendment 10** would have extended the validity of additional fish trap endorsements for the duration of the fish trap moratorium that was implemented under Amendment 5. These additional endorsements were to have been issued under an emergency rule, requested in March 1994, to alleviate economic hardships after the Council heard from fishermen who entered the fish trap fishery after the November 19, 1992 cutoff date and stated that they were unaware of the impending moratorium. The Council rejected the proposed amendment in May 1994 after NMFS stated that it had notified fishermen of the pending moratorium and fish trap endorsement criteria during the time between Council final action and NMFS implementation if they asked about fish trap rules or if they requested application materials and NMFS was aware that it was for purposes of entering the fish trap fishery. The Council also considered arguments that the change in qualifying criteria circumvented the intent of the fish trap moratorium to halt expansion of the fish trap fishery at the November 19, 1992 level. After the Council rejected Amendment 10, NMFS subsequently rejected the emergency request.

Amendment 11 was partially approved by NMFS and implemented in January 1996. Approved provisions included (1) limit sale of Gulf reef fish by permitted vessels to permitted reef fish dealers; (2) require that permitted reef fish dealers purchase reef fish caught in Gulf federal waters only from permitted vessels; (3) allow transfer of reef fish permits and fish trap endorsements in the event of death or disability; (4) implement a new reef fish permit moratorium for no more than 5 years or until December 31, 2000, while the Council considers limited access for the reef fish fishery; (5) allow permit transfers to other persons with vessels by vessel owners (not operators) who qualified for their reef fish permit; (6) allow a one time transfer of existing fish trap endorsements to permitted reef fish vessels whose owners have landed reef fish from fish traps in federal waters, as reported on logbooks received by the Science and Research Director of NMFS from November 20, 1992 through February 6, 1994; and (7) establish a charter vessel/head boat permit. NMFS disapproved a proposal to redefine Optimum Yield (OY) from 20 percent SPR (the same level as overfishing) to an SPR corresponding to a fishing mortality rate of $F_{0.1}$ until an alternative operational definition that optimizes ecological, economic, and social benefits to the Nation could be developed. In April 1997, the Council resubmitted the OY definition with a new proposal to redefine OY as 30 percent SPR. The re-submission document was disapproved by NMFS in April 1998, when NMFS determined that an OY target of 30 percent SPR would risk overfishing of 15 species that change sex and are believed, by NMFS, to be less resilient to overfishing as they mature. A new OY target was developed as part of the Council's Generic Amendment to implement new provisions of the Sustainable Fisheries Act of 1996.

Following the Congressional repeal of the red snapper ITQ system in Amendment 8, an emergency interim action was published in the *Federal Register* on January 2, 1996 to extend the red snapper endorsement system for 90 days. That emergency action was superseded by another emergency action, published in the *Federal Register* on February 29, 1996, that extended the red snapper endorsement system through May 29, 1996, and subsequently, by agreement of NMFS and the Council, for an additional 90 days until August 27, 1996.

Amendment 12, submitted in December 1995 and implemented in January 1997, reduced the greater amberjack bag limit from 3 fish to 1 fish per person, and created an aggregate bag limit of 20 reef fish for all reef fish species not having a bag limit. The NMFS disapproved a proposed provision, for the commercial sector, to cancel the automatic red snapper size limit increases to 15 inches TL in 1996 and 16 inches TL in 1998; NMFS also disapproved, for the recreational sector, a proposal to include lesser amberjack and banded rudderfish along with greater amberjack in an aggregate 1-fish bag limit and 28-inch fork length (FL) minimum size limit.

Amendment 13, implemented in September 1996, further extended the red snapper endorsement system through the remainder of 1996 and, if necessary, through 1997, in order to give the Council time to develop a permanent limited access system that was in compliance with the new provisions of the Magnuson-Stevens Act.

In late 1996 the Reef Fish Stock Assessment Panel (RFSAP) reviewed a new stock assessment on vermilion snapper and concluded that the vermilion snapper fishery in the Gulf of Mexico, while not currently overfished, was showing typical signs of overfishing. Given that SPR was decreasing at current fishing rates and that the proposed optimum yield level is 30 percent SPR, the RFSAP recommended that fishing mortality be reduced to a rate corresponding to $F_{30\% SPR}$, or $F = 0.32$. The RFSAP did not have sufficient information to assess the impact of closed seasons or other measures, but suggested that a 10-inch TL minimum size limit would be an effective intermediate measure until a new stock assessment and additional analysis could be completed. In March 1997, the Council requested that NMFS increase the minimum size limit from 8 inches TL to 10 inches TL under the new interim measures provision of the Magnuson-Stevens Act, while a permanent increase to 10 inches TL was developed through Amendment 15.

Amendment 14, implemented in March and April, 1997, provided for a 10 year phase-out for the fish trap fishery; allowed transfer of fish trap endorsements for the first two years and thereafter only upon death or disability of the endorsement holder, to another vessel owned by the same entity, or to any of the 56 individuals who were fishing traps after November 19, 1992 and were excluded by the moratorium; and prohibited the use of fish traps west of Cape San Blas, Florida. The amendment also provided the Regional Administrator (RA) of NMFS with authority to reopen a fishery prematurely closed before the allocation was reached and modified the provisions for transfer of commercial reef fish vessel permits.

Amendment 15, implemented in January 1998, established of a permanent two-tier red snapper license limitation system to replace the temporary red snapper endorsement system. Under the new system, Class 1 licenses and initial 2,000 pound trip limits were issued to red snapper endorsement holders as of March 1, 1997, and Class 2 licenses and initial 200 pound trip limits were issued to other holders of reef fish permits as of March 1, 1997 who had any landings of red snapper between January 1, 1990 and March 1, 1997. Vessels with neither a Class 1 or Class 2 red snapper license were prohibited from commercial harvest of red snapper. Licences were made fully transferable. The commercial red snapper season was split in two, with two thirds of the quota allocated to a February 1 opening and the remaining quota to a September 1 opening; the commercial fishery would open from noon of the first day to noon of the fifteenth day of each month during the commercial season. Amendment 15 also prohibited harvest of reef fish from traps other than permitted reef fish traps, stone crab traps, or spiny lobster traps; permanently increased the vermilion snapper size limit from 8 inches TL to 10 inches TL; removed all species of sea basses, grunts and porgies from the Reef Fish FMP; closed the commercial greater amberjack fishery Gulfwide during the months of March, April and May; and removed sand perch and dwarf sand perch from the recreational 20-reef fish aggregate bag limit.

Amendment 16A, partially approved by NMFS in March, 1999. NMFS disapproved the proposed prohibition the use of fish traps south of 25.05 degrees north latitude after February 7, 2001. In the remaining areas where fish traps are allowed, the status quo 10-year phase-

out would be maintained. The amendment also proposed allowing spiny lobster and stone crab vessels with reef fish permits to retain reef fish, but it would prohibit the possession of reef fish displaying the condition of "trap rash" aboard any vessel except for vessels possessing a valid fish trap endorsement. In addition, the amendment proposed additional reporting requirements for fish trap vessels, and called for NMFS to design a vessel monitoring system for fish trap vessels, to be approved by the Council prior to implementation.

Amendment 16B, proposed a size limit of 14 to 22 inches FL and aggregate bag limit of 5 fish for banded rudderfish and lesser amberjack and excluded both species from the aggregate 20-fish bag limit. It proposed a 12-inch TL size limit for cubera snapper, dog snapper, mahogany snapper, schoolmaster, gray triggerfish, and hogfish. It proposed a 16-inch TL size limit for mutton snapper and scamp. It proposed a bag limit of 5 fish for hogfish and 1 fish per vessel for speckled hind and warsaw grouper and removed queen triggerfish from management under the FMP. The amendment was submitted to NMFS for implementation in January 1999 and approved in July 1999.

2.1.2 Regulatory Amendments

A March 1991 regulatory amendment reduced the red snapper TAC from 5.0 million pounds to 4.0 million pounds, allocated with a commercial quota of 2.04 million pounds and a 7-fish recreational daily bag limit (1.96 million pound recreational allocation) beginning in 1991. This amendment also contained a proposal by the Council to effect a 50 percent reduction of red snapper bycatch in 1994 by the offshore EEZ shrimp trawler fleet, to occur through the mandatory use of finfish excluder devices on shrimp trawls, reductions in fishing effort, area or season closures of the shrimp fishery, or a combination of these actions. This combination of measures was projected to achieve a 20 percent SPR by the year 2007. The 2.04 million pound quota was reached on August 24, 1991, and the red snapper fishery was closed to further commercial harvest in the EEZ for the remainder of the year. In 1992, the commercial red snapper quota remained at 2.04 million pounds. However, extremely heavy fishing effort and harvest rates, commonly referred to as a "derby fishery", ensued. The quota was filled in just 53 days, and the commercial red snapper fishery was closed on February 22, 1992.

A July 1991 regulatory amendment provided a one-time increase in the 1991 quota for shallow-water groupers from 9.2 million pounds to 9.9² million pounds. This action was taken to provide the commercial fishery an opportunity to harvest 0.7 million pounds that went unharvested in 1990 due to an early closure of the fishery. NMFS had projected the 9.2 million pound quota to be reached on November 7, 1990, but subsequent data showed that the actual harvest was 8.5 million pounds.

² The corrected 1991 quota, using the revised conversion factor, was 8.8 million pounds. The corrected 1990 actual harvest was 7.6 million pounds.

A November 1991 regulatory amendment raised the 1992 commercial quota for shallow-water groupers from 8.2 million pounds to 9.8 million pounds, after a red grouper stock assessment indicated that the red grouper SPR was substantially above the Council's minimum target of 20 percent, and the Council concluded that the increased quota would not materially impinge on the long-term viability of at least the red grouper stock.

An October 1992 regulatory amendment raised the 1993 red snapper TAC from 4.0 million pounds to 6.0 million pounds, allocated with a commercial quota of 3.06 million pounds and a recreational allocation of 2.94 million pounds (to be implemented by a 7-fish recreational daily bag limit). The amendment also changed the target year to achieve a 20 percent red snapper SPR from 2007 to 2009, based on the FMP provision that the rebuilding period may be for a time span not exceeding 1.5 times the potential generation time of the stock and an estimated red snapper generation time of 13 years (Goodyear 1992).

A withdrawn 1993 regulatory amendment would have moved the longline and buoy gear restricted area boundary off central and south-central Florida inshore from the 20 fathom isobath to the 15 fathom isobath for a one-year period beginning January 1, 1994. It was withdrawn at industry's request by the Council in January 1994 amid concerns that it would lead to a quota closure and a concern by the NMFS Southeast Fisheries Science Center (SEFSC) that there were inadequate experimental controls to properly evaluate the impact of the action.

An October 1993 regulatory amendment set the opening date of the 1994 commercial red snapper fishery as February 10, 1994, and restricted commercial vessels to landing no more than one trip limit per day. The purpose of this amendment was to facilitate enforcement of the trip limits, minimize fishing during hazardous winter weather, and ensure that the commercial red snapper fishery is open during Lent, when there is increased demand for seafood. The red snapper TAC was retained at the 1993 level of 6 million pounds, with a 3.06 million pound commercial quota and 2.94 million pound recreational allocation. The shallow-water grouper regulations were also evaluated but no change was made. The shallow-water grouper TAC, which previously had only been specified as a commercial quota, was specified as a total harvest of 15.1 million pounds (with 9.8 million pounds allocated to the commercial quota) and 20-inch TL minimum size limit for gag, red, Nassau, yellowfin and black grouper.

An October 1994 regulatory amendment retained the 6 million pound red snapper TAC and commercial trip limits and set the opening date of the 1995 commercial red snapper fishery as February 24, 1995. However, because the recreational sector exceeded its 2.94 million pound red snapper allocation each year since 1992, this regulatory amendment reduced the daily bag limit from 7 fish to 5 fish, and increased the minimum size limit for recreational fishing from 14 inches to 15 inches a year ahead of the scheduled automatic increase.

A rejected December 1994 regulatory amendment would have reduced the minimum size limit for red grouper from 20 inches TL to 18 TL inches in response to complaints from the commercial sector that regulations were too restrictive to allow them to harvest their quota of shallow-water grouper. The NMFS rejected the proposed action because of concern that it would result in the recreational sector exceeding its allocation. In March 1995 a revised regulatory amendment was submitted to NMFS that would reduce the red grouper minimum size limit to 18 inches TL for only the commercial sector. That regulatory amendment was rejected by NMFS because newly discovered biases in the growth rate data collected in recent years that resulted in uncertainty about the current status of the red grouper stock. Further analysis by NMFS biologists and the RFSAP reduced that uncertainty to the point where the status of red grouper stocks was determined to be most likely at or above 27 percent SPR, well above the overfishing threshold. In September 1995 a second revised regulatory amendment was submitted to NMFS to reduce the commercial red grouper minimum size limit to 18 inches TL. This second revision was rejected by NMFS because they felt it would create user conflicts, produce long-term economic losses to commercial fishermen, allow the harvest of juvenile fish, and potentially lead to the commercial quota being filled early and create a derby fishery.

A regulatory amendment to set the 1996 red snapper TAC, dated December 1995, raised the red snapper TAC from 6 million pounds to 9.12 million pounds, with 4.65 million pounds allocated to the commercial sector and 4.47 million pounds allocated to the recreational sector. Recreational minimum size and bag limits remained at 5 fish and 15 inches TL respectively. The recovery target date to achieve 20 percent SPR was extended to the year 2019, based on new biological information that red snapper live longer and have a longer generation time than previously believed. A March 1996 addendum to the regulatory amendment split the 1996 and 1997 commercial red snapper quotas into two seasons each, with the first season opening on February 1 with a 3.06 million pound quota, and the second season opening on September 15 with the remainder of the annual quota.

A March 1997 regulatory amendment changed the opening date of the second 1997 commercial red snapper season from September 15 to September 2 at noon and closed the season on September 15 at noon; thereafter the commercial season was opened from noon of the first day to noon of the fifteenth day of each month until the 1997 quota was reached. It also complied with the new Magnuson-Stevens Act requirement that recreational red snapper be managed under a quota system by authorizing the NMFS Regional Administrator to close the recreational fishery in the EEZ at such time as projected to be necessary to prevent the recreational sector from exceeding its allocation.

Subsequent to implementation of a recreational red snapper quota, the recreational red snapper fishery filled its 1997 quota of 4.47 million pounds, and was closed on November 27, 1997 for the remainder of the calendar year.

A November 1997 regulatory amendment canceled a planned increase in the red snapper minimum size limit to 16 inches TL that had been implemented through Amendment 5, and retained the 15-inch TL minimum size limit.

A January 1998 regulatory amendment proposed maintaining the status quo red snapper TAC of 9.12 million pounds, but set a zero bag limit for the captain and crew of for-hire recreational vessels in order to extend the recreational red snapper quota season. The NMFS provisionally approved the TAC, releasing 6 million pounds, with release of all or part of the remaining 3.12 million pounds to be contingent upon the capability of shrimp trawl bycatch reduction devices (BRDs) to achieve better than a 50 percent reduction in juvenile red snapper shrimp trawl mortality. The zero bag limit for captain and crew of for-hire recreational vessels was not implemented. Following an observer monitoring program of shrimp trawl BRDs conducted during the Summer of 1998, NMFS concluded that BRDs would be able to achieve the reduction in juvenile red snapper mortality needed for the red snapper recovery program to succeed, and the 3.12 million pounds of TAC held in reserve was released on September 1, 1998.

An August 1999 regulatory amendment proposed increasing the commercial size limit for gag from 20 to 24 inches TL, the recreational size limit for gag from 20 to 22 inches TL with a 1-inch increase in size each year thereafter until it reaches 24 inches TL. It proposes to prohibit commercial sales of gag, black, and red groupers each year from February 15 to March 15 (during the peak of gag spawning season). It also establishes 2 marine reserves on gag spawning aggregation sites that will be closed year-round to all fishing. The 2 sites cover 219 square nautical miles near the 40-fathom contour, off west central Florida.

2.2 Coastal Migratory Pelagics Fishery

Species in the Fishery for Coastal Migratory Pelagics:

King mackerel	<i>Scomberomorus cavalla</i>
Spanish mackerel	<i>S. maculatus</i>
Cobia	<i>Rachycentron canadum</i>
Cero	<i>S. regalis</i>
Little tunny	<i>Euthynnus alleteratus</i>
Dolphin	<i>Coryphaena hippurus</i>
Bluefish (Gulf of Mexico only)	<i>Pomatomus saltatrix</i>

The Coastal Migratory Pelagics "Mackerel" fishery management plan (FMP), approved in 1982 and implemented by regulations effective in February of 1983, treated king and Spanish mackerel each as one U.S. stock. Allocations were established for recreational and commercial fisheries, and the commercial allocation was divided between net and hook-and-line fishermen.

2.2.1 FMP Amendments:

Amendment 1, implemented in September of 1985, provided a framework procedure for pre-season adjustment of total allowable catch (TAC), revised king mackerel maximum sustainable yield (MSY) downward, recognized separate Atlantic and Gulf migratory groups of king mackerel, and established fishing permits and bag limits for king mackerel. Commercial allocations among gear users, except purse seines that were allowed 6 percent of the commercial allocation of TAC, were eliminated. The Gulf commercial allocation for king mackerel was divided into Eastern and Western Zones for the purpose of regional allocation, with 69 percent of the remaining allocation provided to the Eastern Zone and 31 percent to the Western Zone.

Amendment 2, implemented in July of 1987, revised Spanish mackerel MSY downward, recognized two migratory groups, established allocations of TAC for the commercial and recreational sectors, and set commercial quotas and bag limits. Charterboat permits were required, and it was clarified that TAC must be set below the upper range of acceptable biological catch (ABC). The use of purse seines on overfished stocks was prohibited, and their allocation of TAC was redistributed under the 69 percent/31 percent split.

Amendment 3 was partially approved in August 1989, revised, resubmitted, and approved in April 1990. It prohibited drift gill nets for coastal pelagics and purse seines for the overfished groups of mackerels.

Amendment 4, implemented in October 1989, reallocated Spanish mackerel equally between recreational and commercial fishermen on the Atlantic group.

Amendment 5, implemented in August 1990, made a number of changes in the management regime which:

- Extended the management area for Atlantic groups of mackerels through the Mid-Atlantic Council's area of jurisdiction;
- Revised problems in the fishery and plan objectives;
- Revised the fishing year for Gulf Spanish mackerel from July-June to April-March;
- Revised the definition of "overfishing;"
- Added cobia to the annual stock assessment procedure;
- Provided that the South Atlantic Fishery Management Council (SAFMC) will be responsible for pre-season adjustments of TACs and bag limits for the Atlantic migratory groups of mackerels while the Gulf Council will be responsible for Gulf migratory groups;
- Continued to manage the two recognized Gulf migratory groups of king mackerel as one until management measures appropriate to the eastern and western groups can be determined;

- Re-defined recreational bag limits as daily limits;
- Deleted a provision specifying that bag limit catch of mackerel may be sold;
- Provided guidelines for corporate commercial vessel permits;
- Specified that Gulf king mackerel may be taken only by hook-and-line and run-around gill nets;
- Imposed a bag limit of two cobia per person per day;
- Established a minimum size of 12 inches (30.5 cm.) fork length (FL) or 14 inches (35.6 cm.) total length (TL) for king mackerel and included a definition of "conflict" to provide guidance to the Secretary.

Amendment 6, implemented in November of 1992, made the following changes:

- Identified additional problems and an objective in the fishery;
- Provided for rebuilding overfished stocks of mackerels within specific periods;
- Provided for biennial assessments and adjustments;
- Provided for more seasonal adjustment actions;
- Allowed for Gulf king mackerel stock identification and allocation when appropriate;
- Provided for commercial Atlantic Spanish mackerel possession limits;
- Changed commercial permit requirements to allow qualification in one of three preceding years;
- Discontinued the reversion of the bag limit to zero when the recreational quota is filled;
- Modified the recreational fishing year to the calendar year; and
- Changed the minimum size limit for king mackerel to 20 inches FL, and changed all size limit measures to fork length only.

Amendment 7, implemented in November 1994, equally divided the Gulf commercial allocation in the Eastern Zone at the Dade-Monroe County line in Florida. The suballocation for the area from Monroe County through Western Florida is equally divided between commercial hook-and-line and net gear users.

Amendment 8, implemented March 1998, made the following changes to the management regime:

- Clarified ambiguity about allowable gear specifications for the Gulf group king mackerel fishery by allowing only hook-and-line and run-around gill nets. However, catch by permitted, multi-species vessels and bycatch allowances for purse seines were maintained;
- Established the Council's intent to evaluate the impacts of permanent jurisdictional boundaries between the GMFMC and SAFMC and development of separate FMPs for coastal pelagics in these areas;

- Established a moratorium on commercial king mackerel permits until no later than October 15, 2000, with a qualification date for initial participation of October 16, 1995;
- Increased the income requirement for a king or Spanish mackerel permit to 25 percent of earned income or \$10,000 from commercial sale of catch or charter or head boat fishing in 1 of the 3 previous calendar years, but allowed for a 1-year grace period to qualify under permits that are transferred;
- Legalized retention of up to 5 cut-off (barracuda damaged) king mackerel on vessels with commercial trip limits;
- Set an optimum yield target at 30 percent static spawning potential ratio (SPR);
- Provided the SAFMC with authority to set vessel trip limits, closed seasons or areas, and gear restrictions for Gulf group king mackerel in the North Area of the Eastern Zone (Dade/Monroe to Volusia/Flagler county lines);
- Established various data consideration and reporting requirements under the framework procedure;
- Modified the seasonal framework adjustment measures and specifications (see Appendix I);

Amendment 9, currently under review by the National Marine Fisheries Service (NMFS), would:

- Reallocate the percentage of the commercial allocation of TAC for the North Area (Florida east coast) and South/West Area (Florida west coast) of the Eastern Zone to 46.15% North and 53.85% South/West and retain the recreational and commercial allocations of TAC at 68% recreational and 32% commercial;
- Subdivide the commercial hook-and-line king mackerel allocation for the Gulf group, Eastern Zone, South/West Area (Florida west coast) by establishing 2 subzones with a dividing line between the 2 subzones at the Collier/Lee County line;
- Establish regional allocations for the west coast of Florida based on the 2 subzones with 7.5% of the Eastern Zone allocation of TAC being allowed from Subzone 2 and the remaining 92.5% being allocated as follows:
 - 50% - Florida east coast
 - 50% - Florida west coast that is further subdivided:
 - 50% - Net Fishery
 - 50% - Hook-and-Line Fishery
- Establish a trip limit of 3,000 pounds per vessel per trip for the Western Zone;

- Establish a moratorium on the issuance of commercial king mackerel gill net endorsements and allow re-issuance of gill net endorsements to only those vessels that: (1) had a commercial mackerel permit with a gill net endorsement on or before the moratorium control date of October 16, 1995 (Amendment 8), and (2): had landings of king mackerel using a gill net in one of the two fishing years 1995-96 or 1996-97 as verified by NMFS or trip tickets from the FDEP; allow transfer of gill net endorsements to immediate family members (son, daughter, father, mother, or spouse) only; and prohibit the use of gill nets or any other net gear for the harvest of Gulf group king mackerel north of an east/west line at the Collier/Lee County line
- Increase the minimum size limit for Gulf group king mackerel from 20 inches to 24 inches FL;
- Allow the retention and sale of cut-off (damaged), legal-sized king and Spanish mackerel within established trip limits.

Amendment 10 incorporated essential fish habitat (EFH) provisions for the South Atlantic Fishery Management Council (SAFMC), and Amendment 11 included proposals for mackerel in the SAFMC's Comprehensive Amendment Addressing Sustainable Fishery Act Definitions and other Provisions in Fishery Management Plans of the South Atlantic Region. To date, neither of these amendments have been implemented.

2.2.2 Regulatory Amendments

Prior to the 1986 regulatory amendment, Amendment 1 established a TAC of 14.4 million pounds (MP). At the request of the Gulf Council in October 1985, NMFS implemented an emergency action in March 1986 that reduced TAC to 5.2 MP for the 1985-86 fishing year. The 1986 regulatory amendment, submitted in May 1986, set TAC for Gulf group king mackerel at 2.9 MP with a 0.93 MP commercial quota and a 1.97 MP recreational allocation. The bag limits for Gulf group king mackerel for-hire and other recreational vessels were unchanged from those established under Amendment 1, i.e., 3 fish per person per trip, excluding captain and crew, or 2 fish including captain and crew, whichever is greater. For all other vessels, the bag limit was 2 fish per person per trip. The commercial quota was allocated 6% for purse-seines, 64.5% for all other commercial gear in the Eastern Zone (Florida) and 29% for all other gear in the Western Zone (AL-TX). The regulatory amendment also established criteria for allowing charterboats to obtain commercial permits and fish as either a charter or commercial vessel. It also provided that the recreational and commercial fisheries would be closed when their respective allocations were taken. These regulatory actions were implemented on July 1, 1986.

The 1987 regulatory amendment, submitted in May 1987, proposed a reduction in TAC for Gulf group king mackerel to 2.2 MP with the commercial quota set at 0.7 MP and a recreational allocation of 1.5 MP. The purse-seine allocation was set at zero; thus the commercial allocation was divided only between the Eastern and Western Zones at 69% and

31%, respectively. The TAC for Gulf group Spanish mackerel was set at 2.5 MP with a commercial quota of 1.4 MP and a recreational allocation for 1.1 MP. The bag limit for Gulf group king mackerel remained the same; and for Gulf group Spanish mackerel, it was set at 3 fish per person per trip. These regulatory actions were implemented on June 30, 1987.

In 1988, the Council's regulatory amendment, submitted May 1988, proposed to increase TAC for Gulf group king mackerel to 3.4 MP with a commercial allocation of 1.1 MP and a recreational allocation 2.3 MP. The TAC for Gulf group Spanish mackerel was increased to 5.0 MP with 2.15 MP allocated to the recreational sector and 2.85 MP to the commercial sector. The bag limit for Gulf group Spanish mackerel was set at 4 fish off Florida and 10 fish off AL-TX. These regulatory actions were implemented on July 1, 1988.

The regulatory amendment for 1989, submitted in May 1989, again proposed an increase in TAC for Gulf group king mackerel to 4.25 MP with a commercial quota 1.36 MP and a recreational allocation 2.89 MP. The bag limit remained unchanged. The TAC for Gulf group Spanish mackerel was requested to be increased to 5.25 MP, and the allocation ratio between the commercial (57%) and recreational (43%) sectors would remain unchanged, as well as the bag limit. These regulatory actions were implemented on July 1, 1989.

The regulatory amendment for 1990, submitted May 1990, recommended that the TAC and bag limit for Gulf group king mackerel remain unchanged (4.25 MP and 2 fish per person, or 3 fish for charter persons when the captain and crew are excluded). The TAC for Gulf group Spanish mackerel (5.25 MP) also did not change; however, the bag limits for Spanish mackerel changed to 4 fish off FL, 3 fish off TX, and 10 Fish off AL-LA at the request of the states. These regulatory actions were implemented on August 1, 1990.

The 1991 regulatory amendment, submitted in May 1991, recommended that TAC for Gulf group king mackerel be increased to 5.75 MP with a 1.84 MP commercial quota and 3.91 MP recreational allocation. The bag limit for Gulf group king mackerel was modified to 2 fish off Florida and status quo (3 fish/2 fish) for AL-TX (see 1986 regulatory amendment discussion above). The TAC for Gulf group Spanish mackerel was increased to 8.6 MP with a 4.9 MP commercial allocation and a 3.7 MP recreational allocation. The bag limit was modified to 3 fish off TX, 5 fish off FL, and 10 fish off AL-LA. These regulatory actions were implemented on September 4, 1991.

The 1992 regulatory amendment, submitted in May 1992, proposed an increase in TAC for Gulf group king mackerel to 7.8 MP with a commercial quota of 2.50 MP and a recreational allocation of 5.3 MP. The king mackerel bag limit was reduced to 2 fish per person, including captain and crew of charter and head boats for the entire Gulf exclusive economic zone (EEZ). The TAC for Gulf group Spanish mackerel remained at 8.6 MP. The bag limits for Spanish mackerel were increased to 7 fish off TX, and 10 fish off FL-LA. These regulatory actions were implemented on September 18, 1992.

Because of increased catch on the west coast of Florida in 1992-93, an emergency action was taken by NMFS in February 1992 to add 259,000 pounds of Gulf group king mackerel to the 1992-93 TAC under a 25 fish trip limit. A second emergency action (October 1993) that was subsequently added to Amendment 7 equally divided the Eastern Zone allocation of TAC between the Florida east and west coasts. The 1993 regulatory amendment, submitted in July 1993, recommended that TAC and bag limits remain the same as in the 1992-93 fishing year for Gulf group king and Spanish mackerel. In the Eastern Zone (Florida) commercial hook and line fisheries, the trip limit for the Florida east coast was proposed at 50 fish until 50 percent of the subquota was taken, and then reduced to 25 fish. For the Florida west coast, no trip limit was recommended until 75% of the subquota was taken; afterwards, it would be reduced to 50 fish. These regulatory actions were implemented on November 1, 1993.

The 1994 regulatory amendment, submitted in June 1994, proposed a 25,000 pound trip limit for the gill net fishery until 90 percent of their allocation was taken, then 15,000 pounds per trip. When implementing this amendment on November 21, 1994, the NMFS rejected this step down; and commercial gill net boats fishing for king mackerel in the Eastern Zone (Florida) were limited to 25,000 pounds per trip. The TAC and bag limits remained unchanged for Gulf group king mackerel; however, the trip limit for hook and line vessels on the Florida east coast was modified to 50 fish until 75 percent of their TAC allocation was taken, then it was reduced to 25 fish. The TAC and bag limits for Gulf group Spanish mackerel remained unchanged.

During the 1994-95 fishing year, mild weather, increased effort, or both, resulted in most of the commercial TAC allocation of Gulf group king mackerel for the west coast of Florida being taken before the fish migrated to the more historical fishing grounds in the Florida Keys. Consequently, the NMFS implemented an emergency rule in February 1995 that provided a supplemental allocation of 300,000 pounds under a 125 fish trip limit. The 1995 regulatory amendment, submitted in May 1995, recommended that TAC and bag limits remain unchanged for Gulf group king and Spanish mackerel. The hook-and-line trip limit for the Florida west coast of the Eastern Zone was set at 125 fish until 75% of the subquota was taken, then it became 50 fish. For the east coast of Florida, the trip limit remained at 50 fish; however, if 75 percent of the quota was not taken by March 1, the 50-fish trip limit would remain in effect until the close of the season on March 31. These regulatory actions were implemented on December 18, 1995, with the exception of the 125 fish trip limit which became effective on November 22, 1995. Additionally, a control date for the commercial king mackerel fishery was published on October 16, 1995.

The 1996 regulatory amendment, submitted in August 1996, recommended that TAC and bag limits remain unchanged for Gulf group king mackerel, except that the bag limit for captain and crew of charter and head boats was set at zero. The commercial hook-and-line trip limit for the Florida west coast of the Eastern Zone was set at 1,250 pounds per trip until 75% of the subquota was taken; subsequently, it reverted to 500 pounds per trip until the suballocation was taken and the fishery closed. For the Florida east coast hook and line

fishery, the trip limit was initially set at 750 pounds, but reverted to 500 pounds when 75% of the suballocation was taken, provided that 75 percent of the quota was taken by February 15. If not, the trip limit remained at 750 pounds until the quota was taken or the season ended on March 31. The TAC for Gulf group Spanish mackerel was reduced to 7.0 MP; however, the bag limits remained unchanged. These regulatory actions were implemented on June 2, 1997.

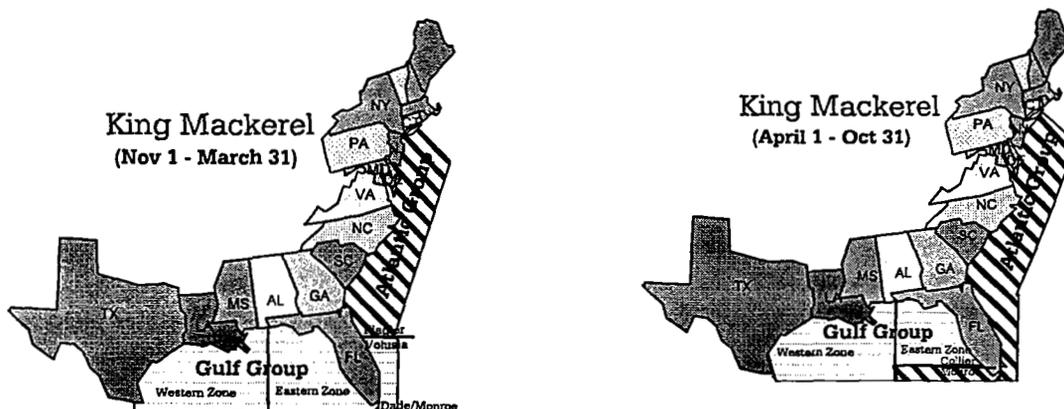
The 1997 regulatory amendment, submitted in June 1997, recommended that TAC be increased to 10.6 MP for Gulf group king mackerel. The zero-fish bag limit for captain and crew of charter and head boats was rescinded. The commercial hook and line trip limit for the Florida east coast was changed to 50 fish until the subquota was taken. The TAC and bag limits remained unchanged for Gulf group Spanish mackerel. These regulatory actions were implemented on February 19, 1998.

For the 1998-99 season, the regulatory amendment, submitted July 1998 and implemented in August 1999, proposes to retain the TAC for the Gulf group king mackerel at 10.6 MP, but set the bag limit for captain and crew of charter and head boats at zero. The minimum size limit for king mackerel would increase to 24 inches FL. The commercial king mackerel hook-and-line trip limit for the Western Zone (AL-TX) would be set at 3,000 pounds.

The present management regime for king mackerel recognizes two migratory groups, the Gulf migratory group and the Atlantic migratory group. These groups are hypothesized to mix on the east coast of Florida. For management and assessment purposes, a boundary between groups was specified as the Volusia-Flagler County border on the Florida east coast in the winter (November 1-March 31) and the Monroe-Collier County border on the Florida southwest coast in the summer (April 1-October 31). For allocation purposes, the Gulf migratory group is also divided into the Eastern and Western Zones at the Florida-Alabama border (Figure 2).

This Amendment applies only to the Gulf EEZ.

Figure 2. Seasonal boundaries and divisions of the Gulf and Atlantic migratory groups of king mackerel.



3.0 PURPOSE AND NEED FOR ACTION

Over the past 20 years the number of charter vessels increased by **147 percent**³ (Table 1). Whereas the number of charter vessels increased by only **31 percent** over the past decade and the number of **individual angler** charter vessel trips increased by **about 51 percent**, (through 1998) **over the average number of trips for the previous decade (Figure 1 from SEP 1999)** .

Although the percent of total recreational catch of red snapper by number landed by charter vessels and headboats changed very little between the 1988/1989 and 1996/1997 periods (61.7 to 70.7 percent) the percent nearly doubled over the level for the 1981/1982 period (i.e., **34.3 percent Table 5**). For king mackerel, the percent of total recreational catch by number landed by charter vessels and head boats changed from 17.4 percent for 1983, to 31.8 percent for 1988, and to 61.5 percent for 1997, almost doubling between each period (Table 6). The landings for gag changed from 14.5 percent for 1981/1982 to 32.7 percent for 1995/1996, i.e., essentially doubling between first and last periods (Table 7).

The recreational for-hire vessels historically landed most of the recreational catch of vermilion snapper and greater amberjack e.g., 90.1 and 63.2 percent, respectively, in the most recent period (1995/1996) (Tables 8 and 9).

Red snapper and king mackerel are classified as overfished and have been subjected to restrictive recreational allocations which have been frequently exceeded by recreational landings. Congress, in 1996, made the red snapper recreational allocation a quota and provided that fishing be closed when the quota is projected to be reached. This fishery was closed on November 27 in 1997 and on August 29 in 1999. This progressively longer closure period is adversely impacting the charter vessel/headboat sector that is dependent on this stock.

Gag and vermilion snapper were classified as approaching an overfished state. Remedial action was taken for the gag stock, and the last stock assessment for vermilion snapper indicated that the stock size had declined as a function of natural fluctuation in recruitment. However, when the new criteria for assessing whether stocks are overfished or subject to overfishing are implemented through the Sustainable Fisheries Act (SFA) Amendment both stocks will likely be classified as approaching an overfished state, (i.e., subject to a fishing mortality rate resulting in overfishing).

When the new overfishing criteria are effective (Fall of 1999), then it appears likely from the **preliminary** stock assessment (Schirripa, et al 1999) that red grouper will be classified as overfished. Red grouper, along with gag, are major components of the recreational grouper catch. Table 10 shows charter vessel/headboat landing as a percentage of the total

³This presumes that the 1981 annual canvas of charter and head boats by Schmied (1981) is correct.

recreational catch of red grouper doubled to about 40 percent between the 1988/1989 and 1996/1997 periods.

These data indicate that over the past two decades the charter vessel/headboat sector has increased in terms of number of vessels, in terms of number of vessel trips, and percent of the recreational catch taken. This information supports the need to arrest the continuing expansion of this fleet while the Council considers whether to implement a comprehensive limited access system.

4.0 PROBLEMS REQUIRING A PLAN AMENDMENT

The overfished status of several of the major stocks targeted by the recreational sector and the continuing expansion of the recreational for-hire sector are problems that support the development and implementation of this amendment. The amendment will principally limit any future expansion while the Council considers the need for a more comprehensive limited access system.

Currently the NMFS permit system does not provide for transfer of permits between vessels or between persons, which is viewed as a problem by the industry. The amendment will provide alternatives for such transfers. The amendment also includes alternatives for reissuing permits not renewed and an appeals process.

5.0 PROPOSED ACTIONS

MORATORIUM ON CHARTER VESSEL/HEADBOAT PERMITS (Section 6.0)

A. Duration of the Moratorium

Preferred Alternative: Establish a 3-year moratorium

B. Initial Eligibility Requirements for Permits

Preferred Alternative: All persons holding permits on September 16, 1999 are eligible.

C. A new Gulf permit for the Coastal Migratory Pelagics Fisheries

Preferred Alternative: Create a Gulf endorsement to the Coastal Migratory Pelagics permit.

D. Permit Transfers During the Moratorium

Preferred Alternative D-1: Transfer of permits between vessels owned by the permit holder is allowed.

Preferred Alternative D-2: Transfer of permits between individuals is allowed without transfer of the vessel.

E. Vessel Size Restriction on Permit Transfers

The Council Has Not Selected a Preferred Alternative

F. Reissuance of Permits Not Renewed (or Permanently Revoked)

Preferred Alternative: Permits not renewed (or permanently revoked) will not be reissued by NMFS during the moratorium.

G. Appeals Process Under Moratorium

The Council Has Not Selected a Preferred Alternative

CHARTER VESSEL REPORTING (Section 7.0)

7.1 Reporting

The Council Has Not Selected a Preferred Alternative

7.2 Permit Condition

The Council Has Not Selected a Preferred Alternative

6.0 **MORATORIUM ON CHARTER VESSEL/HEADBOAT PERMITS**

The Council is considering implementation of a temporary moratorium on the issuance of charter vessel/headboat permits to moderate short-term future increases in fishing effort and attempt to stabilize fishing mortality. A moratorium, if adopted, should provide a basis for the development of a more comprehensive effort limitation program for this segment of the recreational fishery. It is a prudent first step in the development and evaluation of more comprehensive effort limitation programs that could provide better long-term control of fishing effort.

A moratorium is a form of limited access management that is, in this case, intended to temporarily stabilize fishing effort while the Council develops a more comprehensive effort limitation program. In principle, its direct effect is to limit the number of participants in the fishery to a number equal to those permitted before or at the start of the moratorium. Whereas, under open access, fishing effort will continue to increase. This would diminish the overall economic performance of the fishery and may adversely affect the restoration of

overfished stocks. If, upon development of alternative effort limitation programs, the Council decides the recreational for-hire reef fish or coastal migratory pelagics fishery is best managed as an open-access fishery, then the moratorium would end.

The proposed permit moratorium is essentially a limited entry system by license limitation which in itself will not fully control fishing effort because the existing fishing fleet may react by increasing overall fishing effort. But a moratorium would better stabilize fishing effort than no moratorium. Within the duration of the moratorium the Council will have time to evaluate alternatives for more comprehensive effort limitation programs that would replace the temporary moratorium and provide a basis for long-term management. As the initial step in this direction, a **control date** of November 18, 1998, for the reef fish and coastal migratory pelagics charter and headboat fishery was published in the Federal Register. The intent of this notice was to inform the public that entrants into the charter vessel/headboat fisheries after November 18, 1998, may not be assured of future access to the reef fish and/or coastal migratory pelagics resources if (1) an effort limitation management regime is developed and implemented that limits the number of participants in the fishery and (2) if the **control date** notice is used as a criterion for eligibility.

From a management standpoint some of the problems related to the development of a full-fledged limited access management program would be resolved by a moratorium.

The moratorium proposed in this amendment considers six features: 1) the duration of the moratorium; 2) initial eligibility requirements for permits (Section B); 3) permit transfers during the moratorium (Section C); 4) vessel size for permit transfer (Section D); 5) the reissuance of permits not renewed (Section E); and 6) an appeal process (Section F).

A. Duration of the Moratorium

Preferred Alternative: **Establish a 3-year Moratorium.**

Alternative A-1: **Status Quo - No Moratorium.**

Alternative A-2: **Establish a 5-year Moratorium, unless sooner replaced by a comprehensive limited access system.**

Discussion: In addition to alternatives for the duration of the moratorium, this section also provides an alternative (Status Quo) for not implementing the moratorium. The Council could develop an amendment, at a subsequent time, for a more comprehensive limited access system without establishing the moratorium. However, the records of participation would be much more complex than would be the case if the moratorium was initiated first (see discussion of records under Section B). It should also be recognized that historically there has been a high turnover rate in the charter fishing industry. Ditton and Loomis (1985) found that over a 5-year period (1975-1980) only 48 percent of the charter

firms in the Texas industry were still in business. Ditton and Vize (1987) monitored the trend over an additional 5-year period (1980-1985) at the end of which only 25 percent of the participants from 1975 were still in business.

It should also be recognized that the Council can only limit participation by instituting a moratorium or limited access system on the vessels and boats that are permitted to fish in the EEZ. The states may continue to license vessels and boats that can fish state waters for the same stocks. In fact, some state agencies may lack authority to limit entry or adopt compatible rules. As pointed out in the Introduction, there are about 3,220 recreational for-hire vessels in the Gulf states including guide boats that presumably fish entirely or primarily in state waters, vs. about 1,200 vessels with federal permits.

Finally, it should be recognized that there are alternatives for transfer of permits (under Section C) that would allow the permit holder to sell the permit during the moratorium, gaining a windfall profit.

Of the two alternatives for the duration of the moratorium, the Preferred Alternative provides for an automatic termination of the moratorium after 3 years, while A-2 provides for termination after 5 years, unless sooner replaced by a limited access system.

Biological Impacts: To the extent that the moratorium reduces or stabilizes effort, the biological impact would be beneficial. The extent to which effort is reduced depends largely on how lenient or restrictive the alternative selected under Section B for initial eligibility for permits is.

Economic Impacts: Over its life span, any of the moratorium alternatives would restrict the maximum number of vessels operating in the fishery to that allowed at the start of the moratorium. As with other permit moratoria now in place in the Gulf, the number of permitted vessels may be expected to dwindle over the years. The actual number of permitted vessel reduction would depend on the provisions for permit transfer, the treatment of expired permits, the turnover rate in the for-hire fishery, and the market for permits.

Permit transfer, expired permits, and market for permits are treated in other sections of this document. It may only be mentioned at this stage that the more restrictive the provisions governing permit transfer and expired permits and the less likely of an emergence of the market for permits, the greater would be the reduction in permitted for-hire vessels during the moratorium. Regarding the turnover rate in the for-hire fishery, Ditton and Loomis (1985) and Ditton and Vize (1987) found a relatively high turnover rate in the charter fishery in Texas, reaching 52 percent over 5 years and 75 percent over 10 years. In a more recent study, Sutton et al. (1999) found that, in Alabama through Texas, 81 percent of charterboat operators and 71 percent of party boat operators are first generation operators. The average charterboat operator has been in business for 15 years and the average party boat operator, 12 years. Holland et al. (1999 draft) found that in Florida 78 percent of charterboat and

headboat operators are first generation operators. They also reported that the average charterboat operator has been in business for 16 years and the average headboat operator, 22 years. Holland et al. (1999 draft) also found that in states from Georgia through North Carolina, 88 percent of charterboat operators are first generation operators. The average charterboat operator has been in business for 16 years and the average headboat operator, 21 years. While most of the for-hire operators from Texas through North Carolina are first generation operators, it appears that the average operator would remain largely unaffected by either a 3-year or 5-year moratorium as can be inferred from the number of years they have been in operation, although there is always the possibility that some of them may have changed vessels over time. There are, nonetheless, operators that would be affected by the moratorium as can be gleaned from the tables below that present more details regarding the business tenure of charterboats and headboats.

Number and percent of charterboat operators by number of years spent operating a charterboat
(Alabama - Texas)

Years of Operation	Alabama		Louisiana		Mississippi		Texas		Total	
	n	%	n	%	n	%	n	%	n	%
5 or fewer	5	22.7	2	16.7	3	18.8	17	37.0	27	28.1
6-10	1	4.5	3	25.0	2	12.5	7	15.2	13	13.5
11-15	5	22.7	3	25.0	2	12.5	7	15.2	17	17.7
16-20	3	13.6	2	16.7	2	12.5	4	8.7	11	11.5
21-25	3	13.6	0	0.0	2	12.5	5	10.9	10	10.4
26-30	3	13.6	0	0.0	4	25.0	5	10.9	12	12.5
31 or more	2	9.1	2	16.7	1	6.3	1	2.2	6	6.3
Total	22	99.8	12	100.1	16	100.1	46	100.1	96	100.0
Mean	16.6		14.8		17.3		12.6		14.5	
Standard Deviation	9.5		10.8		10.4		9.7		9.9	

Source: Sutton et al. (1999).

Number and percent of party boat operators by number of years spent operating a party boat
(Alabama - Texas)

Years of operation	n	%
5 or fewer	8	38.1
6-10	6	28.6
11-15	1	4.8
16-20	1	4.8
21-25	4	19.0
26 or more	1	4.8
Total	21	100.1
Mean	11.88	
Standard Deviation	12.28	

Source: Sutton et al. (1999).

Number and percent of charterboat operators by number of years spent operating a charterboat
(Florida)

Years of Operation	Atlantic		Gulf		Keys		Florida Total	
	n	%	n	%	n	%	n	%
0-1	1	1.2	5	3.3	4	6.5	10	3.3
2-5	14	16.5	24	15.7	6	9.7	44	14.7
6-10	12	14.1	25	16.3	16	25.8	53	17.7
11-15	15	17.6	33	21.6	10	16.1	58	19.3
16-20	15	17.6	22	14.4	11	17.7	48	16.0
21-25	7	8.2	24	15.7	5	8.1	36	12.0
26-30	14	16.5	5	3.3	5	8.1	24	8.0
> 30	7	8.2	15	9.8	5	8.1	27	9.0
Total	85	100.0	153	100.0	62	100.0	300	100.0
Mean	17.56		16.14		15.53		16.42	
Standard Deviation	11.34		11.93		10.56		11.48	

Source: Holland et al. (1999 draft).

Number and percent of headboat operators by number of years spent operating a headboat

Years of Operation	Florida	
	n	%
0-1	0	0
2-5	4	11.1
6-10	1	2.8
11-15	5	13.9
16-20	5	13.9
21-25	10	27.8
26-30	6	16.7
> 30	5	13.9
Total	100	100
Mean	21.97	
Standard Deviation	10.4	

Source: Holland et al. (1999 draft).

Number and percent of charterboat operators by number of years operating a charterboat
(North Carolina - Georgia)

Years of Operation	North Carolina		South Carolina		Georgia		Total	
	n	%	n	%	n	%	n	%
5 or fewer	8	20.0	10	35.7	2	6.7	20	20.4
6-10	3	7.5	6	21.4	4	13.3	13	13.3
11-15	6	15.0	8	28.6	14	6.7	28	28.6
16-20	7	17.5	4	14.3	6	13.3	17	17.3
21-25	10	25.0	0	0.0	1	46.7	11	11.2
26-30	0	0.0	0	0.0	2	20.0	2	2.0
31 or more	6	15.0	0	0.0	1	3.3	7	7.1
Total	40	100.0	28	100.0	30	100.0	98	100.0
Mean	19.6		9.6		14.7		15.5	
Standard Deviation	10.5		7.3		7.3		9.8	

Source: Holland et al. (1999 draft).

The tables above show the wide variation in business experience among operators across the Gulf and South Atlantic. Although these tables do not necessarily depict the turnover rate scenario in the for-hire fishery, some inferences may be made. Given ordinary business conditions, some operators across the entire distribution may cease business, but the likelihood of business cessation may be higher among the newer operators. In the western Gulf (Alabama through Texas) as many as 28 percent of charterboat operators and 38 percent of headboat operators show 5 years or less of business experience. In Florida, about 20 percent of charterboat operators and 11 percent of headboat operators have 5 years or less of business experience while in the area from Georgia through North Carolina about 20 percent of charterboat operators have 5 years or less of business experience. These numbers represent the number of vessels that may be affected by the 5-year moratorium.

A 3-year moratorium may be expected to affect fewer number of vessels than a 5-year moratorium. In fact, Sutton et al. (1999) noted that 87 percent of charterboat operators and 86 percent of party boat operators in Alabama through Texas thought they would still be in business in 3 years. About 93 percent of Florida charterboat and headboat operators thought they would still be in business in 3 years, and about 81 percent of charterboat operators and 100 percent of headboat operators in Georgia through North Carolina expected to remain in business in 3 three years (Holland et al. 1999 draft). These numbers appear to indicate that fewer vessels may be expected to exit the fishery under a 3-year moratorium than a 5-year moratorium.

To the extent that a moratorium would immediately or eventually exclude vessels from the for-hire fishery, it would address some of the problems in the fishery that are associated with the competitive status of those remaining in the fishery. Sutton et al. (1999) listed the following factors rated by charterboat operators (Alabama through Texas) as important problems facing the industry: weather/natural events, high cost of overhead, fishing regulations, cost of insurance, profitability, fuel costs, too many operators, and competition with other operators. The corresponding list for party boat operators (Alabama through Texas) is: fishing regulations, cost of insurance, weather/natural events, high cost of overhead, crew personnel problems, competition with other operators, and profitability. Holland et al. (1999 draft) also listed the major problems faced by for-hire operators in Florida, Georgia, South Carolina, and North Carolina. Florida charterboat and headboat operators rated the following as substantial problems: high cost of overhead, cost of insurance, profitability, weather/natural events, fuel costs, and fishing regulations. In Georgia through North Carolina charterboat operators rated as the most serious problem the cost of running the business, such as high overhead, fuel and insurance costs while headboat operators rated profitability and the cost of running the business as the most serious problems. Any of the moratorium alternatives would directly address the problems related to the presence of too many operators, competition with other operators, and profitability. The 5-year moratorium, however, offers a better chance of addressing the mentioned problems, but it should be noted that alleviating the problems faced by those remaining in

the fishery would be partly borne by those immediately or eventually excluded from the fishery.

Another cost that may arise from the moratorium is the possible loss to recreational anglers if they have to cancel trips due to lack of for-hire vessels supplying the anglers' demand for recreational trips. But it is likely that this loss would be small relative to losses that might arise from more restrictive regulations on the reef fish and mackerel fisheries.

A moratorium may be considered as a prelude to controlled access management in the for-hire fishery. It serves as a first approach to limiting the number of participants and places the fishery in a relatively stable condition for the purpose of designing controlled access management. In general, if a moratorium does not eventually transform into some kind of controlled access management for the subject fishery, it may be adjudged less beneficial than the status quo, since the fishery would simply revert to its previous status with losses being incurred by those excluded from the fishery during the moratorium. The for-hire fishery, however, deviates from this general norm applicable to a moratorium. It partakes of the nature of both the commercial sector in the sense that a for-hire operation is a business concern and the recreational sector in the sense that it is a supplier of angler trips. So long as the non-transformation of a moratorium into some type of controlled access is based on an evaluation of the inapplicability of controlled access management for the fishery, the moratorium would have essentially served its purpose in stabilizing participation in the fishery while such an evaluation is being conducted. In this sense, the moratorium regardless of the eventual management strategy may be adjudged more beneficial than the status quo.

Environmental Consequences

Essential Fish Habitat (EFH): The alternatives have no impact on EFH.

Physical Environment: The alternatives have no impact on the physical environment.

Human Environment: The Preferred Alternative and Alternative A-2 are anticipated to have a beneficial impact on the participants in the affected fisheries by stabilizing participation levels for the duration of the moratorium. Conversely, the status quo alternative is anticipated to have a negative impact.

Fishery Resources: The Preferred Alternative and Alternative A-2 are anticipated to have a beneficial impact on the reef fish and coastal migratory pelagic resources by stabilizing fishing effort. Conversely, the status quo alternative would have a negative impact on these resources.

Effect on Other Fisheries: Because the recreational for-hire vessels harvest other fisheries stocks, stabilization of fishing effort through the moratorium alternative is anticipated to have a beneficial impact when contrasted to the status quo alternative.

Effect on Wetlands: The alternatives have no impact on wetlands.

B. Initial Eligibility Requirements for Permits

The complexity of the alternatives for specifying which of the charter vessel/headboat permit holders are included or excluded under the moratorium depends on the date selected to determine such eligibility. The dates that could be selected include: (1) the **control date** of November 18, 1998; or (2) the date of implementation of the final rule for this amendment; or (3) some date between (1) and (2), e.g., a subsequent Council meeting date.

If the control date is selected, the data base and alternatives for determining eligibility becomes much more complex. This is because following the **control date** of November 18, 1998 NMFS continued to issue new permits for each new vessel and for each vessel transferred from a permit holder to another person. This created these 4 classes of permit holders:

- (1) Persons with vessel permits issued prior to the control date;
- (2) Persons who held vessel permits issued prior to the control date, but who sold (or lost) the old vessel and replaced it with a newly permitted vessel;
- (3) Persons who purchased a vessel (and were issued a new permit) after the control date from a person who was permitted prior to the control date and left the fishery; and
- (4) Persons purchasing a new vessel and entering the fishery after the control date.

Under the moratorium the Council would almost assuredly want to include persons in both categories (1) and (2), i.e., the long-time participants. They may also want to include persons in category (3), since they just replaced someone in the fishery (and were probably unaware of the control date). Only persons under category (4) are truly new participants entering the fishery after the control date.

If, however, the Council felt it was fairer to include all four categories, then it is better to select a date other than the control date, because it simplifies the paperwork to determine the category a person fits into, i.e., if they have a permit on that date they qualify.

If the date of implementation of the amendment is selected, then most likely many more persons will apply for a permit based on speculation it will have a value associated with it when transferred. A better alternative would be to select an intermediate date such as the September or November 1999 Council meeting date, to prevent such speculation and a great increase in the number of permitted vessels.

- Preferred Alternative:** All persons holding a permit on September 16, 1999 are eligible.
- Alternative B-1:** All persons holding a permit on the date of implementation of this amendment are eligible.
- Alternative B-2:** All persons holding a permit on November 11, 1999 are eligible.
- Alternative B-3:** Using the control date of November 18, 1998 the following persons are eligible:
- a. Persons with vessels issued permits prior to the control date, and/or
 - b. Persons who held vessel permits prior to the control date but were issued a new vessel permit when they replaced the vessel after that date, and/or
 - c. Persons who purchased a vessel after the control date from a person who was permitted prior to the control date and left the fishery, and/or
 - d. Persons purchasing new vessels and issued new permits after the control date.

Note: Eligibility for either the reef fish or migratory coastal pelagics charter vessel/headboat permit is considered separately. Some persons hold both permits and others hold only one or the other.

Discussion: Alternative B-1 likely would result in many persons obtaining permits on the speculation that they will be valuable on transfer. This will likely greatly increase the number of permitted vessels, making reduction of effort capacity much more difficult. The Preferred Alternative or Alternative B-2 would greatly reduce the complexity of the alternatives and the records necessary to determine who is eligible and thus simplifying the appeals process. Under the Preferred Alternative there would be little speculative entry. However, there are likely some vessels engaged in the fishery prior to the control date that do not hold permits. Alternative B-2 would provide them a 2-month period to obtain permits. Since the Council actions at the September meeting will be publicized they would have some prior notice. However, selecting Alternative B-2 for the November 1999 date will result in some speculative entry and include persons currently without permits, including those who were engaged in the fishery prior to the control date and have been operating in the EEZ in violation of federal law.

Reef Fish Fishery Permits: The NMFS permit records of August 1999 indicate that under Alternative B-3 there are 20 persons who replaced their vessel, as under sub-option (b), 27 persons who purchased a vessel from a person who left the fishery, as under sub-option (c), and 294 persons who purchased new vessels and entered the fishery after the control date, as under sub-option (d). The remainder of the permit holders (722 persons) have had the same permitted vessel since prior to the control date, as under sub-option(a). Therefore, selection of only Alternative B-3(a) would exclude 341 vessels and permit holders from the fishery. Selection of Alternative B-3(a) and (b) would exclude 314 vessels and permit holders from the fishery. Selection of B-3(a), (b), and (c) would exclude 294 vessels and permits from the fishery.

Coastal Migratory Pelagics Fishery Permits: The NMFS permit records of August 1999 indicate that under Alternative B-3 there are 47 persons who replaced their vessel, as under sub-option (b), 68 persons who purchased a vessel from a person who left the fishery, as under sub-option (c), and 343 persons who purchased new vessels and entered the fishery after the control date, as under sub-option (d). The remainder of the permit holders (1375 persons) have had the same permitted vessel since prior to the control date, as under sub-option(a). Therefore, selection of only Alternative B-3(a) would exclude 488 vessels and permit holders from the fishery. Selection of Alternative B-3(a) and (b) would exclude 420 vessels and permit holders from the fishery. Selection of B-3(a), (b), and (c) would exclude 343 vessels and permits from the fishery.

From the above discussion it is obvious that greater reductions in effort could be gained from selections of some but not all of the sub-options under Alternative B-3. However, such reductions may be more appropriate when the Council determines the structure of the comprehensive limited access system that would replace the moratorium.

Biological Impacts: Reduction in effort by the recreational for-hire sector would assist the Council in constraining recreational landings within that allocation. This action would also have a beneficial effect on stocks that are overfished or approaching an overfished state. Such action likely will be necessary in arresting overfishing for some stocks by reducing the fishing mortality.

Economic Impacts: The selection of criteria on initial eligibility for permits under a moratorium has proven to be a controversial issue, as evidenced by the experience in the commercial red snapper and king mackerel fisheries. It is expected to be no different for the for-hire sector. While the issue of equity is at the forefront of this controversy, the provision on eligibility for initial distribution of permits also has economic implications.

Since the proposed moratorium is primarily intended to stabilize the fishery while some type of controlled access management is evaluated, the selection of an alternative for initial distribution of permits has no major consequence on economic efficiency. This is based on the understanding that once an alternative under this section is selected, it would set the

maximum number of eligible participants throughout the period of the moratorium. The only time economic efficiency may be affected is when the moratorium is converted into a license limitation that maintains the same number of participants in the fishery without an added provision to rationalize overall effort in the fishery. The major economic implication of choosing an initial eligibility criterion relates to the possibility that some participants may be excluded from the fishery.

Among the alternatives, Alternative B-1 would provide the greatest number of participants during the moratorium, followed by Alternatives B-2, then by the Preferred Alternative, and lastly by Alternative B-3. Under Alternative B-1, the number of permits may be expected to exceed the 1999 number of permits of 1,883 for coastal migratory pelagics and 1,063 for reef fish. Some of the excess permits may be gotten for speculative purposes, especially that a permit costs a person only about \$30 to 40\$ for the first one and \$10 for each additional permit. Since permits are tied to vessels, it is very likely that most permits secured for speculative purposes are for charterboat operations. For the states of Alabama through Texas, the average capital investment for a charterboat and related equipment is slightly above \$100,000 but it could very well fall significantly below that amount, while the financial outlay for a party boat is around \$250,000 (Sutton et al. 1999). The corresponding financial outlays in Florida are \$145,000 for charterboats and \$290,000 for headboats while those for Georgia through North Carolina are \$60,000 for charterboats and \$220,000 for headboats.

As with Alternative B-1, it is likely that the Preferred Alternative and Alternative B-2 would result in more permits issued than currently outstanding, since the issue of a permit moratorium on the for-hire sector has been known for sometime before November 11 or September 16, 1999. The increase may be expected to be substantially less than under Alternative B-1. At this time, it cannot be ascertained as to how many additional participants would be allowed under these two alternatives.

The number of vessels excluded from the fishery under Alternative B-3 has been discussed above, given some combinations of the various sub-options. For example, sub-option (a) could reduce the number of reef fish vessels by 341 and coastal pelagic vessels by 488. The two numbers are not directly additive since some vessels have both reef fish and coastal pelagic permits. Combinations of the sub-options would exclude fewer vessels. For example, combining sub-options (a), (b), and (c) would exclude 294 reef vessels and 343 coastal pelagic vessels. Again, the two numbers are not additive for a similar reason stated above. Alternative B-3 then, may be expected to impose a fair amount of forgone opportunities for many vessels. If as noted above, an average vessel requires \$60,000 (charterboat in Georgia through North Carolina) to \$290,000 (headboat in Florida) in cost outlay, a significant portion of this value would be lost due to the choice of Alternative B-3. If, as an example, it is assumed that sub-option (a) would exclude about 341 reef vessels from the fishery and the loss in value to each of these vessels is assumed to be 50 percent of

the financial outlay⁴, choice of this sub-option would mean that \$10 to \$49 million in vessel value would be lost by the industry. It may be noted, though, that part of this loss may be offset by the increase in the profitability of the remaining vessels.

To the extent that vessel reduction would translate to cancellations in angler trips, the greater the number of vessels excluded the larger would be the loss in consumer surplus to anglers. In addition, excluding vessels from continued participation in the fishery would create rippling effects in varying degrees on the local economies. Sutton et al. (1999) estimated that the charterboat industry generated (from charterboat revenues) direct, indirect, and induced economic output of \$13.9 million in Alabama, \$6.6 million in Mississippi, \$4.4 million in Louisiana and \$17.6 million in Texas while the party boat industry generated (from party boat revenues) direct, indirect, and induced economic output of \$0.35 million in Alabama and \$1.7 million in Texas. The corresponding economic impacts for the other states are \$128 million for charterboats and \$23 million for headboats in Florida, \$5 million for charterboats in Georgia, \$7.5 million for charterboats and \$2.4 million for headboats in South Carolina, \$22 million for charterboats and \$3.4 million for headboats in North Carolina.⁵ Any reduction in the number of vessels that would translate to reductions in the number of angler trips taken through the for-hire vessels would subsequently reduce the economic impacts to local economies. The actual reduction in economic impacts would be generally proportional to the reduction in the number of angler trips corrected for any increase in fishing trip prices that may ensue following the exit of some vessels from the fishery.

Especially affected by vessel reductions would be the areas that have been identified as "major activity centers" to the extent that the excluded vessels have been operating out of these areas. For coastal areas in Alabama through Texas, Sutton et al. (1999) identified as major activity centers for charterboats the following areas: South Padre Island, Port Aransas, and Galveston-Freeport in Texas; Grand Isle-Empire-Venice in Louisiana, Gulfport-Biloxi in Mississippi, and Orange Beach-Gulf Shores in Alabama. The corresponding major activity centers for party boats are: South Padre Island, Port Aransas, and Galveston-Freeport in Texas and Orange Beach-Gulf Shores in Alabama. Earlier studies (Ditton et al. 1989; Holland et al. 1992) identified the same areas, except Gulfport-Biloxi, as major activity centers for charterboats and the same areas, except Orange Beach-Gulf Shores, as major activity centers for party boats. Holland et al. (1999 draft) has not yet specifically indicated the location of major activity centers for either charterboats or headboats, but two earlier

⁴Sutton et al. (1999) found that the mean percentage of time spent targeting snappers alone was 49 percent for charterboats and 70 percent for party boats for those operating out of the states of Alabama through Texas. Holland et al. (1999 draft) reported that for Florida the mean percentage of time spent targeting reef fish was 21 percent for charterboats and 43 percent for headboats. The corresponding number for Georgia through North Carolina were much lower.

⁵It should be noted here that the estimated economic impacts only considered the revenues received by charterboats and headboats. Other sources of economic activity, such as lodging and restaurant expenses by anglers were not included.

studies (Ditton et al.1992; Holland et al. 1992) identified as major activity centers for charterboats the following areas in Florida: the Keys, Marco Island, Naples, Fort Myers, Madeira Beach, Clearwater, and St. Petersburg. The corresponding activity centers for headboats in Florida were: Key West, Islamorada, Naples, Fort Myers Beach, Boca Grande, Clearwater, Panama City/Panama City Beach, Destin, and Pensacola in Florida.

Environmental Consequences

Essential Fish Habitat (EFH): The alternatives have no impact on EFH.

Physical Environment: The alternatives have no impact on the physical environment.

Human Environment: The Preferred Alternative and Alternative B-2 essentially result in including all participants currently in these fisheries who are complying with the permit requirement; therefore, the alternatives have a beneficial impact on the current participants, but would negatively impact current participants not complying with the permit requirement. Alternative B-1 would likely adversely impact the current participants as it would allow a large number of additional persons to obtain vessel permits and compete with the current participants for the allocations of reef fish and costal migratory pelagics stocks. Many of the sub-options under Alternative B-3 are likely to adversely impact many of the current participants by denying them access to these fisheries. This would result in major adverse fiscal impacts on these persons.

Fishery Resources: The Preferred Alternative and Alternative B-2 are anticipated to have an initial neutral impact on reef fish and coastal migratory pelagic resources in that the alternatives would include largely all the current participants i.e., no change in fishing effort. Alternative B-1 is anticipated to have an adverse impact on fishery resources by allowing the number of participants, (and thereby fishing effort) to increase. Compared to the other alternatives sub-options a, b, and c under Alternative B-3 would have a beneficial impact on fishery resources by reducing fishing effort.

Effect on Other Fisheries: In as much as the recreational for-hire vessels frequently harvest other finfish stocks the impacts would be similar to these discussed above under *Fishery Resources*.

Effect on Wetlands: The alternatives have no impact on wetlands.

C. A New Gulf Permit for the Coastal Migratory Pelagics Fisheries

This section of the amendment has two subsections. The first provides alternatives that would create (or not create) a separate Gulf coastal migratory pelagics charter vessel/headboat permit or an endorsement for fishing in the Gulf on existing coastal migratory pelagic permits. The second subsection provides additional eligibility requirements for receiving the new Gulf permit or endorsement.

Coastal Migratory Pelagics Charter Permits/Endorsements

Those eligible to participate in the coastal pelagics charter vessel/headboat fishery at the start of the moratorium are eligible to apply for the Gulf coastal migratory pelagics permit or endorsement. The Gulf coastal migratory pelagics permit or endorsement is required aboard charter vessels/headboats for possession of any species under the Coastal Migratory Pelagics FMP. The Gulf coastal migratory pelagics charter permit is not required when the vessel is fishing commercially, although a commercial king and/or Spanish mackerel permit is required.

Preferred Alternative: For any species under the Coastal Migratory Pelagics FMP to be possessed aboard a charter vessel or headboat fishing in the Gulf EEZ, a Gulf endorsement on coastal migratory charter permit must be issued to the vessel and must be on board. This endorsement may be used for a vessel if its owner was an owner of a vessel eligible to receive a coastal migratory pelagics permit under the charter vessel/headboat permit moratorium. Applications for the Gulf coastal migratory pelagics endorsement must be submitted not later than 90 days after the final rule to implement the Charter Vessel/Headboat Moratorium Amendment is published.

Alternative C-1: For any species under the Coastal Migratory Pelagics FMP to be possessed aboard a charter vessel or headboat fishing in the Gulf EEZ, a Gulf coastal migratory charter permit must be issued to the vessel and must be on board. This permit may be issued for a vessel if its owner was an owner of a vessel eligible to receive a coastal migratory pelagics permit under the charter vessel/headboat permit moratorium. Applications for the Gulf coast migratory pelagics permit must be submitted not later than 90 days after the final rule to implement the Charter Vessel/headboat Moratorium Amendment is published.

Alternative C-2: Do not issue a Gulf coastal migratory pelagics permit or a gulf endorsement on coastal migratory pelagics permits. Any vessel with valid coastal migratory pelagics permit under the moratorium retains the option to fish in the Gulf EEZ.

Additional Eligibility Requirements for the New Gulf Permit/Endorsement

It is expected that many of those eligible to participate in the coastal migratory pelagics charter vessel/headboat fishery at the start of the moratorium would apply for the new permit/endorsement. Since one major objective of the new permit/endorsement is to restrict participation mainly to those charter vessels/headboats operating in the Gulf, there appears the need to place additional eligibility requirements for the new permit. While speculators may eventually give up their permits, it is likely that, subject to transferability conditions during the moratorium, they would sell their permits at a price well above the administrative cost of \$10 to \$40 to those that would operate in the Gulf, thus increasing the number of participants in this area.

Note: NOAA General Counsel has concluded that a measure requiring vessels to operate from home ports in the Gulf violates National Standard 4.

The Council Has Not Selected a Preferred Alternative

Alternative C-3: Only those that can provide factual evidence of charter vessel/headboat operation in the Gulf EEZ (e.g., receipts from customer fees, receipts from docking fees, notarized certification from a marina operator in the Gulf, legal evidence of place of business operation) for any period during the last 3 years (or some other specified period) are eligible for the new permit/endorsement.

Alternative C-4: Any person who is eligible for the coastal pelagics charter permit at the start of the moratorium is eligible for the new permit/endorsement. However, in the event logbooks are required, Gulf permit/endorsement renewal shall be based, among others, on evidence of actual operation in the Gulf EEZ as shown in logbook reports.

Alternative C-5: Any person who is eligible for the coastal pelagics charter vessel/headboat permit at the start of the moratorium is eligible for the new permit/endorsement.

Note: An owner of a vessel who desires a charter permit/endorsement for the Gulf of Mexico coastal migratory pelagics fishery must submit an application for such permit/endorsement postmarked or hand-delivered not later than 90 days after publication of the final rule to implement the Charter Vessel/Headboat Moratorium Amendment. Failure to apply in a timely manner will preclude permit/endorsement issuance even when the vessel owner meets the eligibility criteria for such permit/endorsement.

A vessel owner may request an appeal of the RA's determination regarding initial permit/endorsement eligibility by submitting a written request for reconsideration to the RA. Such request must be postmarked or hand-delivered within 20 days of the date of the RA's notification denying initial permit/endorsement issuance and must provide written documentation supporting permit/endorsement eligibility.

Discussion: The Preferred Alternative under the first subsection would create a Gulf of Mexico endorsement to the charter vessel/headboat permit for coastal migratory pelagics which has been required under the FMP since 1987 for all vessels fishing the Gulf or Atlantic EEZs. NMFS Permits Branch personnel feel that it would be easier for the agency and for the permit holders to use an endorsement rather than a separate permit as provided for under Alternative C-1. This would certainly be the case for permit holders operating from the Florida Keys who may periodically fish in both Gulf and Atlantic EEZs.

Initially any permit holder in the fishery as of September 16, 1999 could apply for the endorsement to their permit to fish in the Gulf EEZ. It is likely that some permit holders whose operations are based out of Atlantic ports will do so on speculation that the permit will increase in value over the moratorium period. The second subsection on "Additional Eligibility Requirements for the New Gulf Permit/Endorsements" provides Alternatives C-3 and C-4 to subsequently limit the endorsement (or new permit) to permit holders who can document that their operations are (or have been) from Gulf fishing ports. Alternative C-3 would require that financial records be submitted to NMFS that would document operations from a Gulf port, if the current permit indicated that the vessel has been operating out of Atlantic ports. If the Council selects the Alternative under Section 7.0 requiring logbooks then under Alternative C-4 those landing records will be used to determine whether the vessel is fishing the Gulf EEZ and is thereby eligible for the Gulf endorsement (or permit) to be renewed.

For purposes of this section, fishing ports in the Florida Keys are considered Gulf fishing ports. Under Alternative C-3 these permit holders would qualify to hold the Gulf endorsement. Under Alternative C-4 if logbook records indicated they did not fish the Gulf EEZ during a fishing year then endorsement would not be renewed.

Biological Impacts: Adverse impacts on the stocks would have likely occurred if all existing permits allowed fishing in the Gulf EEZ. This would likely occur as many permit holders fishing from the Atlantic ports may have obtained Gulf endorsements because they may become valuable. If that occurred there would be a pool of permits with the Gulf endorsement in the Atlantic available for purchase by vessels wishing to enter the Gulf fisheries. Either Alternative C-3 or C-4 would reduce significantly the adverse impact that additional effort capacity in the Gulf could cause.

Economic Impacts: The Preferred Alternative and Alternatives C-1, C-2 and C-5 would have relatively minor additional economic effects on fishing participants over those already imposed by any of the chosen alternatives under Section B above. The additional effects would mainly be in the form of additional paper work and fees for securing an endorsement (Preferred Alternative) or a new permit (Alternative C-1). No potential additional reduction in the number of permitted for-hire vessels fishing for coastal pelagics in the Gulf.

On the other hand, Alternatives C-3 and C-4 may be expected to result in additional reduction in the number of for-hire vessels permitted to fish for coastal pelagics in the Gulf, with such reduction being more immediate under Alternative C-3 than Alternative C-4. It is to be noted that in the short-term only the number of permits may be reduced, and not necessarily the number of vessels fishing for coastal pelagics in the Gulf. Most of those that are likely to be excluded from the Gulf permit/endorsement are those that fish in areas outside the Gulf, with the possible exception of vessels in the Keys. Based on state of home port, as shown in Table 3, about 683 of a total of 1,899 permitted vessels may be excluded from securing a Gulf permit/endorsement, since it is very likely that these vessels do not currently or have no plans (assuming no moratorium) to fish for coastal pelagics in the Gulf.

As mentioned several times in this document, some speculators may be expected to apply for the Gulf permit/endorsement, and they may be eligible to secure the permit/endorsement under any of the alternatives under this section, except Alternatives C-3 and C-4. They may or not eventually fish in the Gulf, but as the Gulf permit/endorsement assumes some value over the administrative fee, they may sell their permits to those that would actually fish in the Gulf, thus resulting in an increase in the number of vessels fishing for coastal pelagics in the Gulf. This resulting condition could obviate the moratorium's intent of limiting the maximum number of vessels fishing in the Gulf to that eligible at the start of the moratorium. Alternatives C-3 and C-4 could mitigate this resulting increase in the number of vessels.

To the extent that Alternative C-3 or C-4 would restrict the number of vessels in the Gulf fishing for coastal pelagics, competition among the remaining vessels would be lessened. This may not necessarily result in better profitability for the remaining vessels, but at least one factor contributing to low profitability in the Gulf for-hire sector would be eliminated.

Environmental Consequences

Essential Fish Habitat (EFH): The alternatives have no impact on EFH.

Physical Environment: The alternatives have no impact on the physical environment.

Human Environment: There should be very little or no adverse impact on participants in that the alternatives are designed to maintain status quo, i.e., vessels based in Atlantic ports continue to fish those areas and vessels from Gulf ports continue to fish that area. Non-participants in the Gulf fisheries would be required to purchase a permit in order to enter the Gulf fisheries.

Fishery Resources: To the extent the alternative stabilize effort in the Gulf fisheries the effect on reef fish and coastal migratory pelagics fishery resources will be beneficial.

Effect on Other Fisheries: The effect would be similar to that stated above for fishery resources.

Effect on Wetlands: The alternatives have no impact on wetlands.

D. Permit Transfers During the Moratorium

The Ditton and Loomis (1985) study of the Texas charter vessel industry and that of Ditton and Vize (1987) indicated only 48 percent of the original participants remained in business after 5 years and only 25 percent after 10 years. Most likely many or most of the persons leaving the business sold these vessels to new entrants. Therefore, it is important to provide for transfer of permits during the moratorium.

Preferred Alternative D-1: Transfer of permits between vessels owned by a permit holder is allowed.

Preferred Alternative D-2: Transfer of permits between individuals is allowed without transfer of the vessel.

Alternative D-3: Transfer of permits is prohibited for the first year.

Alternative D-4: Transfer of permits is prohibited during the moratorium.

Note: More than one alternative could be selected. All transfers of permits must be registered with NMFS. In the event of a death of the permit holder, the estate will act in his/her behalf.

Discussion: If either Alternatives D-3 or D-4 were selected there would be some permits retired by attrition through persons leaving the fishery. However, these alternatives would cause rather severe hardships on persons who need to replace their vessels to remain in the fishery and hardships on persons who wish to enter the fishery. Therefore, these alternatives, although limited in duration, appear to be more appropriate as part of a comprehensive limited access system that may replace the moratorium. Preferred Alternative D-2 should be interpreted as allowing the permit holder to sell the permit being transferred (as has been the case under moratoriums established by the Council for commercial fisheries). This provides a way for new participants to enter the fishery as required under limited access systems; however, to enter the fishery they would have to purchase the permit.

Biological Impacts: Alternatives prohibiting or limiting transfer are more likely to reduce effort in the fisheries potentially having a beneficial impact on the stocks.

Economic Impacts: Commenting on an earlier license limitation program for the commercial red snapper fishery, the SEP (1996) noted that transferability facilitates the development of a market in which licenses are traded or leased. After the initial allocation of licenses, access to the fishery would be determined by market forces. Newcomers would buy or rent licenses to enter the fishery, and retirees would be paid to leave. Competition in the market for licenses ensures that those most willing or able to buy or lease licenses, usually the most efficient and profitable fishermen, would eventually acquire or lease them, whatever the initial distribution. To some extent, this comment has some merit when applied to permits during the moratorium. For an industry such as the for-hire sector which is characterized by a high turnover rate, transferability of permits assumes particular importance. It would allow the more efficient operators to remain or enter the fishery while the less efficient ones would be compensated for leaving the fishery. Under this process, the price of permits would start to partly reflect the value of the underlying fishery resource. The limited duration of the moratorium, however, would restrict the capitalization of the value of the fishery resources in the price of the permits. The negative aspect of imposing less restriction on the transfer of permits during the moratorium is the complexity it will introduce in designing certain types of controlled access system that would require landings history or participation for initial assignment of fishing privileges.

Under the circumstance described above, Alternative D-4 would be the least beneficial, followed by Alternative D-3.

Environmental Consequences

Essential Fish Habitat (EFH): The alternatives have no impact on EFH.

Physical Environment: The alternatives have no impact on the physical environment.

Human Environment: Both of the Preferred Alternatives should have a beneficial impact on the current participants in the fisheries. Preferred Alternative D-2 also provides a beneficial impact to non-participants by providing them a way to enter the fisheries. It also will provide a monetary benefit to the permit holders who may sell their permits. The value of such permits is anticipated to increase over time, but probably not significantly over the proposed duration of the moratorium (i.e., 3 years). Alternative D-4 would have a major adverse economic impact on the participants, especially considering the relatively high rate of persons leaving the fisheries as documented by Ditton and Loomis (1985) and Ditton and Vize (1987). Alternative D-4 is anticipated to have an adverse impact on the current participants who would be unable to replace their vessels.

Fishery Resources: The Preferred Alternatives would have a neutral impact on the reef fish and coastal migratory pelagics resources. Both Alternatives D-3 and D-4 would have a beneficial effect on the fishery resource because the number of vessels would decline through attrition without provisions allowing transfer, thereby reducing fishing effort.

Effect on Other Fisheries: The effects on other finfish resources would be similar to that above for the regulated fishery resources.

Effect on Wetlands: The alternatives have no impact on wetlands.

E. Vessel Size Restrictions on Permit Transfers

The Council Has Not Selected a Preferred Alternative

Alternative E-1: Transfer of permits between vessels is allowed without regard to vessel size or U.S. Coast Guard safety certification.

Alternative E-2: Transfer of permits between vessels is allowed only to a vessel with overall length no greater than 5 (or 8) feet longer than the originally permitted vessel.

Alternative E-3: No transfers are allowed between different classes of vessels as certified by the U.S. Coast Guard to safely carry specific numbers of passengers.

Alternative E-4: Transfer of permits is allowed between vessels but without any increase in the number of passengers that can legally be carried under the U.S. Coast Guard safety certification, i.e., can be transferred to vessels certified to carry less passengers.

Alternative E-5: A person with a six-pack vessel (i.e. limited to carrying no more than 6 passengers) can upgrade that vessel in terms of passenger capacity by having a U.S. Coast Guard safety inspection and certification of the vessel's passenger capacity. NMFS must be notified of this change.

Alternative E-6: There will be only two classes of vessels: (1) six-pack or non-inspected vessels; and (2) vessels with U.S. Coast Guard safety inspections. Transfer of permits is allowed within each of these classes, but not between classes.

Discussion: The size of a vessel determines to some extent the number of persons that can fish from the vessel. The issue here is that by significantly increasing the size of the vessel on transfer, the fishing power or fishing capacity of the vessel is also increased, so the vessel can apply greater effort to the fisheries. Alternative E-2 would limit such transfers to vessels no more than 5 (or 8) feet longer. The lengths of vessels should be based on the documented length (or manufacturer's specified length if the vessel is not documented).

Under U.S. Coast Guard (USCG) regulations persons licensed to carry more than 6 passengers for-hire and who will carry more than 6 persons must have their vessels certified by the USCG as to the number of passengers the vessel can safely carry. Vessels that carry 6 persons or less are not required to be inspected. Alternatives E-3 and E-4 are included to provide options that would prevent, for example, a transferred six-pack vessel permit from being used on a headboat. Alternative E-3 would prevent transfers between vessels with USCG certification to safely carry different levels of passengers. Alternative E-4 would allow only transfers that would not increase the capacity to carry passengers. Both alternatives are intended to prevent effort from increasing in terms of angler days. The tables below list the current size classes of vessels currently holding permits in the reef fish and coastal migratory pelagics fisheries.

Coastal Migratory Pelagic and Reef Fish Charter Permits as of August 16, 1999.

Vessel Length	Coastal Migratory Pelagic	Reef Fish
LE 20	54	33
21 - 25	249	156
26 - 30	305	189
31 - 35	294	177
GE 36	931	508
TOTAL	1833	1063

Biological Impacts: There would be a biological benefit from preventing fishing capacity and effort from increasing. However, information presented in Table 1 and Sections 1.0 and 6.0 indicate there have been historic trends in the industry resulting in fewer headboats that target reef fish. Effort in the troll fishery for coastal migratory pelagic species is limited by the number of lines that can be trolled, not the length of the vessel, nor passenger certification.

Economic Impacts: Imposing transfer restrictions based on vessel length or number of passengers would tend to limit the expansion of fishing effort, but it would also negate part of the benefits from allowing transfers of permits during the moratorium. For vessels operating out of Alabama through Texas, the average length is 39 feet for charterboats and 72 feet for party boats (Sutton et al. 1999); for Florida the average lengths are 39 feet for charterboats and 62 feet; for Georgia, South Carolina, and North Carolina the average lengths for charterboats are 29 feet, 28 feet, and 38 feet, respectively; and, for South Carolina and North Carolina combined, the average headboat length is 63 feet (Holland et al. 1999 draft). The tables below present more details on the variations in vessel lengths for charterboats and party boats.

**Number and percent of charterboats by boat length
(Alabama - Texas)**

Boat Length (feet)	Alabama		Louisiana		Mississippi		Texas		Total	
	n	%	n	%	n	%	n	%	n	%
25 or less	1	4.5	0	0.0	0	0.0	6	13.0	7	7.3
26-35	1	4.5	4	33.3	6	37.5	22	47.8	33	34.4
36-45	10	45.5	3	25.0	6	37.5	11	23.9	30	31.3
46-55	6	27.3	3	25.0	2	12.5	6	13.0	17	17.8
56 or more	4	18.2	2	16.7	2	12.5	1	2.2	9	9.4
Total	22	100.0	12	100.0	16	100.0	46	99.9	96	100.2
Mean	45.6		42.9		40.8		34.6		39.2	
Std. Dev.	10.7		13.7		11.5		8.8		11.2	

Source: Sutton et al. (1999).

**Number and percent of party boats by boat length
(Alabama - Texas)**

Boat Length (feet)	n	%
60 or less	3	15.0
61-90	15	75.0
91 or more	2	10.0
Total	20	100.0
Mean	71.6	
Standard Deviation	17.1	

Source: Sutton et al. (1999).

Number and percent of charterboats by boat length

	Florida Charterboats	
	n	%
25 or less	52	17.2
26-35	91	30.1
36-45	94	31.1
46-55	59	19.5
56 or more	6	1.9
Total	302	99.8
Mean	39.40	
Standard Deviation	13.88	

Source: Holland et al. (1999 draft).

**Number and percent of headboats by boat length
(Florida)**

Boat Length (feet)	n	%
60 or less	16	43.2
61-90	19	51.4
91 or more	2	5.4
Total	37	100.0
Mean	62.5	
Standard Deviation	16.6	

Source: Holland et al. (1999 draft).

The tables above show that most of the charterboats from North Carolina through Texas are in the 26 to 35 feet and 36 to 45 feet categories. Headboats, on the other hand, are mostly in the 61 to 90 feet category. If effort is considered to be highly correlated with vessel length, it would appear that permit transfers within the charterboat or headboat classes would not appreciably change effort. A substantial change in effort is likely to occur mainly in permit transfers between charterboats and headboats. Any alternative, then, such as Alternative E-2, that would limit permit transfer based on vessel length within charterboats or headboats may constrain the achievement of efficiency in the charterboat or headboat segments of the for-hire fishery, and thus adjudged less beneficial than those alternatives, such as Alternative E-1, that impose no such restriction.

The general conclusion above may have to be tempered with the possibility that vessel length may be closely correlated with passenger capacity. Regarding passenger capacity, the tables below are presented to provide some insights regarding the potential shift in vessel capacity under a moratorium.

**Number and percent of charterboats by maximum capacity
(Alabama - Texas)**

Passenger Capacity	Alabama		Louisiana		Mississippi		Texas		Total	
	n	%	n	%	n	%	n	%	n	%
10 or fewer	11	50.0	8	66.7	13	81.3	38	82.6	70	72.9
11-20	6	27.3	1	8.3	0	0.0	4	8.7	11	11.5
21 or more	5	22.7	3	25.0	3	18.8	4	8.7	15	15.6
Total	22	100.0	12	100.0	16	100.1	46	100.0	96	100.0
Mean	15.2		13.6		11.9		9.1		11.5	
Standard Deviation	12.8		12.1		13.8		8.9		11.3	

Source: Sutton et al. (1999).

**Number and percent of party boats by maximum capacity
(Alabama - Texas)**

Passenger Capacity	n	%
40 or fewer	4	19.0
41-80	12	57.1
81 or more	5	23.8
Total	21	99.9
Mean	59.9	
Standard Deviation	24.2	

Source: Sutton et al. (1999).

**Number and percent of charterboats by maximum number of passengers that can be taken on boat
(Florida)**

Passenger Capacity	Atlantic		Gulf		Keys		Florida Total	
	n	%	n	%	n	%	n	%
1-6	86	100.0	124	80.5	63	100.0	273	90.1
7-10	0	0.0	6	3.9	0	0.0	6	2.0
11-20	0	0.0	15	9.7	0	0.0	15	5.0
21-35	0	0.0	7	4.5	0	0.0	7	2.3
36-50	0	0.0	1	0.6	0	0.0	1	3.0
51-75	0	0.0	1	0.6	0	0.0	1	3.0
Total	86	100.0	154	100.0	63	100.0	303	100.0
Mean	5.83		8.46		5.87		7.17	
Standard Deviation	0.64		6.91		0.49		5.1	

Source: Holland et al. (1999 draft).

**Number and percent of headboats by maximum number of passengers that can be taken on boat
(Florida)**

Passenger Capacity	n	%
< 10	0	0.0
11-20	1	2.7
21-35	6	16.2
36-50	17	45.9
51-75	3	8.1
76-100	5	13.5
101-150	5	13.5
Total	37	100.0
Mean	61.35	
Standard Deviation	34.89	

Source: Holland et al. (1999 draft).

**Number and percent of charterboats by maximum capacity
(Georgia - North Carolina)**

Passenger Capacity	North Carolina		South Carolina		Georgia		Total	
	n	%	n	%	n	%	n	%
3	0	0.0	6	20.7	0	0.0	6	6.1
4	0	0.0	4	13.8	2	6.7	6	6.1
6	37	92.5	19	65.5	25	83.3	81	81.8
8	3	7.5	0	0.0	3	10.0	6	6.1
Total	40	100.0	29	100.0	30	100.0	99	100.0

Source: Holland et al. (1999 draft).

**Number and percent of headboats by maximum capacity
(South Carolina - North Carolina)**

Passenger Capacity	n	%
12	4	26.7
15	1	6.7
32	1	6.7
42	2	13.3
86	2	13.3
95	2	13.3
115	1	6.7
150	2	13.3
Total	15	100.0
Mean	63.7	
Standard Deviation	50.4	

Source: Holland et al. (1999 draft).

The tables above show that most of the charterboats from North Carolina through Texas are concentrated around the lower passenger capacity category. This condition offers a possibility that during the moratorium, a shift to larger capacity vessels may occur in order to accommodate fishing trips that otherwise would have gone to those that would be excluded from the fishery by the moratorium. Imposing restrictions on the transfer of permits based on passenger capacity may then impose some control on the expansion of fishing effort. To the extent that passenger capacity is closely correlated with vessel length,

imposing restrictions on the transfer of permits based on vessel length may affect the change in fishing effort.

The case for headboats is different from that of the charterboats, because most of the vessels are concentrated around the middle of the passenger capacity distribution, with the possible exception of vessels in the Carolinas which are concentrated in the lower passenger capacity category. Restrictions on permit transfer within the headboat fishery based on passenger capacity is likely to effect a relatively small impact of fishing effort.

Environmental Consequences

Essential Fish Habitat (EFH): The alternatives have no impact on EFH.

Physical Environment: The alternatives have no impact on the physical environment.

Human Environment: Alternatives E-2, E-3, and E-4 attempt to maintain the status quo in terms of passenger capacity of vessels to which permits are transferred. These alternatives may, on occasion, deny a market opportunity for sale of a permit. Alternative E-1 would enhance these market opportunities.

Fishery Resources: Alternative E-1 is anticipated to have an adverse impact on reef fish and coastal migratory pelagic resources as compared to the other alternatives which limit increases in fishing effort capacity. Currently the status quo is the same as E-1, i.e., no control over change of vessel passenger capacity.

Effect on Other Fisheries: To a lesser extent the impact on other finfish resources is similar to the above discussion under *Fishery Resources*.

Effect on the Wetlands: The alternatives have no impact on wetlands.

F. Re-Issuance of Permits Not Renewed (or Permanently Revoked)

Preferred Alternative: Permits not renewed within one year of their expiration (or permanently revoked) will not be reissued by NMFS during the moratorium.

Alternative F-1: Permits not renewed within one year of their expiration will be reissued by NMFS:

- (a) by randomly selecting from an annual list of interested persons, or
- (b) on a sequential basis to persons on a continuous waiting list, or

- (c) only 50 percent of permits not renewed each calendar year will be reissued as in (a) or (b) above.

Alternative F-2: Each calendar year fifty percent of permits not renewed within one year of their expiration will be re-issued by randomly selecting:

- (a) persons excluded from the fisheries who can document that they owned and operated a charter vessel or headboat prior to the control date, but did not obtain a federal permit, or,
- (b) persons who can document that they have been an operator of a charter vessel or headboat for 10 years.

Discussion: Under the Preferred Alternative the number of vessels permitted to fish would decline during the period of the moratorium. The number of commercial reef fish vessel permits declined from about 2,200 in 1993 to about 1,230, through non-renewal of permits. However, a large portion of the 2,200 permits were initially obtained by persons who speculated the permits would have value, and up to 600 of the currently permitted vessels had no record of reef fish landings. The reduction in number of vessels in these charter vessel/headboat fisheries is unlikely to be nearly as high; however, any reduction would be a start, if the Council, in its comprehensive limited access system, proposes to reduce the number of vessels permitted to fish.

Alternative F-1 provides that all or 50 percent of permits not renewed would be reissued by either random drawing or in sequence to persons on a waiting list. Such a list used for the random drawing would be established each calendar year, with the list used for the previous random drawing discarded.

Alternative F-2 would provide preferential treatment for either persons owning and operating vessels prior to the control date who were excluded by the moratorium or persons who have been operators of other persons' boats for 10 or more years. Extending preferential treatment to either of these groups seems justifiable in that both have been historical participants in the fisheries. While some of the owner/operators may have blatantly ignored the permitting requirement because enforcement was lax; others were probably not aware of the requirement. It would be very difficult operators to enter the fisheries if they must purchase both the permit and a vessel.

Biological Impacts: the Preferred Alternative is likely to have a beneficial effect as a result of reducing effort on the resources. The other alternatives will have neutral effects, or in comparison to the Preferred Alternative, potentially a negative effect.

Economic Impacts: Under the moratorium, for-hire vessel permits would assume some value above the fee charged by NMFS for permits, since no new entrants can participate in the fishery without obtaining the permit from those that already have them. Under this scenario, it is likely that most of permits existing at the start of the moratorium would remain in the fishery. But based on the experience with commercial reef fish permit which has been under a moratorium since 1992, many for-hire vessel permits may be expected to not be renewed over time. As has been noted elsewhere in this document, commercial reef fish permits decreased 44 percent from their high of 2,200 in 1993 to about 1,230 currently. Indeed it may be recalled that a surge in the number of permits occurred right before the implementation of the moratorium, presumably many of which were secured for speculative purposes. At any rate, a fair amount of permit reduction occurred, and a similar situation may be expected of the for-hire vessel permit under a moratorium especially that the turnover rate in this fishery is relatively high.

Not reissuing permits that have not been renewed, as with the Preferred Alternative, would address some of the problems facing the for-hire industry related to the presence of too much competition. If the profitability of the entire industry increases as a result of exiting vessels, then the Preferred Alternative may be deemed the most beneficial among the alternatives. One may have to contend, though, with the possibility that some areas may experience reductions in economic activities. Highly susceptible to this possibility are the areas that have been identified as major activity centers for the for-hire fishery.

Environmental Consequences

Essential Fish Habitat (EFH): The alternatives have no impact on EFH.

Physical Environment: The alternatives have no impact on the physical environment.

Human Environment: The Preferred Alternative would have a beneficial impact on the participants remaining in the fisheries because there would be a reduction in competition as permits declined through non-renewal. Alternative F-1 would nullify or reduce that benefit, as would Alternative F-2. Alternative F-2 provides a portal of entry for (a) persons excluded from the fishery when the amendment is implemented because they failed to obtain a permit and (b) for charter vessel operators with 10 or more years of service.

Fishery Resources: The Preferred Alternative would likely have a beneficial impact on the reef fish and coastal migratory pelagic resources; however, over the duration of the proposed moratorium (i.e., 3 years) that effect may not be measurable.

Effect on Other Fisheries: The anticipated impact on other finfish stocks would be similar to that described above under *Fishery Resources*.

Effect on Wetlands: The alternatives will have no impact on wetlands.

G. Appeals Process Under Moratorium

If the control date is used it appears that an appeals process would be necessary for persons to settle issues related to the NMFS permits records that would be used to determine eligibility under Alternative B-3. If that date is not used then any appeals process would seem to be optional.

The Council Has Not Selected a Preferred Alternative

Alternative G-1: Do not have an appeals process.

Alternative G-2: Create an appeals board to resolve issues related to the NMFS permit office records that pertain to eligibility to retain a permit to participate in the fisheries.

Alternative G-3: The Regional Administrator, upon recommendation by the appeals board, may initially issue up to 100 additional permits during the first year to persons currently in the fishery that can document, to the satisfaction of the board, that they owned and operated a charter vessel or headboat prior to the control date, but did not obtain a federal permit or to persons who contracted for the construction of a charter vessel or headboat prior to the control date. Persons documenting the greatest dependence on charter/headboat fishing will be given preference, if that becomes necessary (i.e., more than 100 applicants).

Alternative G-4: The Regional Administrator, upon recommendation by the appeals board, may issue up to 100 additional permits to persons fishing from small fishing communities, with preference to economically depressed fishing communities.

Alternative G-5: The Regional Administrator, upon recommendation by the appeals board, may grant up to 100 additional permits to persons who can demonstrate to the board that they suffered or will suffer a major financial hardship from the moratorium.
[See hardship guidelines below].

Hardship Guidelines for G-5

Since hardships are, by their nature, unique situations, the Council cannot predict all of the circumstances which would merit consideration. The Council emphasizes that hardship allotments are to be awarded on the basis of circumstances which were beyond an individual's control, as opposed to difficulties resulting from unfortunate

business judgments. The following examples of meritorious circumstances are offered to aid the appeals board in its determinations:

- a. A person who had entered into a binding contractual agreement for construction of a charter or head boat at a time other than provided under Alternative G-3, or**
- b. A person who had entered into a binding contractual agreement to purchase a vessel that would be ineligible to participate in the fishery under the eligibility criteria of section 6.B, or**
- c. A person who had his/her vessel permitted prior to the control date but ceased fishing the vessel prior to the eligibility date (September 16, 1999) due to a documented health problem (physical or mental), and was thereby excluded from participating, or**
- d. A person who had his/her vessel permitted prior to the control date who lost the vessel due to fire or sinking prior to the eligibility date (September 16, 1999), and was thereby excluded from participation.**

These examples are not exhaustive, and are given only to illustrate situations resulting from circumstances beyond the control of the fisherman. The Council further instructs the appeals board to require documentation or other proof of the claims made pursuant to this section.

Note: The appeals board would conduct its reviews immediately following the implementation of the moratorium and would cease to exist on the conclusion of the hearings. Persons submitting appeals must state their case in writing and submit it to the Council or NMFS for distribution to the board before the appeal is scheduled. Upon request, a vessel owner may make a personal appearance before the Appeals Board.

Discussion: Previously the Council utilized persons delegated by the state fishery directors as the appeals boards. This would seem to be the best way to proceed if an appeals board is created. Alternative G-3 is a hardship provision that would largely compensate persons who have been and are operating in the fishery prior to and following the control date without the charter vessel/headboat permit who were therefore excluded from participation. Alternative G-3 would also allow consideration of granting a permit to a person who had contracted for construction of a vessel prior to the control date (i.e., November 18, 1998) and who had expended funds paying for that vessel. Alternative G-4 would provide preferential treatment to small, economically depressed fishing communities

that were creating a charter fishery to contribute to the economy. Expenditures, and planned expenditures by that community or persons within that community to create the infrastructure for a recreational for-hire fishery, e.g., dockage, marinas, etc. would be a major consideration by the appeals board in allocating permits. Alternative G-5 is for economic hardships that may have been created by the moratorium. A major problem with both G-4 and G-5 is defining what constitutes a fishing community or a hardship.

Biological Impacts: No biological impacts are anticipated from the alternatives that deal with vessels that are currently in the fisheries. The alternatives that allow additional participants not in the fishery will likely have an adverse biological impact.

Economic Impacts: The creation of an Appeals Board and the design of its structure have minimal effects on economic efficiency, but do address the equity issue of the permit moratorium. One major reason for this is that an appeals board would only marginally affect the number of persons or vessels receiving permits. Economic changes would only become evident if the number of successful appeals were large compared to the number of qualifying persons or vessels. An appeals board does provide an avenue for fishermen to provide information related to their respective particular situations that were not available to fishery managers in their decision to exclude certain fishermen from continued participation in the for-hire fishery.

Environmental Consequences

Essential Fish Habitat (EFH): The alternatives have no impact on EFH.

Physical Environment: The alternatives have no impact on the physical environment.

Human Environment: Alternative G-2 is principally related to the eligibility records that would apply if Alternative B-3 was selected. It would provide persons excluded from the fishery a chance to submit information that would clarify some of NMFS' records for their vessels. Alternatives G-3, G-4, and G-5 would allow up to 100 permits to be issued by the appeals board for various types of hardships. Alternative G-3 would allow issuing permits to persons whose vessel is in the fishery and can document the vessel was operating in the fishery prior to the control date or to persons who contracted for construction of a vessel prior to the control date. Alternative G-4 would allow issuing of permits to persons in economically depressed fishing communities that are creating marinas, dockage, etc. for establishing a fleet to benefit the local economy. Alternative G-5 would allow issuing permits to persons who could document they suffered or will suffer economic hardship due to the moratorium. If any or all of these three alternatives are selected as the proposed alternative the additional permits issued could have an adverse impact on the current participants by allowing an increase in vessels of about 10 to 30 percent.

Fishery Resources: To the extent that any of the alternatives result in an increase in the recreational for-hire vessels, the impact on the reef fish and coastal migratory pelagics resources will progressively adverse depending on the amount of increase.

Effect on Other Fisheries: The effect on other finfish resources would be similar to that described above under *Fishery Resources*.

Effect on Wetlands: The alternatives have no impact on wetlands.

7.0 CHARTER VESSEL REPORTING

If the Council elects to proceed with the moratorium, then it is an indication that during the moratorium period they will likely develop a more comprehensive limited access system for the reef fish and coastal migratory pelagic charter vessel/headboat fisheries. In order to consider some of the alternatives for limiting access it is very useful to have landings information for individual vessels (or permit holders). This section includes alternatives for that purpose.

7.1 Reporting

The Council Has Not Selected a Preferred Alternative

Alternative 1: Require logbook reporting for all charter vessels permitted under the moratorium;

Alternative 2: Continue to use the intercept portion of the MRFSS, but use only charter vessel captains in the telephone survey.

Alternative 3: Status Quo - do not require logbooks or the captain's telephone survey;

Discussion: A license limitation system does not necessarily require additional vessel records, although such records could be useful in removing from the fisheries the non-participants (e.g., persons holding permits on speculation that they can sell them but not fishing). However, the requirement for logbooks is also likely to provide more reliable landings information for management purposes, than the Marine Recreational Fisheries Statistical Survey (MRFSS). **The red snapper peer group review of recreational data was critical of both MRFSS and its collection of catch and effort data for the charter and head boats. In the response to the peer review of red snapper the NMFS Response Team recommended that mandatory logbooks be used to collect landing information from charter vessels (NMFS 1999).** Such a system would certainly provide better information, than MRFSS, for periods when storms prevent fishing. Headboats are already required to turn in trip information through logbooks under the NMFS Southeast headboat

survey and are, therefore, not included in the alternatives. Monthly logbook reports for periods when no fishing occurred would be required.

Alternative 2 provides for the use of the charter boat captain telephone survey. This method is currently being evaluated in the Gulf of Mexico and relies on a random sample of 10 percent of the listed vessels in each state to be called each week to obtain the number of trips and anglers per trip for the prior week.⁶ The averages of the trips and anglers per trip are multiplied times the total number of charter boats to estimate the total number of charter vessel trips and angler trips for that week. In addition, in order to validate the effort data reported by telephone, field samplers periodically survey charter boat docks to directly observe vessel fishing effort. The direct observations of effort are compared with the reported data from the telephone survey to confirm accuracy. Preliminary analysis show the effort data to be more precise and credible for the charter boat fishery.

This method focuses on improving effort estimates of the current MRFSS methods since the catch estimates from the MRFSS appear to sufficiently represent catch by the charter boat sector. The catch data are being collected under the auspices of RecFIN(SE) via a cooperative marine recreational data collection program (using MRFSS methods) with involvement from the Gulf states, GSMFC, and NMFS.

Lastly, participation in the charter boat captain telephone survey provides the necessary data for stock assessments and fisheries management while imposing the least amount of burden to the industry since only 10 percent of vessels are sampled at any time as opposed to 100% reporting of all trips by all vessels in the charter boat fishery.

Biological Impacts: No biological impacts are anticipated from the reporting requirements.

Economic Impacts: In general, data collection is an integral component of any management strategy, for it is through the collection and use of information that management can design better and more appropriate management system for the subject activity. In this regard, the for-hire fishery, especially that it has become an important component of the fishery in the Gulf and South Atlantic, is no different than other sectors of the fishery. Currently, headboats are required to submit logbooks, but no similar requirement applies to charterboats. Fishery information on charter fishing activities are collected as part of the MRFSS.

Given the broad coverage that a logbook system offers in data collection, Alternative 1 may be considered the better approach. But Alternative 2 is not incompatible with Alternative 1 so that both alternatives may be employed, possibly providing a better data set than either alternative can provide. Logbooks, however, being generally dependent on vessel operator reporting may be subject to some level on inaccuracies due to a variety of reasons, such as

⁶The NMFS Center Director has authority under both FMPs to increase the sample size to greater than 10 percent.

recall problems and lack of time for completing and mailing logbooks. When the two approaches are used, logbook reports would provide a more complete data set whose level of accuracy may be checked from information collected through Alternative 2. In the event that the moratorium is transformed into a controlled access system of a type similar to an individual fisherman's quota, logbook information would assume a critical role in assigning initial fishing privileges. Other data collection system that would not be as broad in coverage as logbooks would be seriously wanting in providing fishery managers the needed information.

Naturally, there are costs involved in adopting Alternative 1 and/or Alternative 2. NMFS has estimated that logbook reporting would demand about 7,000 hours per year of industry time. At an opportunity cost of \$12.50 per hour, total industry cost from logbook reporting would amount to \$87,500. Although this amount is relatively small for the industry as a whole, smaller charterboat operations would be disproportionately share a larger burden.

Environmental Consequences

Essential Fish Habitat (EFH): The alternatives have no impact on EFH.

Physical Environment: The alternatives have no impact on the physical environment.

Human Environment: The impacts are in terms of burden hours for providing the information. Under Alternative 1 the time required to complete each logbook sheet is about 3 minutes. For each vessel to report each trip the total reporting burden is estimated to be 7,000 hours annually. Under Alternative 2 the time required for a vessel captain to respond to the telephone interview is about 5 minutes. Each captain selected would report 18 times annually. For 10 percent of the captains to participate the total reporting burden is estimated at 150 hours annually (David Donaldson, 1999, GSMFC, Personal Communication).

Fishery Resources: To the extent that either of the alternatives results in more reliable information than MRFSS the effect on the fishery resources will be beneficial.

Effect on Other Fisheries: Since information on harvest levels for other finfish stocks will be collected by both alternatives the effect is the same as described above under *Fishery Resources*.

Effect on Wetlands: The alternatives have no impact on wetlands.

7.2 Permit Condition

In the commercial logbook programs compliance with the reporting requirements is assured by not re-issuing the vessel permit, (which must be renewed annually), until all the logbook reports for the previous year have been received. Permits are subject for renewal on the

permit-holder's birthdate. A person has up to one year to renew the permit after his/her birthdate before it is retired.

The Council Has Not Selected a Preferred Alternative.

Alternative 1: As a condition of annual renewal of a permit, the permit holder must provide to NMFS the logbook reports for the previous year, or the captains must participate in the MRFSS telephone survey.

Alternative 2: Status Quo-no action.

Discussion: Based on past experience with mandatory logbook programs (e.g., for stone crab, fish traps, etc.) compliance and participation will likely decline to a low level over time without the condition on permit renewal.

Economic Impacts: Alternative 1 would greatly aid in ensuring that fishermen comply with logbook or MRFSS-based data collection requirement. The cost involved here for fishermen relate to the earnings that would be forgone in the event that, for one reason or another, they have no sufficient record of complying with the data collection requirement and thus fail to have their permits renewed or renewed on time for some scheduled trips. But the experience with logbook reporting in the commercial reef fish fishery appears to render the likelihood of such occurrence relatively remote.

If the MRFSS-based data collection system is adopted in lieu of logbooks, Alternative 1 would present certain equity issues. Since the MRFSS system does not cover all participants, Alternative 1 would expose those selected to the possibility of not being able to renew their permits. Others would not face the same risk. On the other hand, the logbook system would place every permittee on equal footing with every other permittee relative to the mentioned risk.

Environmental Consequences

Essential Fish Habitat (EFH): The alternatives have no impact on EFH.

Physical Environment: The alternatives have no impact on the physical environment.

Human Environment: Provided the captains or operators provide the required information Alternative 1 will have no impact.

Fishery Resources: The alternatives have no impact on reef fish or coastal migratory pelagics resources.

Effect on Other Fisheries: The alternatives have no impact on other fisheries.

Effect on Wetlands: The alternatives have no impact on wetlands.

8.0 REGULATORY IMPACT REVIEW

8.1 Introduction

The National Marine Fisheries Service (NMFS) requires a Regulatory Impact Review (RIR) for all regulatory actions that are of public interest. The RIR does three things: 1) it provides a comprehensive review of the level and incidence of impacts associated with a proposed or final regulatory action, 2) it provides a review of the problems and policy objectives prompting the regulatory proposals and an evaluation of the major alternatives that could be used to solve the problem, and 3) it ensures that the regulatory agency systematically and comprehensively considers all available alternatives so that the public welfare can be enhanced in the most efficient and cost effective way.

The RIR also serves as the basis for determining whether any proposed regulations are a "significant regulatory action" under certain criteria provided in Executive Order 12866 and whether the proposed regulations will have a "significant economic impact on a substantial number of small business entities" in compliance with the Regulatory Flexibility Act of 1980 (RFA).

This RIR analyzes the probable impacts on fishery participants of the proposed plan amendment to the Reef Fish and Coastal Pelagics Management Plans.

8.2 Problems and Objectives

The general problems and objectives are found in the Reef Fish FMP and Coastal Migratory Pelagics FMP, as amended, and Sections 3.0 and 4.0 of this document. The purpose and need for the present plan amendment are found in Section 3.0 of this document. The current plan amendment addresses the following issues: 1) establish a permit moratorium; and 2) reporting requirements.

8.3 Methodology and Framework for Analysis

This RIR assesses management measures from the standpoint of determining the resulting changes in costs and benefits to society. To the extent practicable, the net effects are stated in terms of producer surplus to the harvest sector, net profits to the intermediate sector, and consumer surplus to the final users of the resource.

In addition to changes in the surpluses mentioned above, there are public and private costs associated with the process of changing and enforcing regulations on the reef fish fishery. A simple estimation of these costs is made in this document.

Ideally, all these changes in costs and benefits need to be accounted for in assessing the net economic benefit from management of reef fish. The RIR attempts to determine these changes to the extent possible.

8.4 Impacts of Management Measures

The discussions under the "Economic Impacts" sub-heading in Sections 6 and 7 comprise the bulk of the impact analysis for RIR purposes. A summary of these impacts is developed in Sub-section 8.6 below.

8.5 Public and Private Costs of Regulations

The preparation, implementation, enforcement, and monitoring of this or any federal action involves the expenditure of public and private resources which can be expressed as costs associated with the regulations. Costs associated with this amendment include:

Council costs of document preparation, meetings, public hearings, and information dissemination	\$45,000
NMFS administrative costs of document preparation, meetings and review	\$30,000
Law enforcement costs	None
Public burden associated with permits and reporting requirements	\$87,500
NMFS costs associated with permits and reporting requirements	None
TOTAL	\$162,500

These costs pertain mainly to the initial implementation of this Amendment. There are additional public burden costs or NMFS costs associated with permitting and reporting requirements. The total reporting burden for permits is estimated at 420 hours and for logbooks at 7,000 hours. Each permit transfer is estimated to require 20 minutes and completing each logbook trip form 3 minutes. The proposed measures would entail additional enforcement costs, but these costs cannot be quantified at this time. It is important to note, however, that under a fixed level of enforcement budget and personnel, a redirection of resources would be undertaken in order to conduct monitoring and enforcement activities necessitated by the actions in this amendment. The NMFS cost associated with permits is reduced by the amendment.

8.6 Summary of Economic Impacts

The moratorium alternatives have the potential to stabilize the for-hire fishery while some form of controlled access is evaluated for the fishery. Both the 3-year and 5-year moratorium alternatives are not expected to adversely affect the average charterboat or headboat operator, but more vessels may be expected to leave the fishery under a 5-year than a 3-year moratorium. A very high percentage of charterboat and headboat operators expressed confidence in remaining in business the next 3 years.

The selection of eligibility criteria for initial participation in the moratorium has limited effects on economic efficiency, but it assumes critical importance in determining the level of adverse impacts on regional economies, particularly in areas identified as major activity centers for charterboats and headboats.

Imposing restrictions on the transfer of for-hire vessel permits during the moratorium would restrict the development of markets for licenses, thus potentially limiting the ability of more efficient operators to enter the fishery or improve their fishing operations.

The alternatives on the transfer of permits based on vessel length or passenger capacity may control the expansion of effort in the fishery during the moratorium, but they would also affect the development of a more economically efficient for-hire business operation. Among the alternatives considered for this purpose, passenger-based restrictions appear to offer a better chance of limiting effort expansion than vessel length-based alternatives.

If the non-issuance of permits not renewed increases the profitability of the for-hire industry, then retiring permits during moratorium would be the more economically preferred alternative.

The establishment of an Appeals Board has practically no bearing on economic efficiency to the extent that the number of successful appeals is substantially smaller than the number of permits issued at the start of the moratorium. An appeals board mainly provides fishermen an additional avenue to present more information that were not available to fishery managers during the allocation of initial for-hire permits.

Logbook reporting provides broader informational base than MRFSS-based data collection. The former, however, imposes more burden on fishermen, although the same burden has already been borne by headboats which are now currently subject to logbook reporting..

Making the submission of fishery information, either by logbooks or participation in the MRFSS, an important precondition for permit renewal would greatly aid in collecting needed information from for-hire vessel operators. The MRFSS-based approach poses equity problems related to the fact that this system exposes only a portion of the for-hire vessel operators to the risk of having their permits not renewed.

8.7 Determination of Significant Regulatory Action

Pursuant to E.O. 12866, a regulation is considered a "significant regulatory action" if it: (1) has an annual effect on the economy of \$100 million or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities; (2) creates a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alters the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in E.O. 12866.

The measures in this amendment may eventually reduce the number of vessels operating in the for-hire fishery in the Gulf and South Atlantic. Such reduction may reduce the financial value of some business operations but may also increase the profitability of other business operations. While the two effects may not be offsetting, it is very likely that the combined effects would not exceed the \$100 million threshold on an annual basis.

Measures in this amendment do not interfere or create inconsistency with any action of another agency, including state fishing agencies. The proposed amendment is made applicable only to fishing operations of for-hire vessels in federal waters, although the various states would be requested to make their rules applicable to fishing in state waters consistent with the provisions in this amendment. Also, measures in this amendment do not affect any entitlements, grants, user fees, or loan programs. The concept of a moratorium on permits as a management tool has been used in the Gulf and South Atlantic in previous actions of the Gulf and South Atlantic Councils, and thus is deemed not to raise novel legal and policy issues. Some amount of controversy may be expected of this amendment, particularly as it relates to the initial eligibility requirement for permits under the moratorium. To some extent, the consideration of establishing an Appeals Board would address this particular issue.

The foregoing leads to the conclusion that this regulation if enacted would not constitute a "significant regulatory action."

8.8 Determination of the Need for an Initial Regulatory Flexibility Analysis

Introduction

The purpose of the Regulatory Flexibility Act (RFA) is to relieve small businesses, small organizations, and small governmental entities from burdensome regulations and record keeping requirements. The category of small entities likely to be affected by the proposed plan amendment is that of commercial and for-hire businesses currently engaged in the reef fish fishery. The impacts of the proposed action on these entities have been discussed above.

The following discussion of impacts focuses specifically on the consequences of the proposed action on the mentioned business entities.

The Regulatory Flexibility Act requires a determination as to whether or not a proposed rule has a significant impact on a substantial number of small entities. If the rule does have this impact then an Initial Regulatory Flexibility Analysis (IRFA) has to be completed for public comment. The IRFA becomes final after the public comments have been addressed. If the proposed rule does not meet the criteria for "substantial number" and "significant impact," then a certification to this effect must be prepared.

Determination of Significant Economic Impact on a Substantial Number of Small Entities

In general, a "substantial number" of small entities is more than 20 percent of those small entities engaged in the fishery (NMFS, 1998). There are currently 1,899 active coastal migratory pelagic charter permits and 1,203 reef fish charter permits, and they are deemed to comprise the universe of for-hire vessels that would be affected by this amendment. The Small Business Administration (SBA) defines a small business in the charterboat activity as a firm with receipts up to \$5 million per year. Sutton et al. (1999) estimated that the average annual receipts of charterboats amount to about \$80,000 in Alabama, \$70,000 in Louisiana, \$48,000 in Mississippi, and \$63,000 in Texas. The estimated average annual receipts for party boats in Alabama through Texas are \$137,000. Holland et al. (1999 draft) reported that in Florida the average annual receipts of charterboats total \$56,000 and those of headboats, \$140,000. They also reported that the average annual receipts for charterboats in Georgia, South Carolina, and North Carolina total \$57,000, \$26,000, and \$60,000, respectively. The average annual receipts for headboats in these areas amount to \$123,000. Although several vessels reported annual receipts well in excess of the average, none reported receipts close to the \$5 million threshold. Hence, it is clear that the criterion of a substantial number of the small business entities comprising the for-hire sector being affected by the proposed rule will be met. The outcome of "significant impact" is less clear but can be triggered by any of the five conditions or criteria discussed below.

The regulations are likely to result in a change in annual gross revenues by more than 5 percent. The average for-hire vessel is likely to be initially included in the moratorium, and thus would maintain its position in the industry and may experience some revenue increases if some vessels get to be excluded from continued participation in the fishery. Vessels that would be excluded from the fishery would experience relatively substantial reduction in revenues as most of the for-hire vessels in the Gulf and South Atlantic are highly dependent on fishing for reef fish and/or mackerel.

Annual compliance costs (annualized capital, operating, reporting, etc.) increase total costs of production for small entities by more than 5 percent. The capital cost of complying with the measures considered in this amendment is deemed to be relatively small. The logbook

requirement, if adopted, is expected to impose a public burden of 7,000 hours valued at around \$87,500.

Compliance costs as a percent of sales for small entities are at least 10 percent higher than compliance costs as a percent of sales for large entities. All the firms expected to be adversely impacted by the rule are small entities and hence there is no differential impact.

Capital costs of compliance represent a significant portion of capital available to small entities, considering internal cash flow and external financing capabilities. General information available as to the ability of small-business, fishing firms to finance items such as a switch to new gear indicate that this would be a problem for at least some of the firms. The evidence is that the banking community is becoming increasingly reluctant to finance changes of this type, especially if the firm has a history of cash flow problems. To the extent that a moratorium would initially and eventually exclude some vessels, thus reducing the maximum number of participating vessels in the fishery, cash flow and profitability of those remaining in the fishery may be expected to increase. The potentially major compliance cost from the proposed rule would be related to reporting which has been estimated as relatively low.

The requirements of the regulation are likely to result in a number of the small entities affected being forced to cease business operations. This number is not precisely defined by SBA but a "rule of thumb" to trigger this criterion would be two percent of the small entities affected. Depending on the choice of alternatives governing the various features of the moratorium, some vessel may be expected to be excluded from the fishery. To the extent that most of these vessels are dependent on reef fish and mackerel for their fishing trips, their exclusion from the fishery would practically result in their eventual exit from the for-hire fishery. At this stage, it is not known how many vessels would be excluded from the reef fish and mackerel for-hire fishery.

Among the enumerated criteria, the last one has the highest potential of rendering the proposed rule as having a significant economic impact on a substantial number of small entities. The determination of the need for an IRFA cannot be determined until the various features of the moratorium are set.

9.0 ENVIRONMENTAL ASSESSMENT

The purpose and need for action for this amendment are contained in Section 3, with additional discussion in Section 4. The list of proposed actions is contained in Section 5. The full list of alternatives considered, including rejected alternatives, is listed for each issue in the appropriate issue section (Sections 6.0 and 7.0).

The description of the affected environment effects of the fishery were discussed in the SEIS for Amendment 5 and are incorporated in this amendment by reference.

9.1 Effects on Physical, Human, Fishery, and Wetlands Environments

Discussion of the environmental consequences of the alternatives accompanies the sections containing the alternatives (sections 6.0 and 7.0) and constitutes the bulk of the environmental assessment with respect to the specific alternatives. Additional information concerning human impacts is contained in the regulatory impact review (RIR), and in the Economic Impacts subsection under each of the sets of alternatives.

9.2 Effect on Endangered Species and Marine Mammals

A Section 7 consultation will be requested from NMFS regarding the impact of the proposed Amendment. It is not anticipated that populations of threatened/endangered species would be adversely affected by the proposed actions.

9.3 Conclusion

Mitigation measures related to the proposed action and fishery: No significant environmental impacts are expected; therefore, no mitigating actions are proposed. Unavoidable adverse effects with implementation of the proposed actions and any negative net economic benefits are discussed in the RIR. Irreversible and irretrievable commitment of resources involved with government costs are those related to permitting alternatives for which NMFS is permitted to charge its administrative costs.

9.4 Finding of No Significant Environmental Impact

In view of the analysis presented in this document, I have determined that the fishery and the proposed action in this amendment to the FMP for the reef fish resources of the Gulf of Mexico would not significantly affect the quality of the human environment with specific reference to the criteria contained in NDM 02-10 implementing the National Environmental Policy Act. Accordingly, the preparation of a Supplemental Environmental Impact Statement (SEIS) for this proposed action is not necessary.

Approved: _____

Assistant Administrator for Fisheries

_____ Date

10.0 OTHER APPLICABLE LAW

10.1 Habitat Concerns

Reef fish habitats and related concerns were described in the reef fish FMP and updated in Amendments 1 and 5. A 1998 generic amendment described essential fish habitat (EFH), including reef fish habitat (GMFMC 1998). The actions in this amendment do not adversely affect the EFH.

10.2 Vessel Safety Considerations

A determination of vessel safety with regard to compliance with 50 CFR 605.15(b)(3) will be requested from the U.S. Coast Guard. Actions in this amendment are not expected to affect vessel safety.

10.3 Coastal Zone Consistency

Section 307(c)(1) of the Federal Coastal Zone Management Act of 1972 requires that all federal activities which directly affect the coastal zone be consistent with approved state coastal zone management programs to the maximum extent practicable. The proposed changes in federal regulations governing reef fish in the EEZ of the Gulf of Mexico will make no changes in federal regulations that are inconsistent with either existing or proposed state regulations.

While it is the goal of the Council to have complementary management measures with those of the states, federal and state administrative procedures vary, and regulatory changes are unlikely to be fully instituted at the same time.

Where applicable, this amendment is consistent with the Coastal Zone Management programs of the states of Alabama, Florida, Louisiana, Mississippi, and Texas to the maximum extent. A determination will be submitted to the responsible state agencies under Section 307 of the Coastal Zone Management Act administering approved Coastal Zone Management programs in the states of Alabama, Florida, Louisiana, Mississippi, and Texas.

10.4 Paperwork Reduction Act

The purpose of the Paperwork Reduction Act is to control paperwork requirements imposed on the public by the Federal Government. The authority to manage information collection and record keeping requirements is vested with the Director of the Office of Management and Budget. This authority encompasses establishment of guidelines and policies, approval of information collection requests, and reduction of paperwork burdens and duplications. The Council proposes, through this amendment, to establish additional reporting requirements and modify existing permit criteria. The total public reporting burdens for these collections of information, including the time for reviewing instructions, searching existing data sources, getting and maintaining the data needed, and completing and reviewing the collection of information, are estimated to be about 7,000 hours if logbooks are required and about 420 hours for the initial permit transfers.

10.5 Federalism

No federalism issues have been identified relative to the actions proposed in this amendment. Therefore, preparation of a federalism assessment under Executive Order 12612 is not necessary.

11.0 LIST OF AGENCIES AND PERSONS CONSULTED

The following agencies were consulted on the provisions of this amendment:

Gulf of Mexico Fishery Management Council:

- Standing Scientific and Statistical Committee
- Socioeconomic Panel
- Ad Hoc Charter Vessel/Headboat Advisory Panel
- Law Enforcement Advisory Panel

Coastal Zone Management Programs:

- Texas
- Louisiana
- Mississippi
- Alabama
- Florida

National Marine Fisheries Service:

- Southeast Regional Office
- Southeast Fisheries Science Center

12.0 PUBLIC HEARING LOCATIONS AND DATES

Public hearings for the public hearing Draft Charter Vessel/Headboat Permit Moratorium Amendment will be held at the following locations and dates from 7:00 p.m. to 10:00 p.m., unless otherwise listed. In addition, public testimony was accepted at the Gulf Council meeting in Fort Walton Beach, Florida on January 19, 2000.

Monday, December 6, 1999

Port Isabel Community Center
213 Yturria
Port Isabel, TX 78578

Harvey Government Center

1200 Truman Avenue
Key West, Florida 33040

Tuesday, December 7, 1999

Port Aransas Civic Center Auditorium
710 West Avenue A
Port Aransas, TX 78373

Naples Depot Civic Cultural Center

1051 Fifth Avenue South
Naples, FL 34102

Wednesday, December 8, 1999

Texas A&M Auditorium
200 Seawolf Parkway
Galveston, TX 77553

City Hall Auditorium

300 Municipal Drive
Madeira Beach, FL 33708

Thursday, December 9, 1999

Larose Regional Park
2001 East 5th Street
Larose, LA 70373

Monday, December 13, 1999

J. L. Scott Marine Education Center &
Aquarium
115 East Beach Boulevard, US Highway 90
Biloxi, MS 39530

Tuesday, December 14, 1999

Hilton Beachfront Garden Inn
23092 Perdido Beach Boulevard
Orange Beach, Alabama 36561

Wednesday, December 15, 1999

Gulf Coast Community College
Student Union East Building
Gibson Lecture Hall (2nd Floor)
5230 West Highway 98
Panama City, Florida 32401

13.0 LIST OF PREPARERS

Gulf of Mexico Fishery Management Council
Wayne Swingle - Fishery Biologist
Antonio Lamberte - Economist

14.0 REFERENCES

- American Sports Fishing Assoc. 1997. The economic importance of sport fishing. Memo. Rpt. 11pp.
- Browder, J.J., C. Davis, and C.B. Austin. 1978. Study of the structure and economics of the recreational paying-passenger fisheries of the Florida Gulf coast and Keys. Rpt. For NMFS. SEFSC. Miami, Florida
- Ditton, R.B. and J. D. Vize. 1987. Business turnover in the Texas charter fishing industry, 1975-85. Mar. Fish. Rev. 49(2): 162-165
- Ditton, R.B. and D.K. Loomis. 1985. Examining business turnover in the Texas charter fishing industry: 1975-80. Mar. Fish. Rev. 47(1): 43-47
- Ditton, R.B. and D.A. Gill. 1989. Developing strategies to enhance charter and headboat fishing operations in Texas, Louisiana, Mississippi, and Alabama. Texas A&M Univ., College Station, TX. Memo. Rpt. 331 p.
- Ditton, R.B., S.M. Holland, and D.A. Gill. 1992. The U.S. Gulf of Mexico party boat industry: activity centers, species targeted, and fisheries management opinions. Mar. Fish. Rev. 54(2): 15-20.
- GMFMC. 1998. Generic amendment for addressing essential fish habitat in the following fishery management plans of the Gulf of Mexico: shrimp fishery, red drum fishery, reef fish fishery, coastal migratory pelagic resources (mackerels), stone crab fishery, spiny lobster fishery, and coral and coral reefs. GMFMC., Tampa, FL. 238 p. plus addendums.
- GMFMC. 1999. Generic sustainable fisheries act amendment to the following FMPs: coral and coral reefs, coastal migratory pelagics, red drum, reef fish, shrimp, spiny lobster, and stone crab. GMFMC, Tampa, FL. 157 p. plus tables and appendices
- Holiman, S.G. 1998. (Personal Communication). 1995/1996 charter vessel/headboat and recreational landing data for greater amberjack.
- Holiman, S.G. 1999. Recreational fishery data: Gulf of Mexico, for coastal migratory pelagics fishery, 1982-1998. NMFS SERO-ECON-99-04. 169 p.
- Holland, S.M. and J.W. Milon, 1989. The structure and economics of the charter and party boat fishing fleet of the Gulf coast of FL. Univ. of Florida, Gainesville, FL. Memo. Rpt. 278 p.
- Holland, S.M., R.B. Ditton, and D.A. Gill. 1992. The U.S. Gulf of Mexico charter boat industry: activity centers, species targeted, and fisheries management opinions. Mar. Fish. Rev. 54(2): 21-27.

- Holland, S.M. 1998 (Personal communication). Charter vessel census data from 1997-1998 MARFIN projects entitled: (1) the structure and economics of the charter and head boat fishing fleets of Texas, Louisiana, Mississippi, and Alabama, and (2) operations and economics of the charter and party boat fleets of the eastern Gulf of Mexico and South Atlantic coasts. Univ. of Florida, Gainesville, FL. Memo. Rpt.
- Holland, S.M., A.J. Fedler, and J.W. Milon. 1999 Draft. The operations and economics of the charter and head boat fleets of the eastern Gulf of Mexico and South Atlantic coasts.
- McClellan, D.B. and N.J. Cummings. 1996. Stock assessment of Gulf of Mexico greater amberjack. NMFS SEFSC. Contrib. MIA-96/97-03. Memo. Rpt. 66 p. and addendums
- NMFS. 1997. Fisheries of the United States, 1996. NMFS. Silver Spring, MD. 169 pp.
- NMFS, 1998. Appendix 2.d: Guidelines for regulatory analysis of fishery management actions. National Marine Fisheries Service, 9721 Executive Center Drive, North, St. Petersburg, Florida 33702.
- NMFS, 1999. NMFS response to the 1997 peer review of red snapper research and management in the Gulf of Mexico. NMFS. SERO, St. Petersburg, FL 87 p. plus appendices.
- Schirripa, M.J., C.M. Legault and M. Ortiz. 1999. The red grouper fishery of Gulf of Mexico: Assessment 3.0. NMFS. SEFSC. Contrib. SFD-98/99-56 Memo. Rpt. 121 p.
- Schirripa, M.J., and C.M. Legault. 1997. Status of the gag stocks of the Gulf of Mexico. NMFS. SEFSC. Miami, FL. 111 pp. with Appendices.
- Schirripa, M.J. 1998. Status of red snapper in the U.S. waters of the Gulf of Mexico. NMFS. SEFSC. Miami, FL. Contribution SFD 97/98-30. 85 pp.
- Schirripa, M.J. 1998. Status of the vermilion snapper fishery of the Gulf of Mexico. NMFS. SEFSC. Miami, FL. Contribution SFD 97/98-092. 78 p.
- Socioeconomic Panel (SEP). 1996. Report of socioeconomic panel meeting on amendment 15 options paper and assessment of selected reef fish species. GMFMC, Tampa, FL. 13 p.
- Sutton, S.G., R.B. Ditton, J.R. Stoll, and J.W. Milon. 1999. A cross-sectional study and longitudinal perspective on the social and economic characteristics of the charter and party boat fishing industry of Alabama, Mississippi, Louisiana, and Texas. Texas A&M Univ., College Station, TX. Memo. Rpt. 198 p.

15.0 TABLES

Table 1. Change in the Number and Percent of Charter Vessels and Headboats in the Gulf Region by States for the Period 1981-1998

Florida:¹	1981	1988	(%)²	1998	(%)³	(%)⁴
Charter Boat	364	738	(+102)	845	(+16)	(+132)
Head Boat	53	70	(+32)	69	(-1)	(+30)
Total	417	808	(+93)	914	(+13)	(+119)
Alabama:						
Charter Boat	21	38	(+81)	110	(+189)	(+424)
Head Boat	6	3	(-50)	4	(+33)	(-37)
Total	27	41	(+52)	114	(+178)	(+322)
Mississippi:						
Charter Boat	24	21	(-12)	85	(+305)	(+254)
Head Boat	5	3	(-40)	1	(-67)	(-80)
Total	29	24	(-17)	86	(+258)	(+197)
Louisiana:						
Charter Boat	31	49	(+58)	50	(+2)	(+61)
Head Boat	18	2	(-88)	0	(-100)	(-100)
Total	49	51	(+4)	50	(-2)	(+2)
Texas:						
Charter Boat	76	130	(+71)	185	(+42)	(+143)
Head Boat	12	19	(+58)	18	(-5)	(+50)
Total	88	149	(+69)	203	(+36)	(+131)
Gulf Region:						
Charter Boat	516	976	(+89)	1275	(+31)	(+147)
Head Boat	94	97	(+3)	92	(-5)	(-2)
Total	610	1073	(+76)	1367	(+27)	(+124)

1. Florida west coast, including the Florida Keys
2. Percent change between 1981 and 1988
3. Percent change between 1988 and 1998
4. Percent change between 1981 and 1998

Sources: Schmied (1981)
Holland and Milon (1989)
Ditton and Gill (1989)
Holland (1998)

Table 2. Changes in the number of **individual angler** charter vessels trips (1981-1997) and number of headboat angler days (1988-1997)

Note: This table was replaced by **Figure 1.**

Table 3. Coastal Migratory Pelagics Charter Vessel/Headboat Permits by Gulf Port - January 2000

Alabama

Alabama Point	1
Bon Secour	1
Dauphin Island	13
Fairhope	3
Fort Morgan	1
Gulf Shores	1
Lillian	1
Mobile	4
Orange Beach	83
Perdido Beach	1
Total	109

Florida

Anna Maria	2
Apalachicola	3
Big Pine Key	4
Big Torch Key	1
Boca Grande	7
Bokeelia	1
Bonita Springs	2
Bradenton	4
Brooksville	1
Cantonment	1
Cape Coral	5
Carrabelle	13
Cedar Key	4
Clearwater	18
Clearwater Beach	6
Cortez	7
Crawfordville	2
Crystal River	3
Cudjoe Key	3
Destin	94
Dunedin	4
Edgewater	1
Englewood	10
Fort Myers	5
Fort Myers Beach	13
Fort Walton Beach	1
Gulf Breeze	4
Hernando Beach	2
Holmes Beach	3
Homestead	2
Hudson	1
Indian Pass Beach	1
Inglis	1

Florida (Cont'd)

Indian Rocks Beach	3
Islamorada	45
Keaton Beach	1
Key Colony Beach	4
Key Largo	15
Key West	89
Largo	2
Little Torch Key	3
Lynn Haven	1
Madeira Beach	4
Marathon	38
Marco Island	16
Mary Ester	1
Mexico Beach	11
Milton	1
Naples	31
New Port Richey	2
Niceville	3
Nokomis	5
North Port	1
North Redington Beach	1
Okaloosa Island	1
Orange Park	1
Palm Harbor	2
Panacea	3
Panama City	75
Panama City Beach	28
Pensacola	37
Pensacola Beach	2
Placida	2
Plant City	1
Port Richey	2
Port St. Joe	2
Punta Gorda	2
Ramrod Key	2
Redington Shores	1
Saint George Island	2
Saint James City	2
Saint Petersburg	16
Saint Pete Beach	2
Sarasota	7
Seminole	4
Shalimar	1
South Pasadena	2
Steinhatchee	9
Sugar Loaf Key	5

Florida (Cont'd)

Sugar Loaf Shores	4
Summerland Key	9
Sundance	1
Suwannee	3
Tallahassee	1
Tampa	8
Tarpon Springs	2
Tavernier	9
Treasure Island	4
Venice	7
Yankeetown	1
Total	766

Louisiana

Cameron	4
Chauvin	18
Cocodrie	2
Cypremont Point	1
Empire	1
Port Fourchon	7
Golden Meadow	4
Grand Isle	4
Gueydon	1
Houma	2
Lake Charles	1
Larose	1
Leeville	2
New Orleans	4
Pierre Park	1
Slidell	1
Venice	2
Total	56

Mississippi

Bay St. Louis	1
Biloxi	43
D'Iberville	1
Escatawpa	1
Gautier	1
Gulfport	9
Laurel	1
Long Beach	2
Ocean Springs	5
Pascagoula	3
Total	67

Texas

Alvin	1
Aransas Pass	11
Crystal Beach	1
Deer Park	1
Freeport	37
Friendswood	1
Galveston	35
Helotes	1
Houston	23
Ingleside	3
Lake Jackson	2
Matagorda	2
Nederland	2
Port Aransas	55
Port Arthur	2
Port Isabel	3
Port Lavala	1
Port Mansfield	5
Port O'Connor	16
Portland	1
Pottsboro	1
Rockport	1
Sabine Pass	2
South Padre Island	8
Spring	1
Surfside	2
Total	218

Gulf Total 1,216

South Atlantic Area

604

Mid-Atlantic Area

66

New England Area

9

Other

4

Other Areas Total 683

Grand Total 1,899

Table 3a. Charter Vessels with Only the Coastal Migratory Pelagics Permit by Gulf States Port, January 2000

Alabama

Orange Beach	3
Total	3

Florida

Big Pine Key	1
Fort Myers Beach	1
Homestead	1
Islamorada	36
Key Colony Beach	1
Key Largo	10
Key West	17
Marathon	7
Marco Island	1
Naples	5
Panama City	1
Panama City Beach	1
Placida	2
Port St. Joe	1
Sarasota	1
Steinhatchee	1
Summerland Key	1
Sugarloaf Key	1
Tampa	1
Tarpon Springs	1
Tavernier Key	6
Total	97

Louisiana

Cameron	4
Cocodrie	2
Cypremont Point	1
Golden Meadow	2
New Orleans	1
Port Fourchon	1
Total	11

Mississippi

Biloxi	3
Ocean Springs	1
Total	4

Texas

Aransas Pass	1
Galveston	1
Houston	1
Port Aransas	3
Port Isabel	1
South Padre Island	1
Spring	1
Total	9

Gulf States Total **124**

Table 4. Reef Fish Charter Vessel/Headboat Permits by Gulf States Port January 2000

Alabama

Alabama Point	1
Bon Secour	1
Dauphin Island	15
Fairhope	3
Fort Morgan	1
Gulf Shores	1
Lillian	1
Mobile	5
Orange Beach	82
Perdido Beach	1
Total	111

Florida

Anna Maria	2
Apalachicola	5
Big Pine Key	2
Big Torch Key	2
Boca Grande	9
Bokeelia	2
Bonita Springs	2
Bradenton	7
Brooksville	2
Cantonment	1
Cape Coral	6
Carrabelle	13
Cedar Key	5
Chokoloskee	1
Clearwater	19
Clearwater Beach	6
Cortez	7
Crawfordville	2
Crystal River	5
Cudjoe Key	3
Destin	97
Dunedin	4
Englewood	11
Fort Myers	6
Fort Myers Beach	11
Fort Walton Beach	2
Gulf Breeze	4
Hernando Beach	3
Holmes Beach	3
Homosassa	1
Hudson	6
Indian Pass Beach	1

Florida (cont'd)

Indian Rocks Beach	3
Inglis	1
Islamorada	7
Keton Beach	1
Key Colony Beach	2
Key Largo	3
Key West	82
Largo	3
Little Torch Key	5
Lynn Haven	1
Madeira Beach	7
Marathon	32
Marco Island	16
Mary Esther	1
Mexico Beach	12
Milton	1
North Redington Beach	1
Naples	26
New Port Richey	2
Niceville	4
Nokomis	7
North Port	1
Odessa	1
Orange Park	1
Okaloosa Island	1
Palm Harbor	2
Panacea	3
Panama City	78
Panama City Beach	27
Pensacola	36
Pensacola Beach	3
Plant City	1
Port Richey	2
Port St. Joe	1
Punta Gorda	2
Ramrod Key	2
Reddington Shores	1
Sarasota	8
Seminole	5
Shalimar	1
South Pasadena	2
St. George Island	2
St. James City	4
St. Marks	1
St. Petersburg	18

Florida (cont'd)

St. Pete Beach	2
Steinhatchee	12
Sugar Loaf Key	8
Summerland Key	6
Sundance	1
Suwannee	4
Tallahassee	1
Tampa	5
Tarpon Springs	3
Tavernier	3
Terra Ceia	1
Treasure Island	4
Venice	6
Wewahitchka	1
Yankeetown	1
Total	728

Louisiana

Arnaudville	1
Cameron	1
Chauvin	18
Empire	1
Golden Meadow	1
Grand Chenier	1
Grand Isle	6
Gueydon	1
Houma	2
Lake Charles	1
Larose	1
Leeville	2
New Orleans	4
Pierre Park	1
Port Fourchon	6
Slidell	2
Venice	2
Total	51

Mississippi

Bay St. Louis	1
Biloxi	47
D'Iberville	1
Escatawpa	1
Gautier	1
Gulfport	8

Mississippi (cont'd)

Laurel	1
Long Beach	2
Ocean Springs	4
Pascagoula	3
Total	69

Texas

Alvin	1
Aransas Pass	10
Balboa	1
Crystal Beach	1
Deer Park	1
Freeport	37
Friendswood	1
Galveston	35
Helotes	1
Houston	21
Ingleside	3
Lake Jackson	2
Matagorda	2
Nederland	3
Port Aransas	52
Port Arthur	3
Port Isabel	2
Port Lavaca	1
Port Mansfield	5
Port O'Connor	15
Portland	1
Pottsboro	1
Rockport	1
Sabine Pass	2
Seabrook	1
South Padre Island	7
Surfside	2
Total	212

Gulf States Total **1,171**

Other States Total **32**

Grand Total **1,203**

Table 4a. Charter Vessels with Only the Reef Fish Permits by Gulf States Port January 2000

<u>Alabama</u>		<u>Florida (cont'd)</u>	
Dauphin Island	3	Suwannee	1
Mobile	1	Tampa	2
Orange Beach	1	Tarpon Springs	2
Total	5	Wewahitchka	1
		Total	70
<u>Florida</u>		<u>Louisiana</u>	
Apalachicola	1	Cameron	1
Big Pine Key	1	Grand Chenier	1
Boca Grande	2	Grand Isle	1
Bokeelia	1	New Orleans	1
Bradenton	3	Slidell	1
Brooksville	1	Total	5
Cape Coral	1		
Cedar Key	1	<u>Mississippi</u>	
Chokoloskee	1	Biloxi	3
Clearwater	1	Total	3
Crystal River	2		
Destin	4	<u>Texas</u>	
Englewood	1	Balboa	1
Hernando Beach	1	Houston	1
Homosassa	1	Nederland	1
Hudson	5	Total	3
Islamorada	1		
Key West	5	<u>Gulf States Total</u>	
Largo	1		86
Madeira Beach	1		
Marathon	4		
Niceville	1		
Nokomis	2		
Palm Harbor	1		
Panama City	5		
Panama City Beach	2		
Sarasota	2		
Seminole	1		
Shalimar	1		
St. James City	2		
St. Marks	1		
St. Petersburg	4		
St. Pete Beach	1		
Steinhatchee	2		

Table 5. Gulf of Mexico Landings of Red Snapper (1,000's of Fish) by Charter Vessel/Headboat Sectors and Percentage of Total Recreational Catch for 3 periods between 1981-1997.

Period	Average Total Landing	Charter Vessels		Headboats		For-Hire
		Average Landing	Percent of Total	Average Landing	Percent of Total	Percent of Total
1981/1982	2099	721	34.3	^{1/}		34.3
1988/1989	1097	328	27.4	411	34.3	61.7
1996/1997	1363	577	42.3	387	28.4	70.7

Source: Schirripa (1997)

^{1/} Headboat landings are combined with charter vessel landings under MRFSS.

Table 6. Gulf of Mexico Recreational Landings of King Mackerel (1,000's of fish) by Charter Vessel and Headboat Sectors and Percentage of Total Recreational Catch for 1983, 1988, and 1997

Year	Total Landings		Charterboat Vessels		Percent of Total	Headboats		Percent of Total
	# Fish	% S.D.	Landings			Landings # Fish	Percent of Total	
			# Fish	% S.D.				
1983	262.4	34	45.8	25	17.4	^{1/}		17.4
1988	354.7	^{2/} 10	103.4	22	29.2	9.4	2.6	31.8
1997	575.0	^{2/} 7	332.8	9	57.8	21.5	3.7	61.5

Source: Holiman (1999)

^{1/} Headboat landings are combined with charter vessel landings under MRFSS.

^{2/} Percent Standard Deviation based on MRFSS' component of total landings.

Table 7. Gulf of Mexico Recreational Landings of Gag Grouper (1,000's of fish) By Charter Vessel and Headboat Sectors and Percentage of Total Recreational Catch for 3 Periods Between 1981 and 1996

Period	Average Total Landing	Charter Vessels		Headboats		For-Hire
		Average Landing	Percent of Total	Average Landing	Percent of Total	Percent of Total
1981/1982	334	48.5	14.5	1/		14.5
1988/1989	486	73.5	15.1	31	6.3	21.4
1995/1996	361	101	28.0	17	4.7	32.7

Source: Schirripa and Legault (1997)

1/ Headboat landings are combined with charter vessel landings under MRFSS.

Table 8. Gulf of Mexico Landings of Vermilion Snapper (1,000's of fish) By Charter Vessel and Headboat Sectors and Percentage of Total Recreational Catch for 3 Periods Between 1981 and 1996

Period	Average Total Landing	Charter Vessels		Headboats		For-Hire
		Average Landing	Percent of Total	Average Landing	Percent of Total	Percent of Total
1981/1982	342	281	82.2	1/		82.2
1988/1989	1229	334	27.1	654	53.0	80.1
1995/1996	883	424	48.0	372	42.1	90.1

Source: Schirripa (1998)

1/ Headboat landings are combined with charter vessel landings under MRFSS.

Table 9. Gulf of Mexico Recreational Landings of Greater Amberjack (1,000's of Fish) By Charter Vessel and Headboat Sectors and Percentage of Total Recreational Catch for 3 Periods Between 1982-1996

Period	Average Total Landings	Charter Vessels		Headboats		For-Hire
		Average Landings	Percent of Total	Average Landings	Percent of Total	Percent of Total
1982/1983	306.0	203.5	66.5	^{1/}		66.5
1988/1989	458.4	208.7	45.5	41.1	9.0	54.5
1995/1996	73.0	36.6	50.1	9.6	13.1	63.2

Source: Holiman (1998)
McClellan and Cummings (1996)

^{1/} Headboat landings are combined with charter vessel landings under MRFSS.

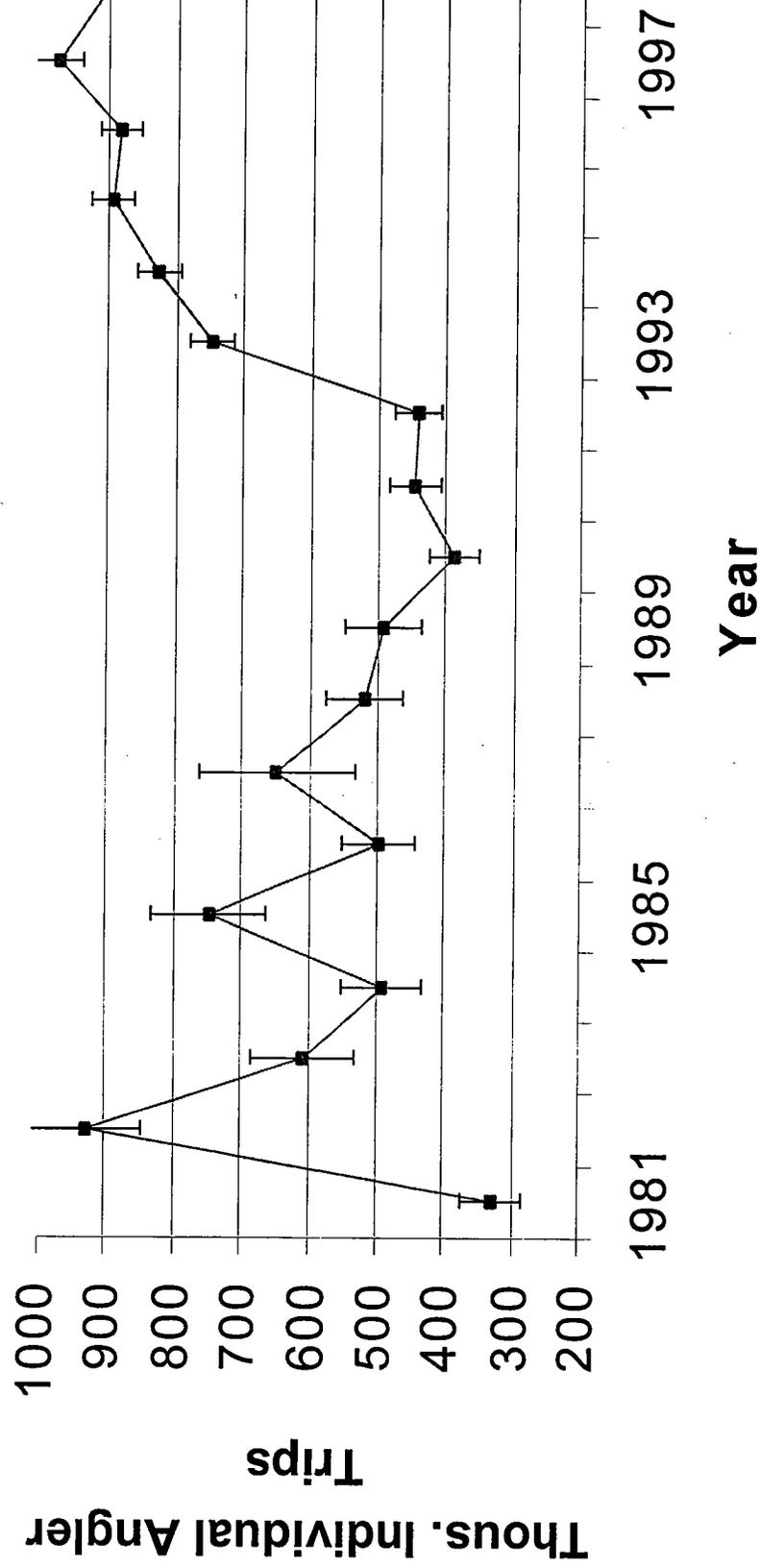
Table 10. Gulf of Mexico Recreational Landings of Red Grouper (1,000's of Fish) By Charter Vessel and Headboat Sectors and Percentage of Total Recreational Catch for 3 Periods Between 1981-1997

Period	Average Total Landings	Charter Vessels		Headboats		For-Hire
		Average Landings	Percent of Total	Average Landings	Percent of Total	Percent of Total
1981/1982	240	46.5	19.4	^{1/}		19.4
1988/1989	782	106.5	13.6	39.5	5.1	18.7
1996/1997	122	38.5	31.6	10.0	8.2	39.8

Source: Schirripa, et al (1999)

^{1/} Headboat landings are combined with charter vessel landings under MRFSS

**Fig 1. Charter Recreational Effort, MRFSS Data,
1981-98.**



1981 Estimate does not include Wave 1.

Charter Recreational Efforts in Thousands of Individual Angler Trips		
(MRFSS Data 1981 - 1998)		
YEAR	TRIPS	S.E.
1981	329	44
1982	929	84
1983	608	76
1984	492	60
1985	747	86
1986	498	55
1987	648	115
1988	520	58
1989	491	57
1990	387	35
1991	445	38
1992	440	35
1993	747	34
1994	826	32
1995	894	31
1996	881	30
1997	975	36
1998	903	26

TAB E NO. 4(a)

Trish Kennedy

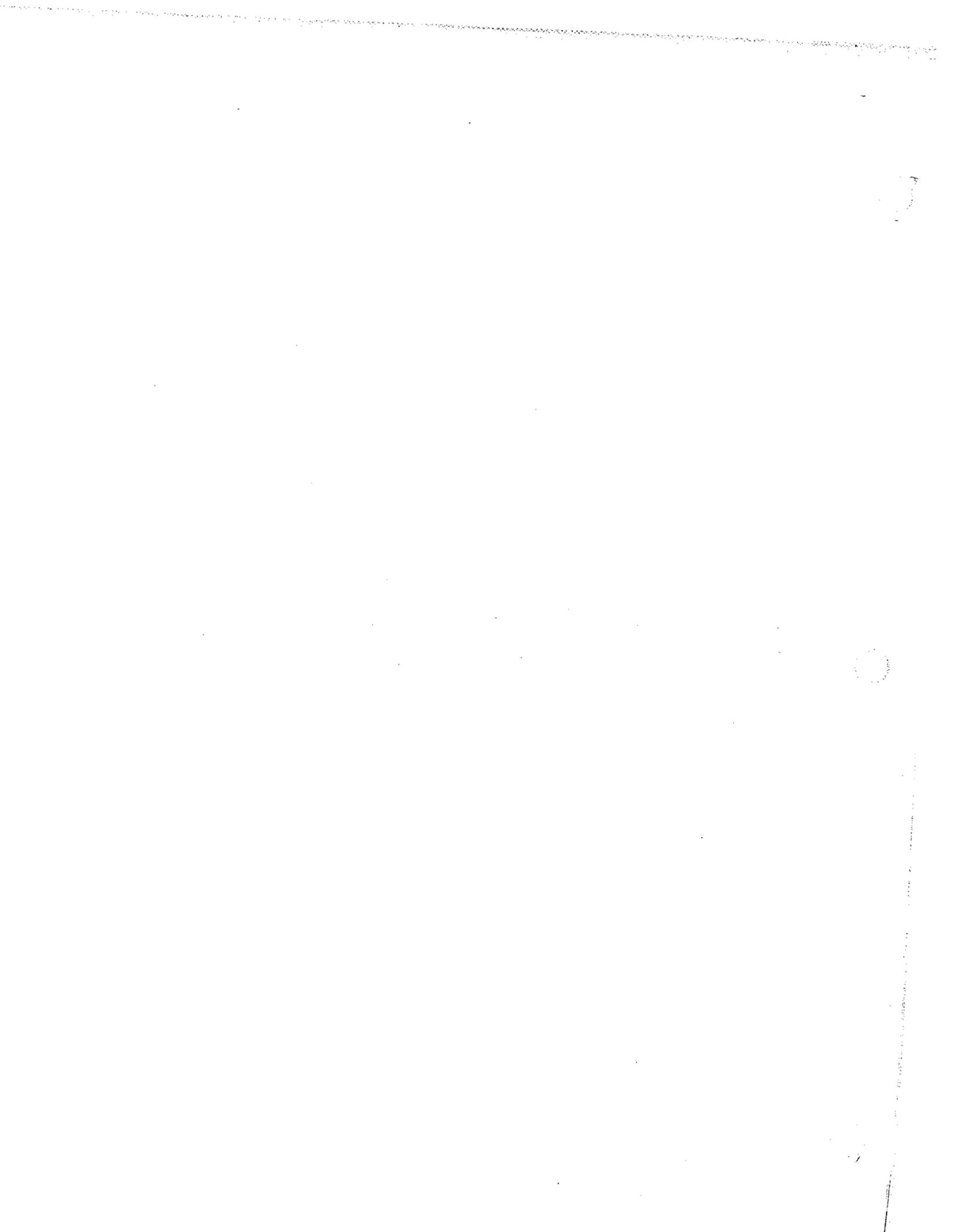
From: Bob Zales,II [bobzales@interoz.com]
Sent: Sunday, March 05, 2000 10:17 PM
To: wayne swingle
Subject: proposal

Wayne:

After much time listening to the tapes of the ap meeting and still remaining sane, I finally got the paper finished. Please pass on to Lorna that my copy of tape #8 is blank. Tape #8 should encompass conversation on recreational fishing registration, shrimp permits, etc. That paper was correct as written. The moratorium paper needed some minor revisions which I have done either by making changes or adding "Notes" to clarify intent. I made corrections to Section C, D, E, I, J, and K. I have discussed some changes with Fred Lifton, Bobbi Walker (who had comments from Don Walker), Clair Pease, and Jim Twiggs. We feel the attached paper is a true representation of action taken at the Ad-Hoc Charter/Headboat Advisory Panel meeting on February 28 and 29, 2000. If you have any questions, please call. Please give thanks to Lorna for her expeditious copying of the tapes and sending them to me. Also thanks go to you and everyone else who helped with the drafting of both proposals.

regards,
Bob

3/6/2000



Ad Hoc Charter Vessel/Headboat Advisory Panel
Permitting System Proposal

A. Duration of the Moratorium:

- A(1). Establish a 3-year moratorium. Should the moratorium exceed 3 years, the National Marine Fisheries Service (NMFS) will provide every 3 years after implementation of this regulation a review of the status of the stocks controlled by restricted endorsements to determine whether for-hire fishing effort may be increased (to comply with National Standard (1) "...achieving, on a continuing basis, the optimum yield from each fishery for the U.S. fishing industry"). Should the condition of the stocks controlled by restricted endorsements allow for increased effort, these new endorsements will come from a database of non re-issued or permanently revoked Class 1, and Class 2 inspected and non-inspected vessel endorsements.

B. New Gulf of Mexico Federal Waters For-Hire Fishing Permit (GMFWF-HFP):

- B(1). Any vessel permitted to operate as a for-hire vessel in the EEZ will hold this permit, which will include endorsements for fish species regulated under Federal Fishery Management Plans (FMPs), (i.e. reef fish, coastal migratory pelagic, and new or future FMPs). Evidence of this permit will be a decal suitably attached to the vessel along with a copy of the permit on-board the vessel.

C. Eligibility Requirements for Class 1 endorsement:

A Class 1 permit would be issued to eligible boat owners under the provisions of C(1) through C(3) below and to all vessel owners who can demonstrate through records (i.e. individual, business, corporate, and/or partnership tax returns) that they have been in a Gulf recreational for-hire fishery for the past 5 years, prior to the implementation date of the amendment.

- C(1). All persons holding a Charter Permit For Coastal Migratory Pelagic Fish and/or a Gulf of Mexico Charter/Headboat permit for Reef Fish as of 30 days prior to and/or no more than 30 days after the original control date of November 18, 1998, are eligible for a Class 1 endorsement in the fishery or fisheries they held permits in.
- C(2). Persons who held vessel permits at least 30 days prior to or no more than 30 days after the control date, but were issued new vessel permits when they replaced the vessel after that control date, will receive a Class 1 endorsement in the fishery or fisheries they held permits in.

C(3). Persons who purchased a vessel after the control date, but prior to date of implementation of this amendment from a person and/or corporation who held a valid permit as of 30 days prior to and/or no more than 30 days after November 18, 1998, shall be given a Class 1 endorsement in the fishery or fisheries that the vessel was permitted in provided that the seller of said vessel has not applied for a replacement permit.

C(4). Class 1 endorsements will be fully transferable in accordance with Section E below.

D. Eligibility Requirement for Class 2 endorsement:

D(1). If a vessel owner who obtained a permit after November 18, 1998, does not qualify for a Class 1 endorsement under Section C and if the vessel owner can prove by income tax returns that he was in the for-hire fishing business at least 1 of the 3 years 1996, 1997, or 1998, and his income tax return shows that at least 50% of his earned income or \$25,000.00 of gross income was from (for-hire) charter fishing, the vessel owner will be eligible for a Class 2 endorsement in the fishery or fisheries he held permits in.

NOTE: In this document, all reference to the term "vessel owner" means individuals, corporations, and/or partnerships. The income qualifier for corporations and/or partnerships will be the majority stockholder and/or partner.

E. Endorsement Transfers During the Moratorium:

E(1). Transfer of Class 1 endorsements between vessels owned by the endorsement holder is allowed.

E(2). Transfer of Class 1 endorsements between individuals or other entities is allowed with or without transfer of the vessel.

E(3). For Class 2 endorsements there are two classes of vessels, non-inspected (6 passenger) vessels and inspected vessels with U.S. Coast Guard (USCG) Certificate of Inspection (COI). Class 2 endorsements may be transferred between non inspected vessels and between USCG inspected vessels, but not between non-inspected vessels and USCG inspected vessels owned by the permit holder, but will not be transferable from the original owner or entity of the permit to another individual or entity.

F. Vessel Restrictions on Class 1 endorsement Transfers:

- F(1). Transfer of endorsements is allowed between vessels but without any increase in the number of passengers that can be legally carried under the USCG Certificate of Inspection, i.e., can be transferred to vessels certified to carry an equal number or less passengers.

G. Re-issuance of Permits and/or endorsements Not Renewed or Revoked:

- G(1). Permits and/or endorsements not renewed (or permanently revoked) will be collected in a Database by NMFS by vessel class and USCG passenger certification. Should, as per section A1, the condition of the stocks controlled by restricted endorsements improve to allow for increased effort the endorsements available in this Database shall be allocated by random drawing in the following priority order to:

- (1). Current vessel owners with Class 1 endorsements who want to upgrade the passenger capacity of their vessel, by surrendering their current endorsement.
- (2). Current vessel owners with Class 2 endorsements who want to upgrade their endorsement class from 2 to 1 and the passenger capacity of their vessel, by surrendering their current endorsement.
- (3). Historical captains who qualified for a Historical Captain Permit but failed to purchase a vessel as per J(3).
- (4). For-hire operators who fish for species not controlled by this regulation, but who can meet requirements set forth in section D except the 3 years will be the preceding 3 full calendar years.
- (5). Persons who apply (and who would be selected on a first-come/first-served basis rather than random drawing).

After the random selection of either owners, historical captains, and/or operators under Sections (1), (2), (3), or (4) above or after the selection of persons under Section (5), NMFS will issue a letter of eligibility to the selected persons that entitles them to a Class 1 endorsement for a vessel with the passenger capacity requested by the applicant. The NMFS letter of eligibility can be exchanged for the endorsement when the applicant provides documentation to NMFS that he/she has purchased or built a vessel with the appropriate passenger capacity as certified by the USCG. The applicant must provide such documentation to NMFS within 3 years of issuance of the letter of eligibility or the letter of eligibility becomes null and void, and the endorsement with that passenger capacity will be returned to the

NMFS Database for issuance to another applicant. The NMFS letters of eligibility are not transferable.

H. Appeals Process during Moratorium:

- H(1). An appeals process will be developed to accommodate both hardships and data and/or record disputes between vessel owners and NMFS. The data and/or record disputes will be limited to dates of issue of original permit or permits, original USCG Certificates of inspection or proof of personal and/or shipyard construction of a for-hire fishing vessel. A person with a dispute related to data and/or records has 30 days to file an appeal with NMFS after being notified by NMFS that their records or data are insufficient for eligibility for an endorsement under Sections B, C, D, J, and/or K. A person with a hardship must file an appeal within 30 days of implementation of the final rule of this amendment:

APPEALS LANGUAGE FROM COUNCIL AMENDMENT:

Note: The Appeals Board would conduct its reviews immediately following the implementation of the moratorium and would cease to exist on the conclusion of the hearings. Persons submitting appeals must state their case in writing and submit it to NMFS for distribution to the Board before the appeal is scheduled. Upon request, a vessel owner may make a personal appearance before the Appeals Board.

I. Charter Vessel Reporting and Endorsement Renewal Conditions:

- I(1). All vessels holding GMFWF-HFP permits and/or endorsements will be included in the active sampling frame for one of the approved fishing data surveys.
- I(2). Surveys and methods currently approved are:
(1) Pilot Charter Boat Survey;
(2) Texas Parks and Recreation Fishing Survey; and,
(3) NMFS Beaufort Headboat Survey.
- I(3). GMFWF-HFP permit and Class 1 and Class 2 endorsement holders must participate in one of the NMFS-approved data survey methods in order to renew their permit and/or endorsement.

NOTE: Participation means being identified in an active survey frame and, if chosen, providing the requested information. Refusal to being identified in an active frame and/or to providing the required information will result in non-reissuance of permits and/or endorsements.

I(4). Permits and endorsements can be renewed if the vessel owner can prove by income tax returns that at least 50% of his earned income or \$25,000 of gross income was from for-hire fishing in 1 of the previous 3 calendar years.

J. Historical Captain Permit:

J(1). A historical captain is a USCG-licensed captain who has operated a for-hire fishing vessel in the Gulf of Mexico as a USCG licensed captain for a minimum of 5 years prior to November 18, 1998, and did not own his own vessel or have a permit issued in his name during that time.

J(2). The historical captain must apply and qualify for the historical captain permit within 90 days of enactment of this regulation. The captain must qualify by providing his income tax records that demonstrate at least 50% of his earned income came from recreational for-hire fishing, for the calendar years 1993 through 1997, i.e., 5 years prior to 1998, as above.

NOTE: Qualifying period of 5 years prior to November 18, 1998 means a minimum of 5 years immediately preceding November 18, 1998. (i.e. minimum period is November 19, 1993 through November 18, 1998.)

J(3). The permit and endorsement issued to a historical captain can only be used on a vessel owned by the historical captain and will be equivalent to that for a Class 2 non-inspected vessel (6-passenger). A historical captain qualifying for a vessel endorsement under this section or selected by NMFS under Section G will be issued a NMFS letter of eligibility for the permit and endorsement, with such eligibility expiring within 5 years after issuance, unless the captain has provided records to NMFS that demonstrate he has purchased a vessel before that time. The NMFS letter of eligibility is not transferable.

K. Boats Under Construction:

K(1). Vessel owners, who were or are in the recreational for-hire business (i.e. had been issued a Charter Permit for Coastal Migratory Pelagics and/or a Gulf of Mexico Charter/Headboat Reef Fish permit) and who can prove that a vessel was under contract to be built or was under construction prior to November 18, 1998, will receive a Class 1 endorsement in the fishery or fisheries that they held permits in prior to November 18, 1998.

K(2). In order to receive the endorsement, the boat owner will provide to NMFS a copy of the contract dated prior to November 18, 1998, and/or receipts dated prior to November 18, 1998, for substantial expenditures of a boat under construction along with proof of the legal transfer of monies for deposit or

expenditures by canceled check, receipt for cash, or electronic transfer receipt, also dated prior to November 18, 1998.

- K(3). Vessel owners who can prove that a vessel was under contract to be built after November 18, 1998, and prior to January 8, 2000, after complying with Section D(1) and K(2) will receive a Class 2 endorsement in the fishery or fisheries that they request.

TAB E NO. 4(b)

ADDITIONAL RECOMMENDATIONS OF THE AD HOC CHARTER VESSEL/HEADBOAT ADVISORY PANEL

1. Gulf of Mexico Recreational Fishing Registration:

- A(1). In an effort to develop a comprehensive and reliable data base, the universe of recreational fisherman needs to be defined. A survey, such as the Charter Boat Pilot Survey could be developed to give better effort and catch data for the entire recreational sector.
- A(2). The registration could be patterned similar to the current Federal Tuna Fishing Permit, which allows for purchase on-line and through local tackle dealers.
- A(3). As an interim effort to define the universe, we suggest that the Council and the National Marine Fisheries Service (NMFS) request that all 5 Gulf states share their database of state saltwater recreational fishing licenses with NMFS for use in developing a survey to better estimate effort and catch data until the registration program is developed. We feel that the precision of the estimates would be greatly improved if fishermen, rather than households, could be surveyed by telephone for the effort data. We are also concerned that the current method may overestimate the effort and catch data for the recreational sector.

We also encourage the Council to support an increased budget for NMFS, dedicated for increasing both the telephone and intercept surveys.

2. Shrimp Fishery Vessel Permit:

In an effort to develop a comprehensive and reliable database, every individual and industry that impacts our resources has to be identified. We strongly recommend the Council proceed as rapidly as possible with draft Shrimp Amendment 11 to provide for vessel permits. We also support the Florida shrimp industry's request that permits be required for shrimp vessel operators so the permit may be revoked for multiple violations in lieu of assessing penalties against the vessel owners. The operators permit requirement should be included in Shrimp Amendment 11.

3. Request to Gulf States

We urge the Council to request that the 5 Gulf states, Alabama, Florida, Louisiana, Mississippi, and Texas, implement compatible rules for the proposed moratorium and its provisions.

4. Reallocation of Red Snapper

We request the Council to examine the reallocation of red snapper between the recreational and commercial sectors utilizing the most recent and best available social and economic data, with emphasis on the number of participants in each sector affected and in terms of providing the best overall benefit to the nation. We also unanimously request the Council investigate the feasibility of a vessel buy-out program for the commercial sector with that portion of the total allowable catch (TAC) reverting to the recreational sector.

5. Jewfish

We request the Council, in examining the health (or current condition) of the jewfish stocks, allow a limited scientific harvest of jewfish in an area off Florida encompassed by 26° latitude on the north and 25° latitude on the south and no more than 30 miles offshore.

TAB E NO. 5

Table __ Number and Percentage of Licensed Recreational For-Hire Vessels of all Classes in the Gulf Coast Counties in 1999

<u>State</u>	<u>No. Licensed Vessels</u>	<u>Percentage</u>
Florida (West Coast) ¹	2068	64.2
Alabama	148	4.6
Mississippi	50	1.5
Louisiana	376	11.7
Texas	578	18.0
<hr/> Total	<hr/> 3220	<hr/> 100.0

Source: (1) FL-LA GSMFC Data File (Donaldson, pers. comm.)
(2) TX TPWD Data File (Riechers, pers. comm.)

1. Including Monroe, Hernando, and Lee Counties.

SUM OF COUNT

		N		
		Number of Vessels		
		BOAT		
		Charter boat	Head boat	ALL
STATE	ST_REG			
Alabama	Whole state	144	5	149
Florida	Unknown	32	.	32
	Region 1- Panhandle	390	20	410
	Region 2- Peninsula	892	30	922
	Region 3- Keys	710	16	726
Louisiana	Whole state	362	6	368
Mississippi	Whole state	66	.	66
ALL		2596	77	2673

Post-it® Fax Note	7671	Date	# of pages
To	TURISH KENNEDY	From	DAVE DONALDSON
Co./Dept.		Co.	GSMEC
Phone #		Phone #	(228) 875-5912
Fax #		Fax #	

Calendar year estimates for total number and total weight for the red snapper fishery in Texas.									
Due to recalculation of sport-boat estimates, December of one year will fall in the following year.									
This has minimal effect on the overall annual estimates.									
Private-boat and charterboat methodology was standardized in 1983, so consistent estimates are available beginning in 1984 for these two strata. Private Gulf anglers were not surveyed during 1978-1983.									
Headboats were not sampled during May 1984-December 1985; charterboats were not sampled in a comparable manner in 1983.									
Data are from TPWD except for 1986-98 headboat landings estimates obtained from NMFS.									
1978-1982 headboat and charter boat estimates are for September of the current year through August of the following year.									
1983-84 headboat estimates are for May of the current year to May of the following year.									
Year	Headboat		Charter** Boat		Private Boat		Texas Total		Weight
	Number	Weight	Number	Weight	Number	Weight	Number	(Pounds)	
	(X 1000)	(Pounds)	(X 1000)	(Pounds)	(X 1000)	(Pounds)	(X 1000)	(X 1,000)	
1978-79	230	240	3	4					
1980-81	254	265	24	33					
1981-82	445	464	44	60					
1983-84	258	256							
1984			5	7	36	49			
1985			35	57	18	29			
1986*	302	397	5	6	33	38	340	441	
1987	310	417	10	13	47	63	367	493	
1988	395	739	20	26	58	77	473	842	
1989	360	551	5	6	23	26	388	583	
1990	173	307	5	11	24	55	202	373	
1991	236	480	5	9	40	73	281	562	
1992	372	854	25	69	36	99	433	1,022	
1993*	411	1023	35	93	38	101	484	1,217	
1994	450	1156	45	125	76	212	571	1,493	
1995	320	1013	10	29	88	258	418	1,300	
1996	309	1044	25	91	71	259	405	1,394	
1997	313	1107	35	117	82	273	430	1,497	
1998	233	934	50	208	57	240	340	1,382	
*Private boat landings in 1986 and charter boat landings in 1993 from the routine monitoring program were aberrations due to high landings at a site that historically has little angling pressure. This skewed the estimates to uncharacteristic abnormally high levels. Therefore, both calendar estimates were recalculated based on the mean from the calendar years preceding and following the aberration.									
**Charterboat estimates during 1984-98 were recalculated based on a correction factor determined in 1998. The correction factor was determined using trip and landings information provided by permit holders.									

Methodologies used in the red snapper harvest estimates can be found under the following citations:

McEachron, L. W. 1984. Harvest estimates for Texas marine charter boats (1978-82). Technical Series Number 29. Texas Parks and Wildlife Department. Austin, Texas.

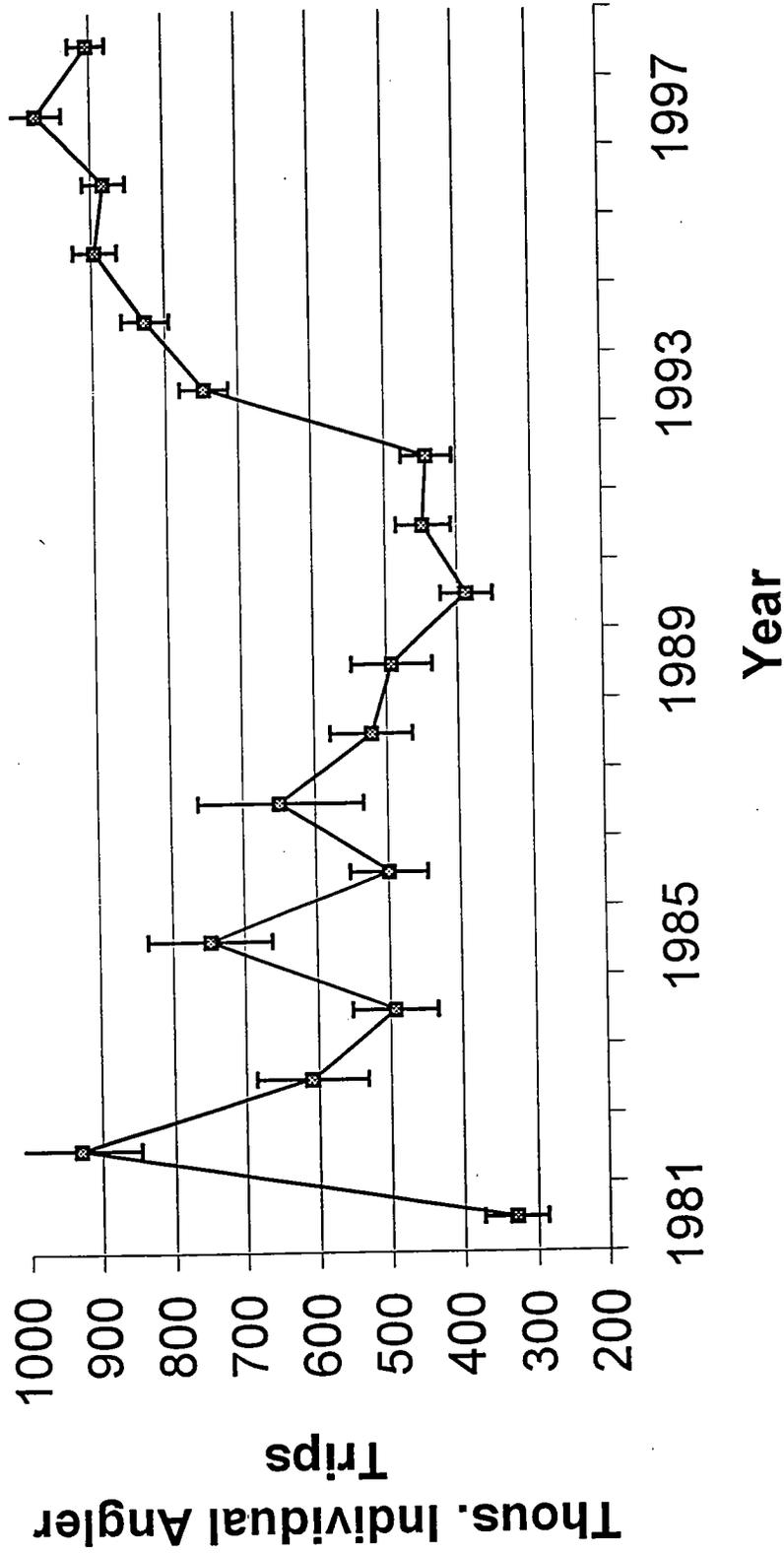
Osburn, H. R., and M. O. Ferguson. 1985. Charterboat fishermen finfish catch statistics for Texas marine waters (May 1983-May 1984). Management Data Series Number 77. Texas Parks and Wildlife Department, Coastal Fisheries Branch. Austin, Texas.

Osburn, H. R. 1986. State of Texas marine recreational fishing survey-design, implementation, and use of the data. Pages 10-15 in H. G. Lazauski, editor. Proceedings of the Statistical Symposium: design, collection, and assessment of angler volunteered information programs. Publication Number 14. Gulf States Marine Fisheries Commission. Ocean Springs, Mississippi.

Osburn, H. R., and M/ F. Osborn. 1991. Increasing the efficiency of Texas saltwater creel surveys. American Fisheries Society Symposium 12:155-161.

Warren, T. A., L. M. Green, and K. W. Spiller. 1994. Trends in finfish landings of sport-boat anglers in Texas marine waters, May 1974-May 1992. Management Data Series Number 109. Texas Parks and Wildlife Department, Coastal Fisheries Division. Austin, Texas.

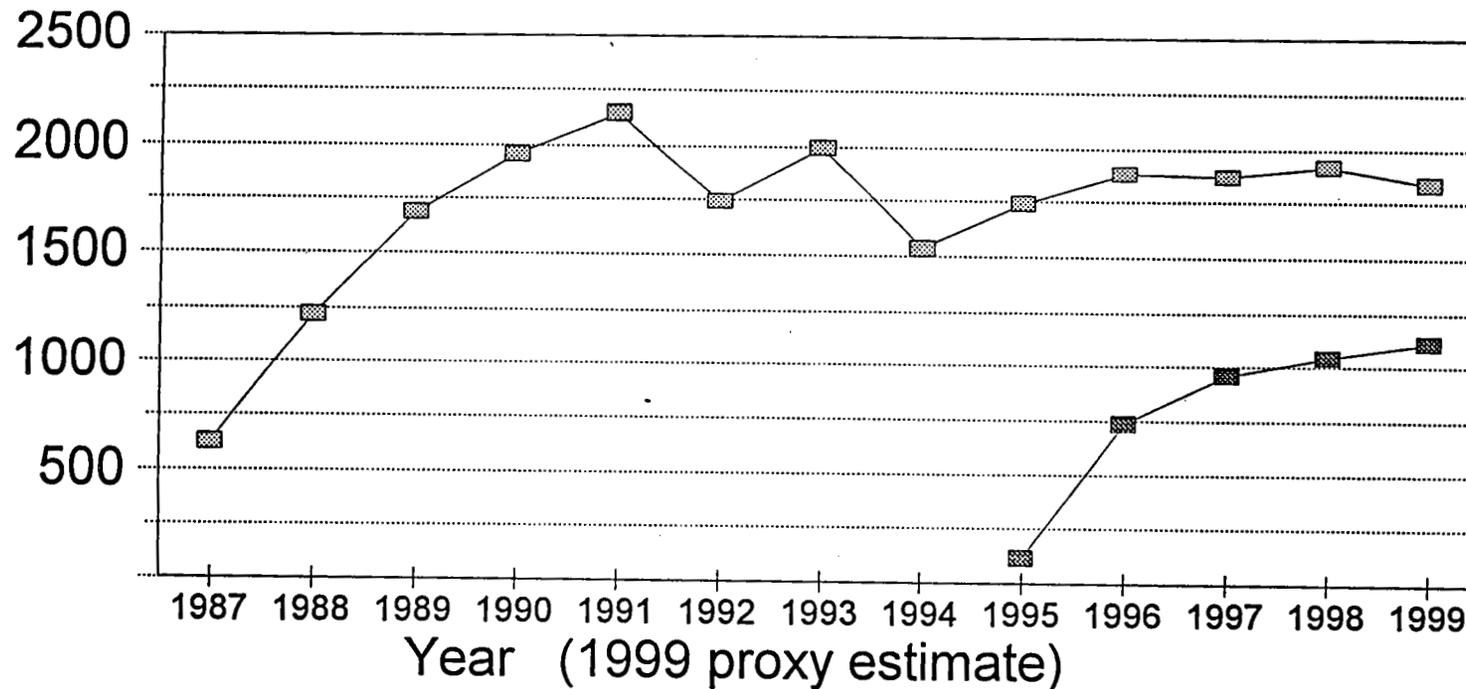
**Fig 1. Charter Recreational Effort, MRFSS Data,
1981-98.**



1981 estimate does not include Wave 1.

P72-76
Total: 3*

Number of Permits

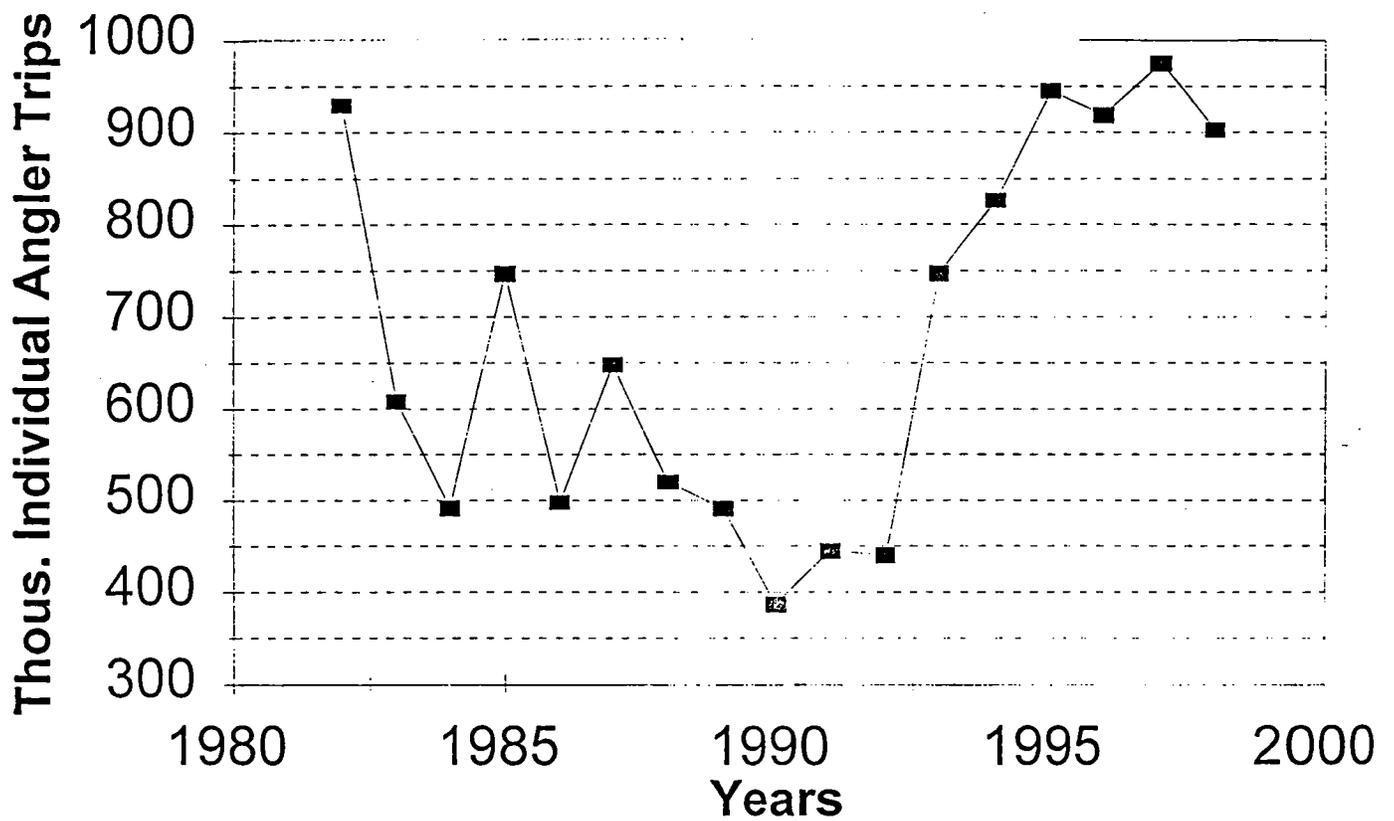


↓ 10% 98-99

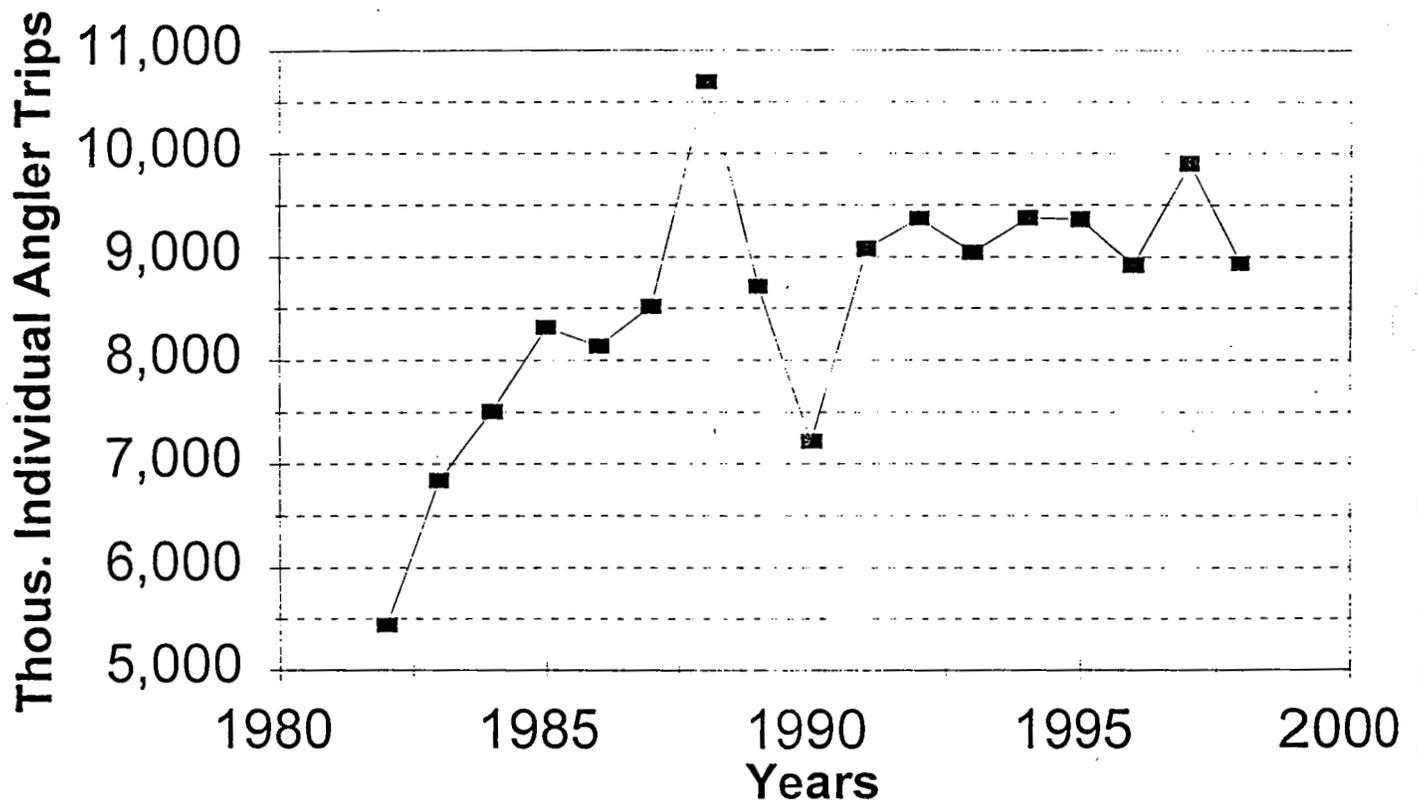
↑ 9% 98-99

- Charter Coastal Migratory Pelgics
- Charter/Head Boat Reef Fish

**Fig 1. Charter Recreational Effort,
MRFSS Data, 1982-98.**

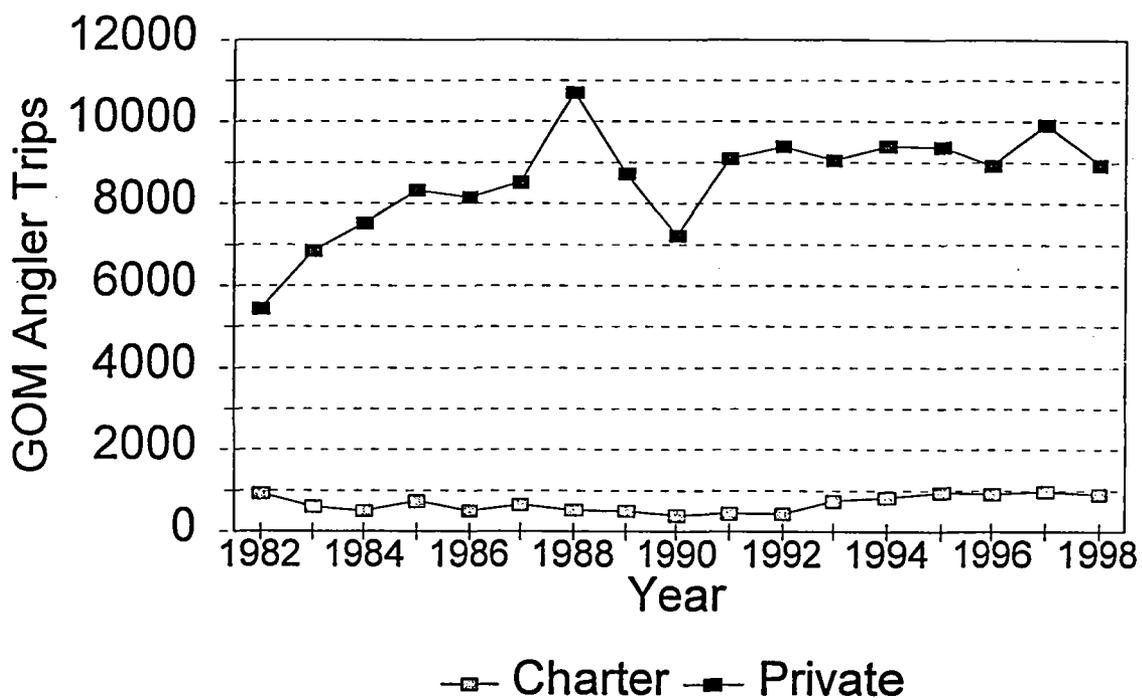


**Fig.2. Private Recreational Effort,
MRFSS Data, 1982-98.**



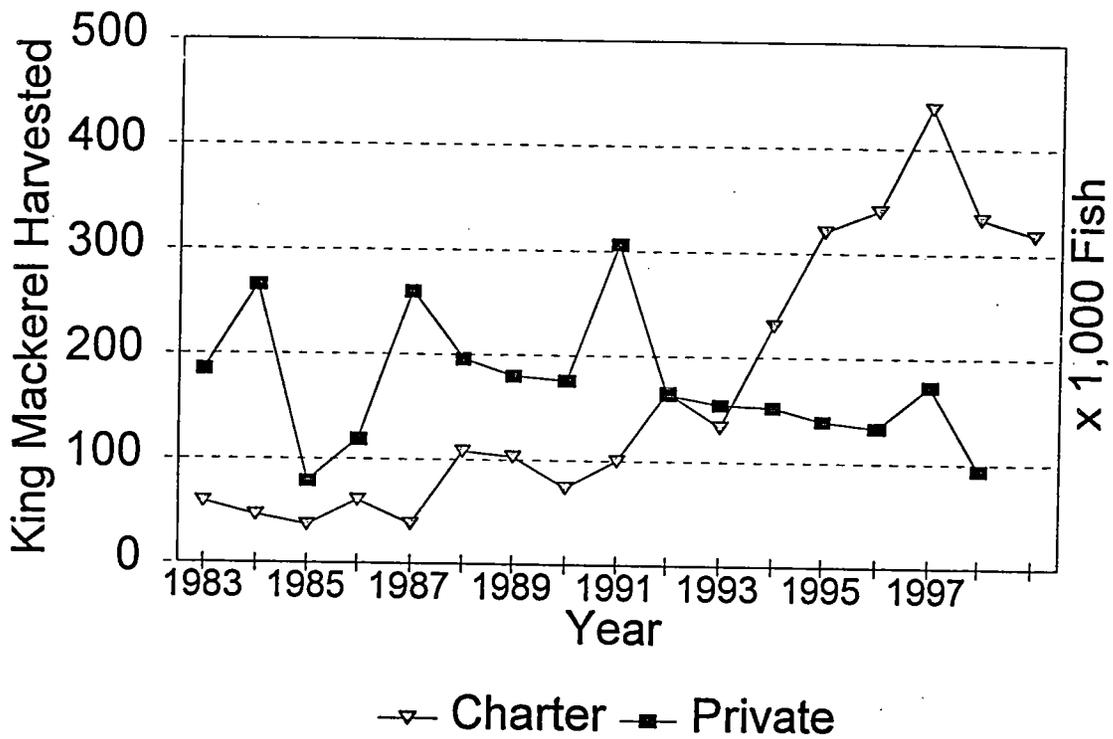
Charter - Private Rec Effort

Table 1



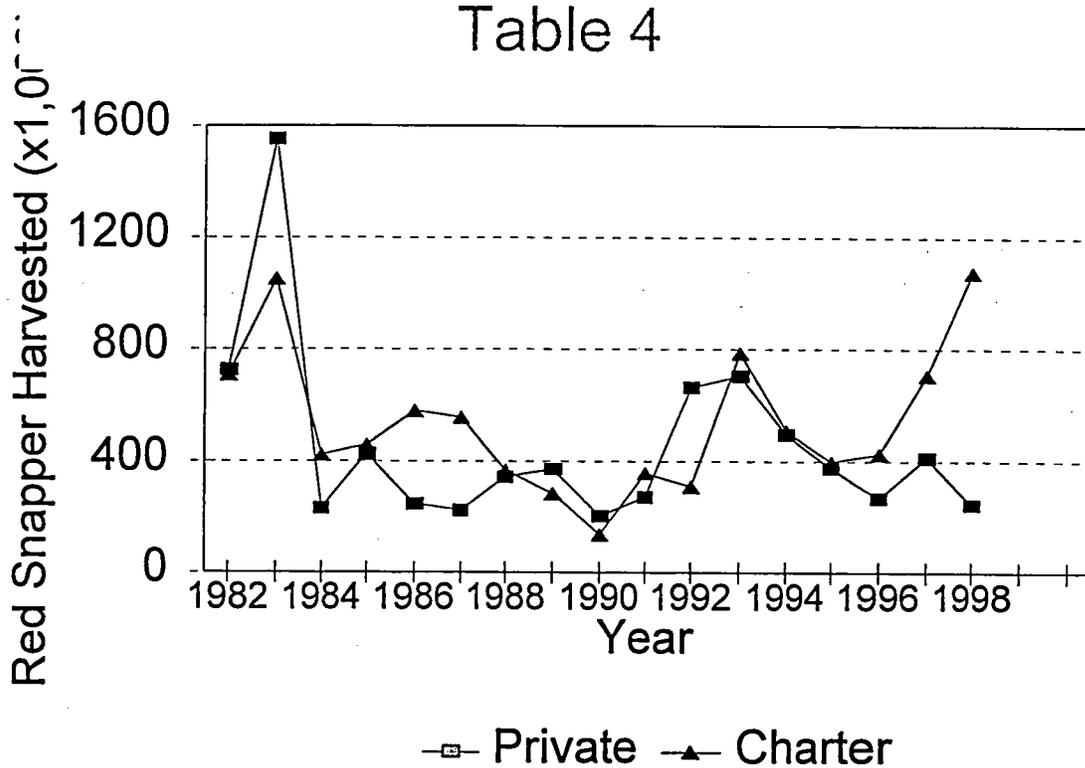
Rec King Mackerel Harvested

Table 6



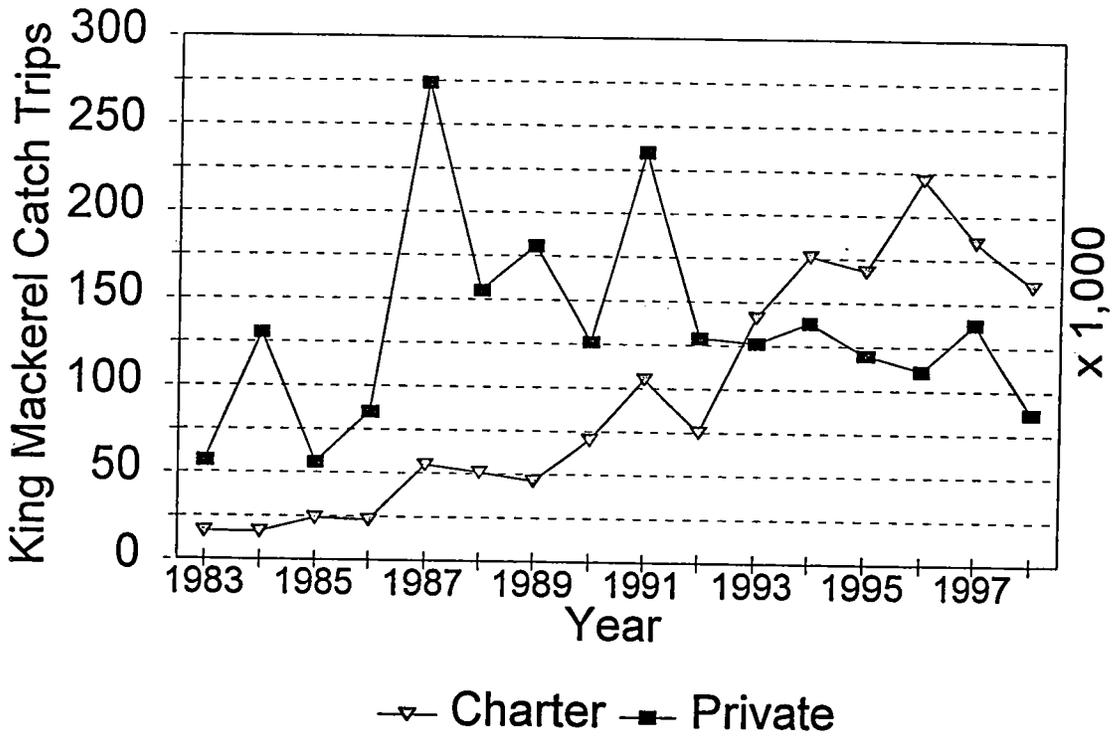
Rec Red Snapper Harvested

Table 4



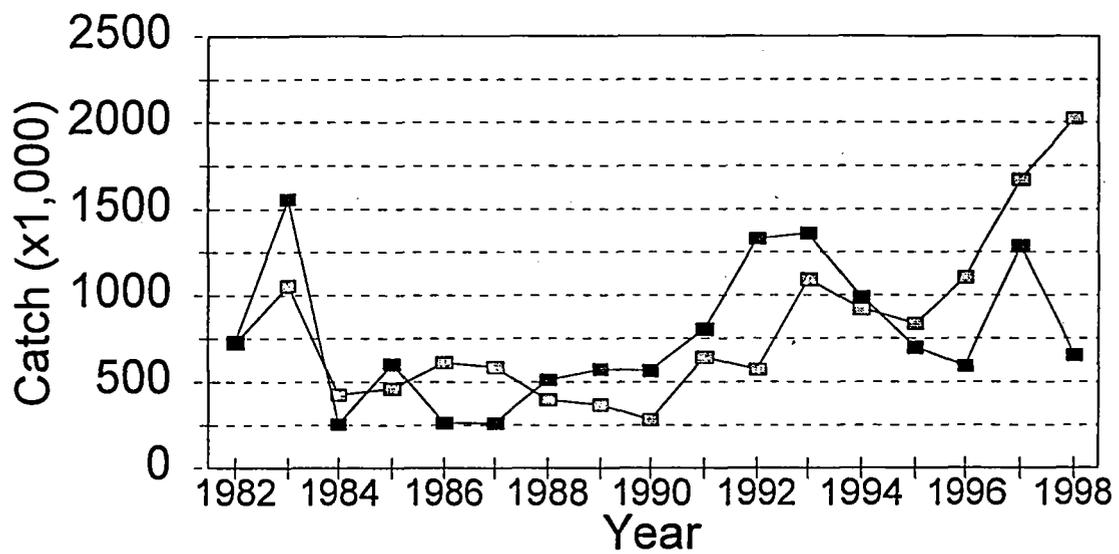
Rec King Mackerel Catch Trips

Table 6



Red Snapper Caught

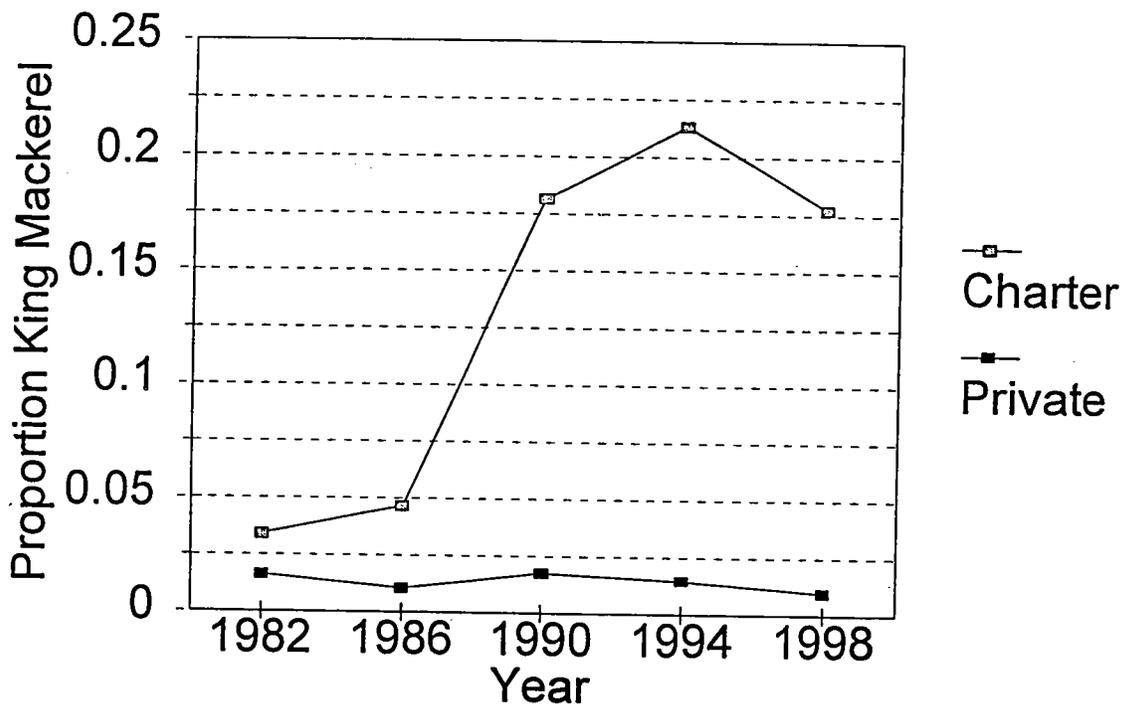
Table 3



—■— Charter —■— Private

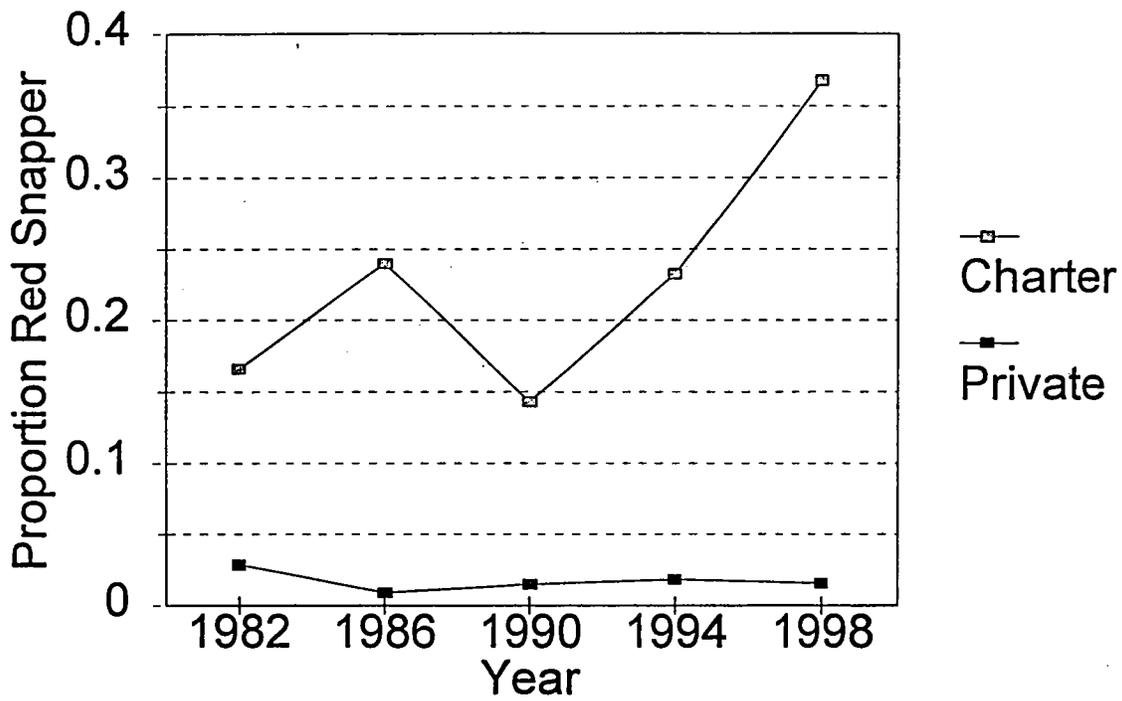
King Mackerel Catch Effort Proportion

Table 2



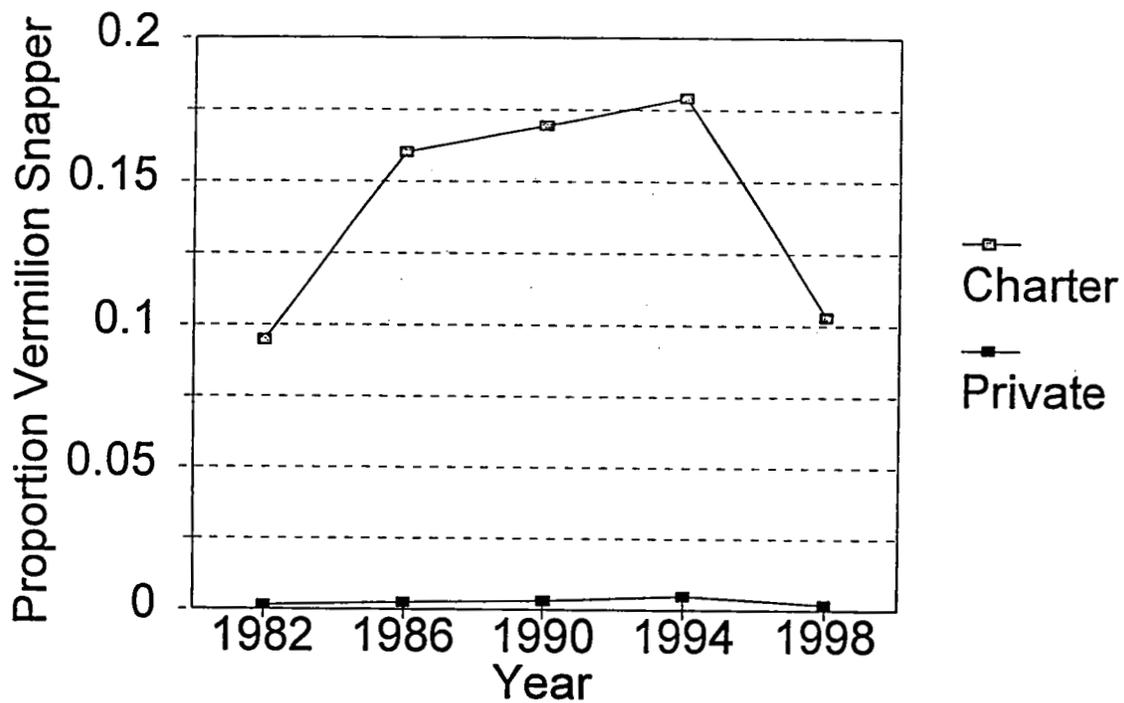
Red Snapper Catch Effort Proportion

Table 2



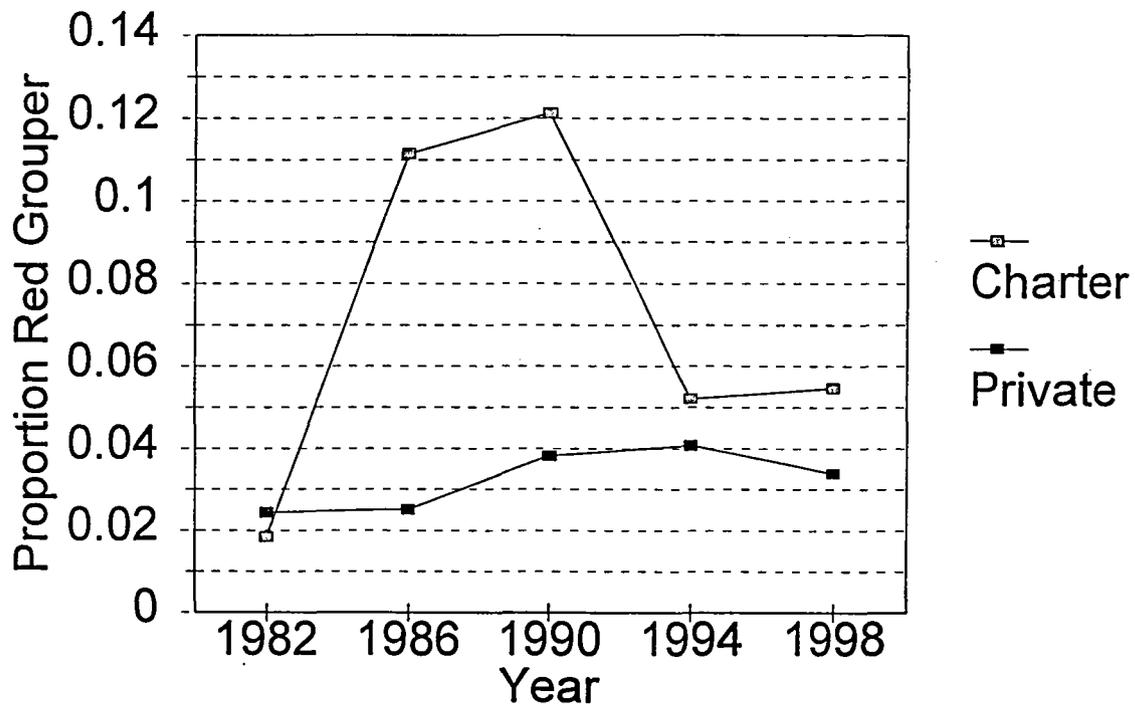
Vermilion Snap Catch Effort Proportion

Table 2



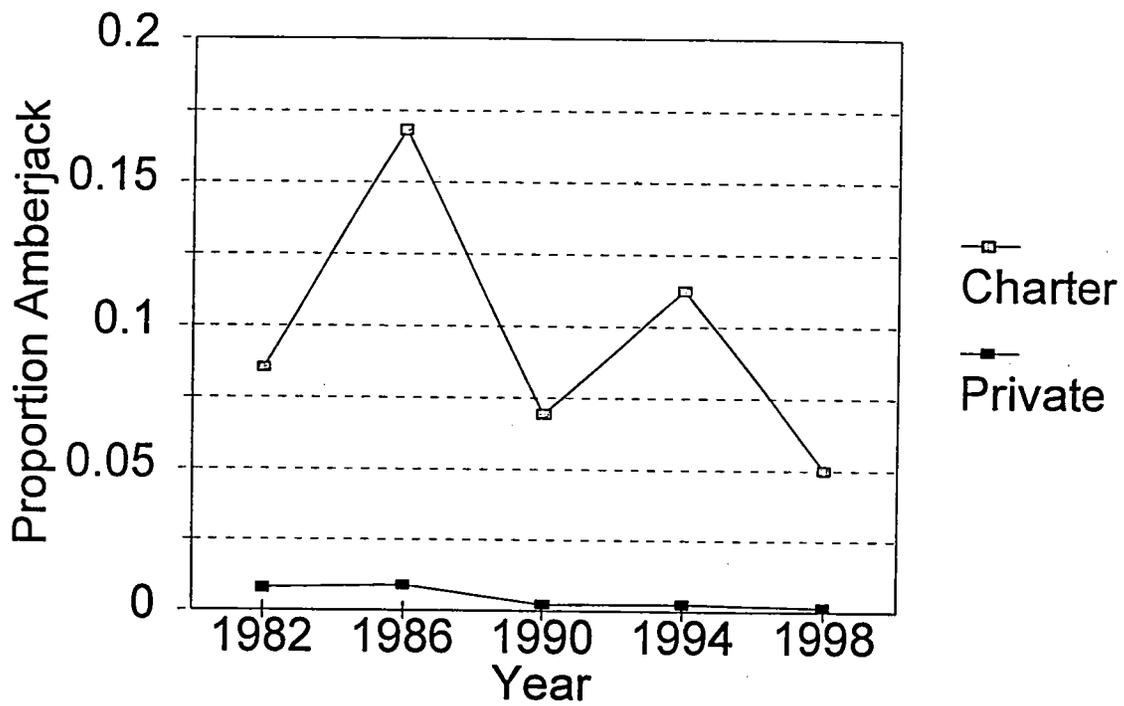
Red Grouper Catch Effort Proportion

Table 2



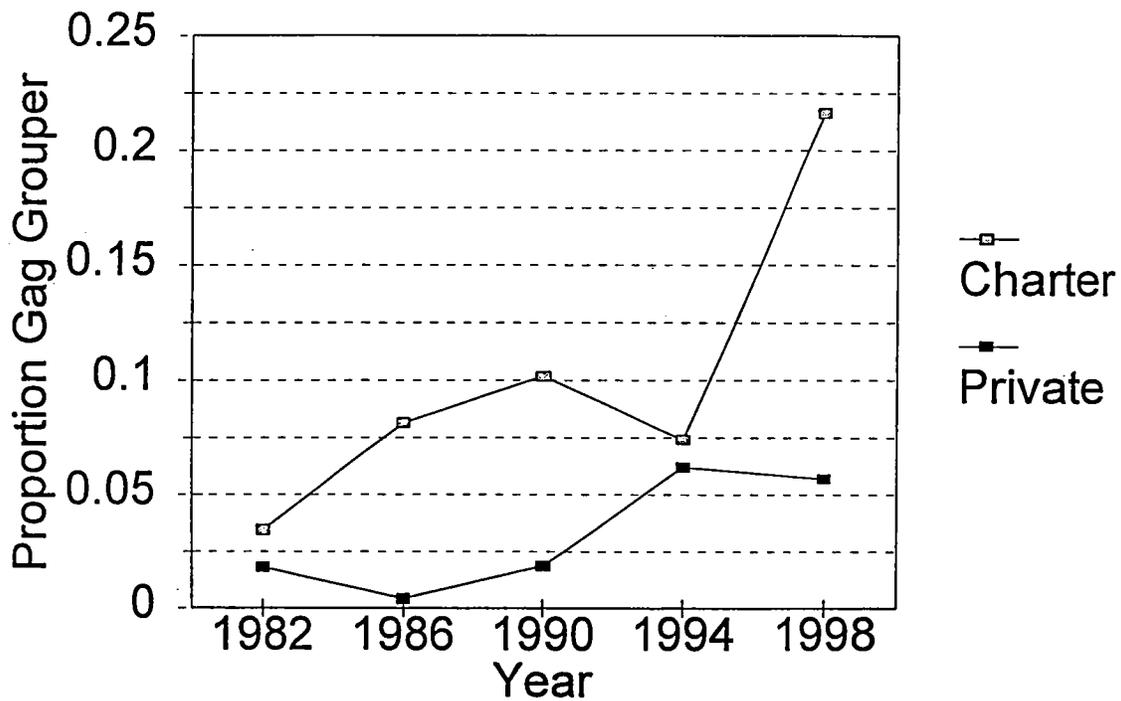
Amberjack Catch Effort Proportion

Table 2

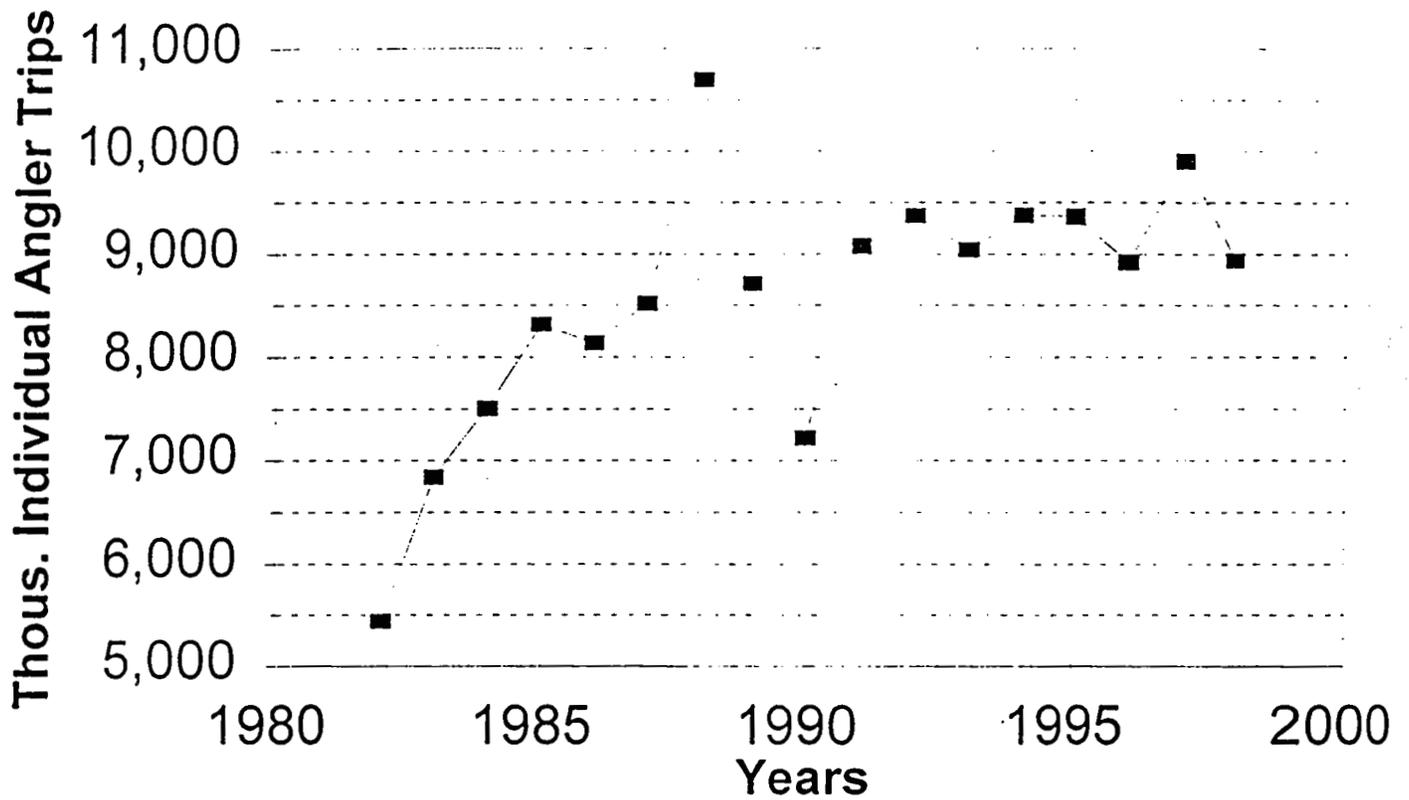


Gag Grouper Catch Effort Proportion

Table 2

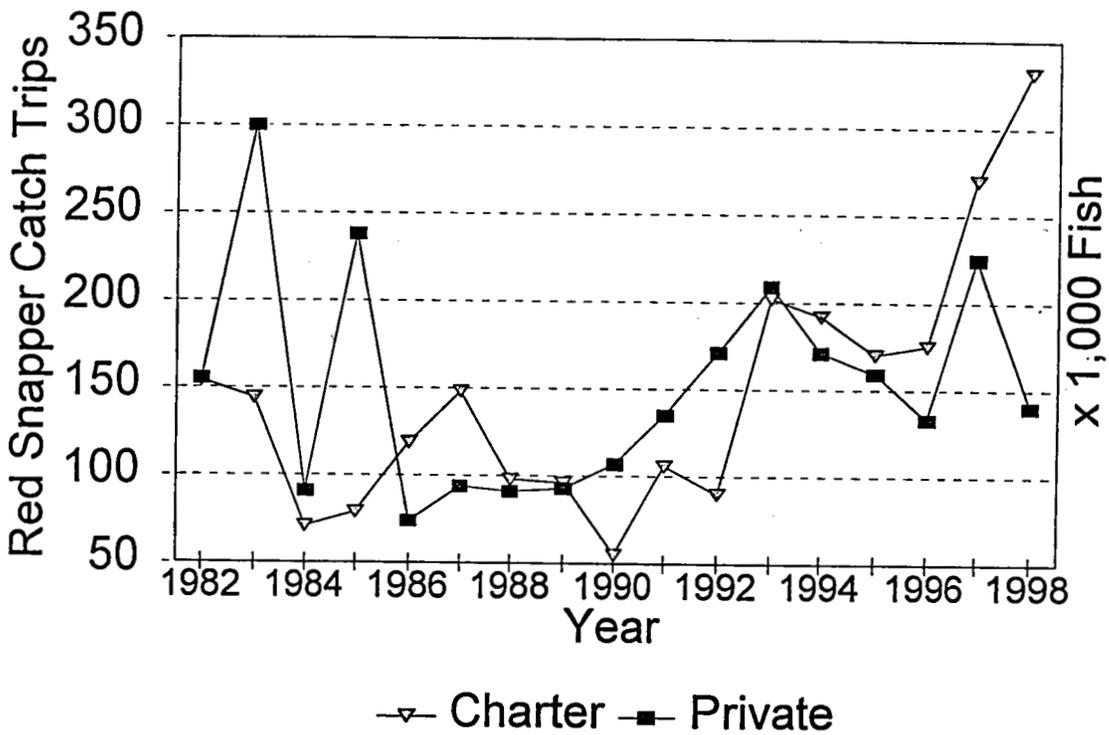


**Fig.2. Private Recreational Effort,
MRFSS Data, 1982-98.**



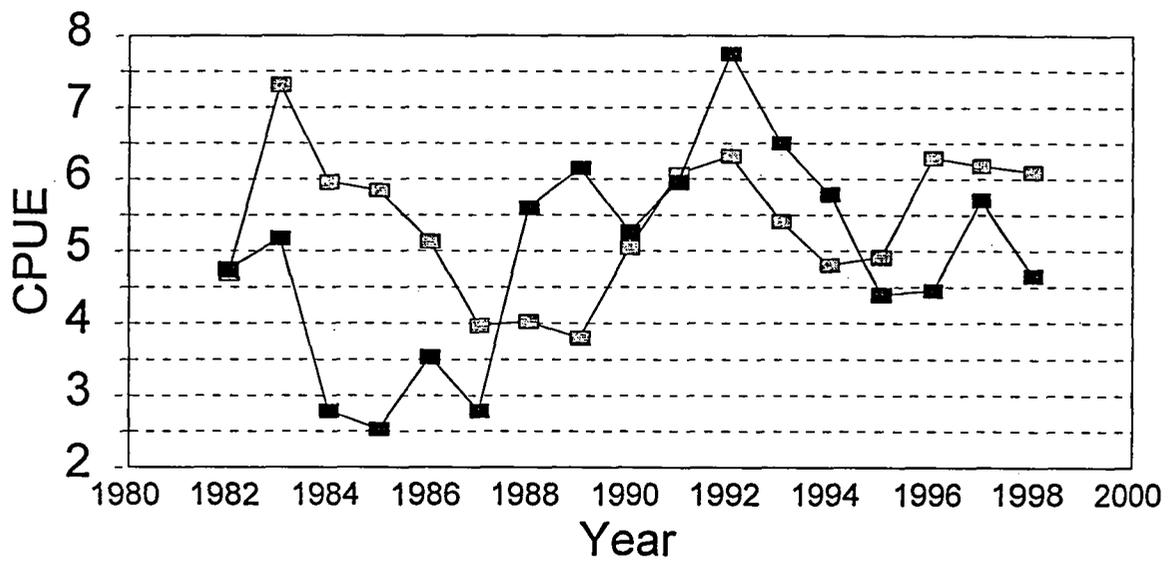
Rec Red Snapper Catch Trips

Table 4



Red Snapper CPUE

Table 3



—□— Charter —■— Private

TAB E NO. 6

PROPOSED IMPLEMENTATION SCHEDULE FOR INDUSTRY PERMITTING SYSTEM

March 20-23 Council Meeting (San Antonio)

- Committees and Council Review and Revise Industry Proposal

May 15-18 Council Meeting (New Orleans)

- Status Report and Review of Preliminary Draft Amendment

July 10-14 Council Meeting (Key Largo)

- Approval of Draft Amendment

August

- Public Hearings
- AP & SSC Reviews

September 11-14 Council Meeting (Mobile)

- Public Testimony
- Final Action

October/November

- Submit Final Amendment to NMFS

May/June 2001

- Final Rule Implemented



Lde: 3/10/00

DRAFT

MINUTES

**GULF OF MEXICO FISHERY MANAGEMENT COUNCIL
AD HOC CHARTER VESSEL/HEADBOAT ADVISORY PANEL
TAMPA, FLORIDA**

MONDAY & TUESDAY, FEBRUARY 28-29, 2000

ATTENDANCE:

Members:

Bob Zales, Chairman
Bobbi Walker, V. Chairman
Fred Lifton
Mike Locklear
Gus Loyal
Mike Nugent
Clara Pease
Richard Rice
Nash Roberts
Chet Snyder
Russell Stewart
Mike Thierry
Jim Twiggs
Charlie Walker
Don Walker
Bill Wickers

Other Participants:

Roy Williams
Bill Hogarth
Roy Crabtree
Ed Burgess
Bob Sadler
Steve Holiman
Brad Whitmore

Staff:

Wayne Swingle
Tony Lamberte
Lorna Evans

The meeting of the Ad Hoc Charter Vessel/Headboat Advisory Panel was called to order by Chairman Bob Zales at 8:10 a.m. on Monday, February 28, 2000.

• **Adoption of Agenda**

The agenda was adopted with the following additions: Mr. Thierry asked that reallocation of red snapper total allowable catch (TAC) be added under Other Business.

Mr. Swingle related that Ed Burgess of the National Marine Fisheries Service (NMFS) would discuss, at an appropriate time, the NMFS letter regarding the industry proposal drawn up by Bob Zales, et al.

Mr. Lifton asked that discussion of the jewfish fishery and grouper complex fishery be added under Other Business.

- **Adoption of Minutes**

The minutes of the January 4, 2000 Ad Hoc Charter Vessel/Headboat Advisory Panel (AP) held in Kenner, Louisiana were approved as written.

- **Summary of Information Provided to AP**

Mr. Swingle explained that the information he would be referring to was contained in the Corrected Copy of the Draft Amendment for a Charter Vessel/Headboat Permit Moratorium Amending the: Reef Fish Fishery Management Plan (FMP) and Coastal Migratory Pelagics Fishery Management Plan. He specifically referred to the changes made to Table 5 (**Attachment 1**). He then reviewed "HANDOUT" (**Attachment 2**). He explained Figure 1. Charter Recreational Effort, MRFSS Data, 1981-98 (**Attachment 3**). He stated that in the Socioeconomic Report (SEP) that the year 1981 was not included as it did not include Wave 1 (January-February).

Mr. Wickers asked if the charter industry were now at a level slightly lower than in 1982. Mr. Swingle explained that the SEP averaged 1982 through 1992 and contrasted that against the 1993 through 1997 period with a 51 percent increase based on those years. He related that the SEP chose 1993 because it seemed to be on an upward trend. Mr. Wickers asked if this selection could be considered "slanting the data". Mr. Swingle responded that the SEP just wanted to assess whether there had been a change over time.

Mr. Twiggs stated that research was underfunded yet the charter industry was being managed by the results of the poor data.

Mr. Swingle pointed out that the Southeast Fisheries Region was underfunded by as much as 15 percent and Dr. Hogarth was trying to remedy this.

Mr. Swingle reviewed (**Attachment 4**). He explained that Dave Donaldson had subsequently indicated the number of licensed vessels in Florida should be lower.

Mr. Zales explained that the state of Florida sells 3 different types of licenses. 1) 4 person or less; 2) 10 person or less; and 3) 11 people or more (overload).

Mr. Stewart questioned whether all the boats listed were actually fishing.

Mr. Zales replied that the boats had the potential to fish.

Mr. Thierry pointed out that the fact that a fisherman was fishing in an area other than the exclusive economic zone (EEZ) should be a determining factor since these fishermen did not need to get a federal permit.

Ms. Walker stated that the state of Florida was the only state that differentiated between the reef fish permit and the coastal migratory pelagics permit.

Mr. Wickers related that in the Keys several boats that were considered to be guide boats (4 person) were fishing 22 to 23 miles offshore.

Mr. Williams stated that (**Attachment 5**) a letter to Dr. Robert Shipp from Dr. Russell Nelson stated that the Florida Fish and Wildlife Conservation Commission (FFWCC) believed that the Council and the National Marine Fisheries Service (NMFS) should apply a future date as opposed to a retroactive date in order to set up a moratorium. He pointed out that there was widespread non-compliance seemingly by the smaller boats that only occasionally made a run into the EEZ. He believed there would be a substantial impact if the state of Florida were asked to require federal permits for fishing in state waters. He did not believe the FFWCC would be inclined to adopt the federal permit. He also did not think the FFWCC would adopt the increase of gag grouper from 22 to 24 inches over a 3-year period since there were not many grouper of this size in state waters.

Ms. Walker asked if the state would hope to stabilize effort in the for-hire fishery or to stabilize the catch between the private and for-hire sectors by implementing a moratorium. Mr. Williams responded that federal compliance was usually the main goal of any permitting process for the state of Florida.

Ms. Walker asked why the state would advocate extending the qualifying period under the moratorium which would cause increased effort. Mr. Williams explained that if the Council wanted the state to adopt the federal permit then the Council had to understand that it would be easier for the public and the FFWCC to accept a date that was not retroactive.

Ms. Walker asked if effort was doubled would the state of Florida then limit permits. Mr. Zales clarified that if everyone were allowed to get a federal permit, then when the effort was doubled all of a sudden a lot of fishermen would be "kicked out". Mr. Williams responded that the FFWCC were mandated by certain standards, i.e. past history or "johnny come lately."

Mr. Thierry did not think it was fair that fishermen that did not have the required permits were still fishing and had the opportunity to be included in the moratorium while the fishermen who paid their dues year after year were not being given any credit.

NOTE: Required Permits refers to the Reef Fish Permit and the Coastal Migratory Pelagics permit.

Mr. Loyal stated that supply and demand was different every year, one year there may be 25 charter boats the next year there may only be 10 boats.

Mr. Stewart pointed out that even with a future date for the control date the fishermen would still be required to have the income requirements for the restricted species endorsement on the saltwater products license (SPL) which would exclude speculators. Mr. Williams related that there were always speculators in the fishing business.

Mr. Stewart pointed out that having enforcement at the dock limited knowledge on what the recreational catch actually was.

Ms. Pease felt that the individuals who made initial investments hoping to get into the charter business because there was a late control date were being given false hopes as they could not resell their boats because these boats were set up specifically for the charter business.

Mr. Nugent asked if the state of Florida could establish a control date for the federal permit for individuals that already possessed a state permit. Mr. Williams pointed out that there could be individuals that may today hope to enter the charter fishery.

Mr. Twiggs pointed out that there was the possibility of an appeals board which should be able to determine the needs of each individual case. Mr. Williams had no opinion.

Mr. Wickers did not believe the FFWCC would approve of the retroactive control date. He opined that the charter industry was in the longest economic boom ever and believed a lot of boats would be weeded out by the next recession. He did not support a moratorium system. He believed an income requirement would reduce the speculators.

Mr. Thierry asked why so many charter operators did not have the required permits. Mr. Williams could only speculate ignorance of the law.

Mr. Lifton added that in his area, Marco Island, none of the charter captains had any idea about the required permits and they had all been fishing that area for at least 15 years without the permits.

Mr. Loyal believed a lot of charter fishermen thought the required permits were for the commercial industry only.

Ms. Pease asked if Mr. Williams was more concerned for the fishermen already in the charter industry or the speculators hoping to enter the charter fishery. Mr. Williams guessed both but

was most concerned for the fishermen who were fishing now that did not know about the required permits and had just recently gotten the permits.

Mr. Rice felt it was hard to believe that anyone did not know about the required permits.

Mr. Williams did not feel it would be fair to put fishermen out of business just because they did not know about the required permits.

Mr. Twiggs explained that any speculator hoping to get into the charter business could buy an existing business from a long-time charter operator.

Mr. Don Walker believed that any legitimate fishermen that had been fishing for years and did not have the required permits should be given the same opportunity as the fishermen with the permits. He did not believe the retired military should be allowed to take customers away from the existing charter fishermen.

Mr. Snyder asked what method of notification was used in 1987 to inform the public of the need for the coastal migratory pelagics permit or any other permit. Mr. Swingle replied that the Council put out a news release in 1987 and that now the permit requirements were listed in the fishing regulations brochure.

Ms. Walker explained that the red snapper bag limit and fishing season would only decrease if the charter industry did not outline a feasible plan to reduce fishing effort.

Mr. Loyal stated that he would rather be restricted by lower bag limits and a shorter fishing season.

Mr. Stewart agreed that a lower bag limit and shorter fishing season would be best and stated that way all the fishermen would be affected.

Mr. Whitmore, Maverick Charters, Sarasota, Florida, related that a lot of people on the West coast of Florida had not known about the required permits but they had the permits now.

Ms. Pease asked how Mr. Whitmore found out about the required permit. Mr. Whitmore responded through the newspaper.

Mr. Locklear related that captains as well as vessel owners should be licensed.

Mr. Crabtree stated that the Gulf of Mexico could not sustain the rate of increase in fishing effort in the charter sector. He related that the red snapper recreational seasons would get shorter and shorter if some sort of reduction were not exercised. He explained that NMFS was looking at different methods to reduce the effort. He strongly urged that the panel give the problems careful

consideration. He believed that it was in the charter industry's best interest to have a say in what type of restrictions they would be managed by.

Ms. Pease asked if Mr. Crabtree could expand on the percent reduction of fishing effort needed in the overcapitalized charter fishing industry, what did it mean, what would happen, and how would it be reduced. Mr. Crabtree responded that the details of these types of things would be worked out in time.

Mr. Stewart read a section of the Regulatory Amendment to the Reef Fish Fishery Management Plan to Set Total Allowable Catch and Management Measures for Red Snapper for the 2000 and 2001 Seasons (Regulatory Amendment), page 14 under Rationale and Biological Impacts. He asked if the panel were aware of the implications of this document. Mr. Swingle explained that the framework procedure for the Regulatory Amendment would change when the final rules for the Sustainable Fisheries Act (SFA) were approved in the next month or two.

Mr. Swingle informed the panel that the Council had recommended a 26 percent spawning potential ratio (SPR) as the new overfishing standard under the SFA but that NMFS had disapproved that which left the FMP reverting back to a 20 percent SPR standard with no preferred alternative.

Mr. Zales opined that the NMFS, in considering the new pilot study information, had 2 "schools of thought." He related that the first "school of thought" was that if over time there was an overestimation of effort and catch for red snapper then the initial stock size was initially overestimated by 24 percent therefore all the numbers were adjusted down 24 percent. He stated that the second "school of thought" was that if over time there was a 24 percent overestimation then it needed to be redone.

Mr. Crabtree stated that in the case of red snapper there had been an overestimation by the Marine Recreational Fishery Statistics Survey (MRFSS). He pointed out that a 25 percent overestimation of catch in the charter fishery did not amount to a 25 percent overestimation in the private recreational sector. He stated that because the charterboat sector is historically made up of 50 percent of the recreational catch the overestimation would be approximately 10 percent of the recreational catch (500,000 pounds). He related that the recreational sector has had overruns for the past couple of years (about 1,000,000 pounds).

Mr. Williams stated that the 9.12 million pounds was based on a constant catch to the year 2019. He believed that if the number of charter vessels continued to increase and the number of private vessels continued to increase then the individual share per vessel would decline equaling shorter seasons, larger size limits, and lower bag limits.

Mr. Crabtree pointed out that the scientific and statistical committee (SSC) recommended that TAC not exceed 9.12 million pounds but the fact was that the actual harvest was about 10.5

million pounds. He stated that rebuilding to an SPR target was not permissible under the current guidelines.

Ms. Walker asked whether the intent of the NMFS proposing the moratorium was to either 1) reduce or stabilize effort in the for-hire sector or 2) stabilize the catch in the fishing sectors. Mr. Crabtree believed it would be to stabilize effort in the for-hire sector.

Mr. Williams asked if the guide boats or smaller boats that only occasionally fished in the EEZ were part of the MRFSS. Mr. Crabtree responded yes, he believed so.

Mr. Wickers asked what percent of a reduction did NMFS hope to achieve in the charter fishery. Mr. Crabtree replied that NMFS was looking for a cap to stop the growth in the charter fishery. Mr. Wickers responded that if NMFS put an income requirement on the renewal of licenses NMFS would have a legitimate number to work with, as the speculators would not be able to renew.

Mr. Loyal asked why NMFS was not proposing to limit the private sector. He did not believe this was fair.

Mr. Snyder agreed with Mr. Loyal.

Mr. Swingle stated that 10 years ago the Council began constraining the commercial industry by putting in an income requirement which eliminated about 3,000 or 4,000 part-time fishermen. He related that these fishermen were actually recreational fishermen going out and fishing for red snapper and grouper and then selling them. He explained that the Council implemented a permit moratorium which resulted in 2,200 people applying for the permit as the control date was the date of implementation. He stated that over time because of the income requirement the number declined to about 1,230 permits.

Mr. Lifton explained that several rich retirees in his area were constantly out catching fish and could get these commercial permits because their retirement was not considered earned income.

- **Discussion and Revision of Industry Proposal - Mr. Ed Burgess**

Mr. Burgess reviewed Dr. Hogarth's letter to Mr. Zales and the attached NMFS COMMENTS ON CAPTAIN BOB ZALES' FEBRUARY 8, 2000, LIMITED ENTRY PROPOSAL (Attachment 6). Point 1) under General Comments Mr. Burgess pointed out that unless the fishermen from the Atlantic were excluded by some means they would be able to obtain the permit.

Mr. Zales explained that because the coastal migratory pelagics fishery was jointly managed by two Councils that the permit was issued for use from the state of New York to Brownsville, Texas.

Mr. Stewart asked if the South Atlantic Fishery Management Council (SAFMC) had any plans to limit the charter industry in their area. Mr. Williams replied that the South Atlantic (SA) charter fishermen did not catch their king mackerel allocation therefore there was no problem in that area.

Mr. Swingle stated that in the moratorium the Gulf Council had suggested excluding fishermen from the SA that did not fish in the Gulf from obtaining a permit endorsement which allowed them to fish both the Gulf and SA. He stated that the National Oceanic and Atmospheric Administration (NOAA) General Counsel requiring such vessels to fish from Gulf ports would be a violation of National Standard 4. He related that the Gulf Council could implement a Gulf endorsement on the permit.

Under Point 2) of General Comments Mr. Burgess explained that the number of vessels was not being limited very much therefore more restrictive measures would need to be taken.

Mr. Swingle pointed out that the way the industry proposal was structured created a major decrease in effort over time. He related that the industry proposal made two classes of license 1) where the individual could comply with the control date (which would be transferable) and this number of licenses would not change over time and 2) the class 2 license was not transferable and once that individual retired the license would revert back to management (NMFS). He believed this was a major reduction strategy.

Mr. Lifton did not believe that families that had these licenses for generations should have them taken away. Mr. Zales suggested that the family be allowed to pass the license to another family member rather than surrender it back to NMFS.

Mr. Stewart raised the point that the Bay County Boatman's Association (BCBA) was against the moratorium and therefore the document that was being reviewed was not supported by them.

Ms. Walker pointed out that there were several other Charter based organizations who did support this proposal.

Mr. Williams asked Mr. Stewart if implicit in its opposition to the moratorium if the BCBA would prefer higher minimum size limits, lower bag limits, or shorter fishing seasons.

Mr. Stewart responded no, the BCBA questioned the information and why a moratorium was not being imposed on any other fishing sector.

Mr. Zales interjected that a list of all the industry concerns was handed out (**Attachment 8**).

Mr. Burgess referred to Section A under Specific Comments that it was confusing to have discussion of a 3-year moratorium and a 5-year science review. He believed the science review

would be done simultaneously during the moratorium, therefore the number of years should be duplicates.

Mr. Roberts asked why there was a stock assessment done every 2 years on each fishery. Mr. Swingle related that each fishery had a stock assessment done at different times (red snapper every year, other species 3-4 years).

Mr. Roberts asked what was the point of a 5-year moratorium. Mr. Zales explained that in the discussion amongst several industry people it was realized that if fisheries were well managed they would more than sustain the effort at a future date. Mr. Zales related that NMFS did not work at a fast pace therefore 5 years was a more likely target time.

Mr. Crabtree agreed that once a fishery was rebuilt the yields would be much larger than they were today.

Mr. Williams explained to Mr. Wickers that if the charter industry did not come up with a solution to reduce effort then either a smaller bag limit, a shorter fishing season, or an increased size limit would have to be imposed on the charter industry.

Mr. Crabtree agreed and stated that if nothing was done and effort continued to go up the law required NMFS to close the red snapper fishery when the quota was reached. He related that there was a variety of ways to control effort but if nothing was done it would lead to a shorter red snapper season.

Mr. Wickers stated that he had heard the "sky is falling" before and it had turned out to be false.

Mr. Zales related that the charter industry was divided as far as whether a moratorium or a shorter season, smaller bag limit, or increased size limit was more palatable.

Mr. Stewart related that the BCBA was opposed to the shorter season, smaller bag limit, or increased size limit.

Mr. Nugent related that the state of Texas did not want a moratorium implemented but if faced with a choice of a moratorium or the shorter season, et al. he believed the moratorium was preferable.

Mr. Twiggs agreed with Mr. Nugent and stated that in order to stay in business the charter industry had to streamline.

Mr. Burgess related that under Section A there was an introduction of a concept of redistribution of non-renewed permits and the 4 types of endorsements. He believed that under Section B a permit in conjunction with a decal would be the best solution. Mr. Zales believed the decal would be helpful for enforcement as well.

Mr. Burgess related that under Section C complex transferability of permits could be limiting.

Under Section C (1) Mr. Burgess believed a longer period of time should be chosen. He suggested a 60 to 90 day period around the control date as a fair amount of time.

Mr. Burgess pointed out that under Section C (2) he believed there should be discussion for owners of multiple vessels and the need to restrict the number of permits that could be obtained by one person. He stated that a cut-off date would need to be implemented.

Mr. Zales explained that the intent for Section C (3) was to protect a person who had been in the business for a long time and his boat burned then his permit would not be burned as well. Mr. Burgess explained that the owner of record had the option to transfer his permit. Mr. Zales explained that if a boat were purchased by a new entrant into the charter industry it would be at the discretion of the vessel owner whether to transfer the permit to the new boat owner.

Mr. Lifton asked if the November 18, 1998 date was the final date.

Mr. Swingle explained that the November 18, 1998 control date was to let anyone interested in entering the charter fishery know that a moratorium may be placed on the charter fishery and anyone who obtained a permit after this date may not be allowed to continue charter fishing.

Mr. Zales explained that November 18, 1998 was the earliest control date possible.

Mr. Swingle agreed and stated that the control date could be set any time between the November 18, 1998 date to the date of implementation of the moratorium.

Mr. Zales pointed out that the date of implementation could be 1 year to 1 ½ years from now.

Mr. Burgess asked for clarification under Section D (2) if equal or less passenger capacity by the permit holder referred to the qualifying vessel or the current vessel, could a smaller passenger capacity vessel permit be transferred to a larger passenger capacity vessel, and how would this requirement relate to Class A and Class B endorsements. Mr. Zales explained that the proposal followed the Council's preferred option and the proposal would allow a 6-pack vessel to transfer to a 6-pack vessel, or a 6-pack vessel to a less than 6-pack vessel, never transferring to a larger capacity vessel.

Ms. Walker explained this would keep an increase of effort from occurring.

Mr. Zales explained that if a vessel wanted to upgrade that vessel owner could buy a permit from a larger capacity vessel.

Mr. Snyder asked if a vessel owner kept his current vessel but wanted to buy another vessel could he get a permit for his new vessel. Mr. Zales responded no. Ms. Pease explained that the vessel owner could transfer the permit from his first boat to his second boat or buy a permit for the second vessel.

Ms. Pease pointed out that a provision for a widow of the charter boat owner needed to be made.

Mr. Burgess explained that under Section F there would need to be an explanation that fishermen could not transfer their permits amongst themselves they would have to transfer through NMFS.

Mr. Burgess asked how vessel capacity downgrade could be tracked. Mr. Swingle suggested that there be a requirement that the Coast Guard notify NMFS if a vessel's safety inspection had been failed.

Ms. Pease clarified that should a charter captain have any sort of equipment problem he would need the time to rectify that problem and not be put out of business for any length of time.

Under Section G, Mr. Burgess suggested that there be a grace period for renewal, i.e. if not renewed within 1 year the permit would be revoked. Mr. Burgess asked what was the intent of re-issuance of a permit.

Mr. Roberts believed the fishermen who had been in the fishery through its managed reduction should be the first to be included when the fishery had recovered.

Dr. Lamberte pointed out that under Sections A and G only Class 2 endorsements could be re-issued.

Mr. Burgess stated that a new vessel owner had no option to obtain an endorsement as listed under Section G.

Under Sections I and J Mr. Burgess pointed out that documentation of participation in the surveys would be difficult for the purpose of permit renewal.

Under Section K Mr. Burgess believed 180 days was a long application period and suggested 90 days.

Mr. Burgess explained that the requirement for historical captains that "which must equal 50 percent or more" was confusing. Ms. Walker suggested adding whether the vessel or the individual fished for 50 percent of the time.

Mr. Burgess stated that for the section relating to issuance of a special permit to historical captains he suggested issuing a letter of eligibility after the 2-year period.

Mr. Zales explained that the 2-year period was up for discussion.

Under Section L (1) Mr. Burgess commented that this section would allow any person who had a vessel being built or modified prior to November 18, 1998 to obtain a Class 1 endorsement. Mr. Zales explained that substantial proof would have to be given to make this person eligible.

Mr. Burgess related that under Section L anyone having had a permit prior to November 18, 1998, to endorsements for those fisheries for which they held a permit. He stated that those who never had a permit have no such restriction and could choose their endorsements in any fishery.

Mr. Zales outlined various e-mail responses to the industry proposal (**Attachment 7**).

Ms. Pease reviewed the "Industry Concerns to Draft Proposal" (**Attachment 8**).

Mr. Stewart spoke for the BCBA and stated that they were opposed to the moratorium and would fight any restriction as it was suggested.

Mr. Thierry stated that he "just did not want to see anyone in the business hurt".

Mr. Roberts related that he and his fellow guide boat operators had a meeting and felt that any undue influence by the government was unwanted, i.e., they were opposed to a moratorium.

Mr. Locklear informed the panel that his statement was based on the belief that the moratorium would be passed. He also stated that he did not believe effort would be reduced by the small guide boat operators.

Mr. Whitmore of the Recreational Fishing Alliance read a letter from Mr. James A. Donofrio (**Attachment 9**).

Mr. Lifton stated that he could support the moratorium if the control date were made later.

Mr. Twiggs commented on Mr. Donofrio's letter (**Attachment 9**) that the charter industry would be limited in one way or another.

Mr. Wickers asked if the industry proposal replaced the Draft Amendment for a Charter Vessel/Headboat Permit Moratorium. Mr. Swingle replied that the Council could certainly adopt some of the ideas from the industry proposal into the Amendment.

Mr. Wickers asked if the panel could make a suggestion to the Council that the NMFS take their current required permits and add an income requirement. Mr. Swingle replied yes.

- **Discussion and Revision of Industry Proposal (Attachment 10) - Ad Hoc Charter Vessel/Headboat AP**

Ms. Walker stated that due to Mr. Burgess' statement she felt that the proposed 5 years should be changed to 3 years.

Mr. Nugent pointed out that Mr. Burgess had stated that the proposed time period should be concurrently a moratorium and a scientific research study.

Mr. Zales explained that the 3 year figure was pulled from the Options Paper as the Council's Preferred Alternative.

Mr. Swingle clarified that there were other alternatives, i.e. status quo - no action.

Dr. Lamberte asked if there was an intention that after 3 years the scientific study be continued. Mr. Zales believed that action was at best a request to the Council.

Mr. Swingle indicated it would be necessary to go forward with another amendment with the industry recommendation for a moratorium.

Mr. Zales commented that in the amendment there would need to be an implied intent to develop criteria for the extension.

Ms. Walker stated that a copy of the permit should be on board a vessel along with the proposed decal.

Mr. Zales stated that every species, except for wahoo, was currently covered under some management plan. He related that in the future the highly migratory species would be covered jointly under one management plan.

Ms. Walker pointed out that each vessel would only be required to have 1 permit rather than several permits under this section.

Mr. Burgess opined that the concept of having a permit with endorsements was a good idea.

Mr. Wickers recommended that the AP recommend that the Council amend the Reef Fish Fishery Permit and the Coastal Migratory Pelagics Permit to add income requirements for renewal. He believed this would eliminate the speculators.

Mr. Swingle explained that in order to renew a commercial reef fish permit the individual was required to prove that 50 percent of his income came from commercial and charter combined in 1 of the 2 preceding years. He stated that anyone could get a permit and they would have 1 year

to qualify to renew the permit and if the individual did not qualify the permit could be transferred. Mr. Zales believed that if the charter industry were willing to abide by a moratorium that the NMFS would still impose bag limits, size limits, and shorter seasons.

Mr. Swingle explained that there had been a case where the income of an operator qualified him for a commercial vessel permit. Mr. Burgess related that situation had been prior to the moratorium. He stated that the moratorium only allowed a permit that an owner was qualified to transfer.

Mr. Swingle related that the income requirement was implemented first with the idea that a more sophisticated limited access system would be developed in that interim time period, but the moratoriums were extended instead.

Mr. Twiggs **moved** that the AP recommend to proceed with discussion of some type of moratorium without specifying provisions of the moratorium.

Mr. Roberts stated that he would like some say in the restrictions placed on him therefore he would have to support a moratorium.

Mr. Loyal asked if there were any guarantees that if a moratorium were implemented there would not be any other restrictions placed on the charter industry.

Motion carried by a vote of 10 to 5.

Ms. Pease **moved** that the AP review the industry proposal item by item and vote as it goes through the document. **Motion carried** without objection.

Mr. Charlie Walker opined that the red snapper commercial industry was the major problem which was affecting the grouper charter industry.

Mr. Rice informed Mr. Walker that 3/4 of the charter boats in Louisiana were from Florida.

Mr. Crabtree pointed out that there was a problem right now in the red snapper fishery but that the AP should not assume there was not problem in the grouper fishery.

SECTION A

Ms. Pease **moved** that the AP recommend that the duration of the moratorium be 3 years and should it exceed 3 years the NMFS will provide, after implementation, a review of the status of the stocks. **Motion carried** without objection.

SECTION B

Ms. Walker moved that the AP recommend to delete the second to the last sentence: "All vessels including those that target species not in a FMP will be required to hold this permit." And to add to the end of the last sentence: *and a copy of permit on board.* And to add to the first sentence after (FMP) *now and in the future.*

Motion as restated carried without objection: Any vessel permitted to operate as a for-hire vessel in the EEZ will hold this permit, which will include endorsements for fish species regulated under Federal Fishery Management Plans (FMP), (i.e., reef fish, coastal migratory pelagics and now or future FMPs). Evidence of this permit will be a decal suitably attached to the vessel along with a copy of the permit on board the vessel.

SECTION C

Mr. Stewart moved that under Section C there be only one Class of vessel permit.

Ms. Pease asked if Mr. Stewart's intent would be to open up the Class 1 permits for anyone who has a permit now. Mr. Stewart replied that his intent was to be one classification for everyone.

Ms. Walker did not believe that anyone without the required permits should be given the same consideration as those with the required permits and did not agree with the motion as it would not place a cap on the charter industry.

Mr. Lifton did not agree and stated that those that had "ignorance of the law" should not be penalized.

Ms. Pease explained that by even having a Class 2 permit there was the intent to eliminate some of the effort in the charter industry as the Class 2 permit could not be transferred.

Mr. Twiggs offered a substitute motion that a Class 1 permit will be issued as under the provisions of Section C and to all other vessel owners who can demonstrate that they have been in the fishery over the past 5 years in the Gulf.

Mr. Stewart believed the permit was registered to the boat not the individual. Mr. Burgess responded that the individual owner of the vessel would qualify therefore an income qualification would apply for the vessel owner to get a vessel permit.

Mr. Twiggs hoped to protect the fishermen who were not aware of the required permits but had been fishing for a long time.

Mr. Lifton asked if the substitute motion would cover those individuals that had been in the business but were not aware of the required permits. Mr. Zales responded yes.

Substitute motion as modified carried by a vote of 11 to 1, with 1 abstention that a Class 1 permit will be issued as under the provisions of Section C and to all other vessel owners who can demonstrate that they have been in the for-hire fishery in the Gulf for the past 5 years prior to implementation.

Mr. Stewart **moved** that the control date be the date of implementation of any moratorium adopted by the Council.

Ms. Pease offered a **substitute motion** that the control date be left as status quo.

Mr. Nugent asked how the substitute motion would affect those individuals that the AP had considered with their last motion. Mr. Zales replied that those individuals that did not have the required permits as of November 18, 1998 and got one after that date and could show they had been in the fishery, on a boat they owned, for the past 5 years, then they get a Class 1 permit.

Substitute motion carried by a vote of 10 to 5.

SECTION D

Mr. Stewart **moved** to change the wording under Section D(1) to read as follows: "that at least 50% of earned income or \$10,000 gross income whichever is less".

Mr. Zales explained that gross income could be high but that did not necessarily mean the person made a large profit.

Mr. Stewart was concerned for the smaller guide boats and that was why he had picked the \$10,000 figure.

Ms. Pease did not believe that the \$10,000 figure was high enough.

Mr. Swingle pointed out that adding "whichever is less" would require the individual to report both earned and gross income to show which was less.

Mr. Wickers offered a **substitute motion** to adopt the language that the dollar amount be changed from \$10,000 to \$25,000.

Mr. Twiggs offered an **amendment** to add the following language to the motion: "and does not qualify for a Class 1 license under Section C". **Amendment carried.**

Mr. Swingle explained that the date of January 8, 2000 had been picked because that was the day after the NMFS sent documents to Mr. Zales, et al. and it contained a record of who was in the fishery at the time.

Mr. Twiggs offered an **amendment** that implementation be the date the Council adopted (November 18, 1998). **Amendment carried** by consensus.

Mr. Swingle suggested that the AP just strike prior to January 8, 2000 and insert if a vessel owner who obtained a permit after November 18, 1998 does not qualify for a Class 1 license under Section C and if that vessel owner can prove etc.

Amended Substitute motion as modified carried by a vote of 13 to 2 that If a vessel owner who obtained a permit after November 18, 1998 does not qualify for a Class 1 endorsement under Section C and if the vessel owner can prove by income tax returns that he was in the for-hire fishing business at least one of the three years 1996, 1997 or 1998, and his income tax return shows that at least 50 percent of his earned income or \$25,000 *gross income* was from (for-hire) charter fishing, the vessel owner will be eligible for a Class 2 endorsement in the fishery or fisheries he held permits in.

Mr. Zales explained that under Section D(2) if a person had a Class 2 permit and his boat sank that because his permit may not be transferable he could get a new boat and still use the Class 2 permit. He further explained that the person could not upgrade his vessel to carry more passengers and could not transfer the Class 2 permit to a boat that carried more passengers.

Mr. Nugent **moved** that Section D(2) be accepted.

Mr. Burgess asked what would happen if the AP were to use the 2a and 2b and limited transfer amongst vessels rather than trying to track how many passengers were being carried.

Mr. Zales explained that there was concern that the smaller boats may try to carry more passengers.

Ms. Pease offered a **substitute motion** that under Section D(2) Class 2 endorsements may be transferred within the classes of vessels under Section F but not between the classes of vessels under Section F.

Mr. Nugent **withdrew** his **motion**.

Mr. Burgess pointed out that there was no provision for Class 2 and Ms. Pease's motion would allow transfer within the same class.

Mr. Zales explained that the substitute motion would not allow anyone to upgrade in passenger capacity.

Mr. Twiggs asked what would happen to any individual who wanted to upgrade. Mr. Zales responded that the whole point was to cap effort therefore the individual would need to purchase a permit from someone with the same passenger capacity sized vessel.

Dr. Lamberte suggested replacing D2 under E and make A as class 1 and 2 and change F to apply to Class 1 and 2.

Mr. Zales clarified that Section E would be titled Class 1 and 2 endorsement transfers during the moratorium, E1, E2 the same and E3 would be D2.

Ms. Pease's substitute motion carried that under Section D(2) Class 2 endorsements may be transferred within the classes of vessels under Section F but not between the classes of vessels under Section F.

Mr. Loyal moved that transfer of permits is allowed between vessels but without any increase in the number of passengers that can be legally carried under the U.S. Coast Guard Certificate of Inspection, i.e., can be transferred to vessels certified to carry and equal number of less of passengers.

Mr. Zales related that Mr. Loyal's motion would restate Section F.

Mr. Loyal's Motion carried without objection.

SECTION G

Mr. Burgess asked what triggered the reallocation of expired permits. Mr. Zales related that was based on Section A which allows new entrants into the fishery when the fishery is rebuilt.

There was a discussion whether a permit that was revoked or not re-issued should remain the same Class type when it was re-issued to a different individual.

Mr. Zales suggested using 50 percent of the revoked permits to help the economically distressed fishing communities.

Mr. Burgess explained that under the historical captain section issuing a permit to a historical captain under his own qualifications is limited to Class 2A.

Mr. Thierry asked what criteria would be used to determine who would get the permit that was available.

Mr. Roberts believed that the fishermen who were in the fishery during the restrictions should be able to reap the benefits and "get the first right of refusal".

Mr. Stewart stated that the fisherman with the Class 2 should be allowed to upgrade to the higher passenger capacity permit.

Mr. Twiggs moved that Section G be deleted.

Mr. Zales pointed out that the NMFS needed some direction on what to do with the permits. Ms. Walker offered a **substitute motion that the following list of individuals be added, (1) people already in the fishery who want to turn in their license to upgrade their boat, (2) people who have Class 2 licenses, (3) historical captains, and (4) individuals who are first come, first served.**

Substitute motion carried by consensus.

MEETING ADJOURNED AT 5:30 P.M.

The meeting of the Ad Hoc Charter Vessel/Headboat Advisory Panel was reconvened by Chairman Bob Zales at 8:05 a.m. on Tuesday, February 29, 2000.

- **Discussion of Revised Industry Proposal (Attachment 11) - Ad Hoc Charter Vessel/Headboat AP**

Discussion continued from Monday.

Mr. Twiggs **moved** that under Section B for Class 2 endorsements there are two classes of vessels, six passenger or non-inspected vessels and inspected vessels with U.S. Coast Guard Certificate of Inspection, i.e., deleting Class A and Class B.

Mr. Zales clarified that Mr. Twiggs' intent was to retain a Class 1 transferable endorsement, and a Class 2 non-transferable endorsement but to change Classes A and B to non-inspected and inspected classes.

Motion carried without objection.

SECTION G

Mr. Zales read a paragraph Mr. Swingle had drawn up. Owners, historical captains or operators granted a Class 1 endorsement, under this section must provide documentation that within two years a vessel with the appropriate passenger capacity (or less) as certified by the U.S. Coast Guard has been purchased and is available for operation. The endorsement will be granted upon such documentation and the current vessel endorsement will be surrendered at the same time.

Mr. Swingle related that the AP had wanted some sort of time table within which an individual must build or buy a boat and get into the charter business.

Mr. Twiggs **moved** that two years be changed to three years.

Ms. Walker offered an amendment to the motion that after random selection NMFS would issue an eligibility letter and the owner would then have 3 years to obtain a vessel to place the permit on. After that time if the eligibility letter is not used, the permit (or endorsement) would go back to the database. Amendment carried by consensus.

Mr. Stewart offered a second amendment to the motion that the eligibility letter could not be transferred. Amendment carried by consensus.

Motion as amended and modified carried that after random selection NMFS would issue an eligibility letter and the owner would then have 3 years to obtain a vessel to place the permit on. After that time if the eligibility letter is not used the permit (or endorsement) would go back to the database. The eligibility letter is not transferable.

SECTION H

Mr. Roberts believed there should be a time frame for the appeals process.

Mr. Swingle related that with previous appeals boards there was a stipulation that the appeals board would function only immediately after the moratorium was implemented.

Mr. Sadler suggested 180 days from implementation.

Ms. Walker believed the appeals process should be ongoing for the duration of the moratorium.

Mr. Wickers pointed out that an individual already had the 3 years to take action as mentioned in the last motion.

Mr. Stewart asked who would sit on the appeals board.

Mr. Swingle informed the AP that each of the 5 state fishery directors appointed designees. He related that the reason the state people were chosen was because they were already cleared to review confidential documentation.

Mr. Snyder asked if 1 year would be a feasible time period.

Mr. Zales related that the time frame would be set for the individual to notify NMFS that there was a problem.

Mr. Snyder moved that the appeals process be open for a 30-day period after implementation of the moratorium.

Mr. Stewart pointed out that an individual should have a 30-day period to respond after being notified by NMFS of its refusal to re-issue the permit.

Mr. Swingle read from the Corrected Copy Draft Amendment for a Charter Vessel/Headboat Permit Moratorium Amending the: Reef fish Fishery Management Plan and Coastal Migratory Pelagics Fishery Management Plan, page 52: **Note: The appeals board would conduct its review immediately following the implementation of the moratorium and would cease to exist on the conclusion of the hearings. Persons submitting appeals must state their case in writing and submit it to the Council or NMFS for distribution to the board before the appeal is scheduled. Upon request, a vessel owner may make a personal appearance before the Appeals Board.**

Ms. Pease offered an **amendment to the motion to add hardships**. She did not believe the AP could foresee all the problems that could plague the charter fishermen.

Mr. Swingle related that the Council had outlined a hardship guide listed on pages 51-52 of the Corrected Copy Draft Amendment for a Charter Vessel/Headboat Permit Moratorium.

Mr. Stewart asked how could one get an appeal on a hardship when there was no basis for a hardship exemption to begin with.

Amendment carried by consensus.

Motion as amended and modified carried that an appeals process will be developed to accommodate hardships and data and/or record disputes between vessel owners and the NMFS. The data and/or record disputes will be limited to dates of issue of original permit or permits, original USCG Certificates of Inspection or proof of personal and/or shipyard construction of a for-hire fishing vessel. A person has 30 days to file an appeal after notice of an adverse action. Motion carried.

- **Discussion with Dr. Hogarth**

Dr. Hogarth related that the moratorium was one step to rebuild the red snapper fishery. He explained that the NMFS was trying to get more money for research for other methods to reduce bycatch. Mr. Hogarth related that unless effort was at least capped the red snapper season would become shorter and shorter each year.

Mr. Wickers suggested that the NMFS amend the existing charter permits to require an earned income requirement which would eliminate “weekend fishermen” and “corporate owners”.

Dr. Hogarth related that the NMFS was currently working on a permit system for the shrimp industry.

Mr. Stewart asked what was the newest information regarding BRDs.

Dr. Hogarth stated that there was a new prototype for the BRD that looked very promising.

Mr. Stewart asked if NMFS supported requiring BRDs East of 85° 30' West Longitude. Dr. Hogarth responded yes.

Dr. Holiman stated that he had been asked to address the issues of what were the management goals, overcapacity, excess effort, too many boats, and too many trips. He hoped to find out what the problems of the charter industry were and how they could be solved.

Dr. Hogarth related that a Pilot Study was being done.

Mr. Loyal opined that the red snapper fishery seemed to be the biggest problem.

Dr. Hogarth related that the red grouper fishery could be overfished just like the red snapper fishery.

Mr. Crabtree stated that the grouper fishery had the same trend as the red snapper fishery where the portion of the landings in the for-hire sector had gone up substantially.

Mr. Loyal believed the private recreational sector was responsible for more of the landings than the for-hire sector.

Dr. Hogarth stated that the overfished status of the red snapper fishery had to be addressed. He also stated that the recreational catch was at an all time high.

Mr. Wickers pointed out that the NMFS data showed that the overall recreational effort was less than it had been in 1981. He stated that the 1992 to present time upswing coincided with the economic boom. He believed the economy would decline thereby weeding out several charter operators. He related that the charter industry was only agreeing to a moratorium to keep the other restrictions, i.e. shorter seasons, smaller bag limit and increased size limits from occurring.

Dr. Hogarth related that the rebuilding schedule could not be achieved with the current recreational effort.

Mr. Thierry believed the moratorium was a management tool and he supported this.

Mr. Snyder agreed and stated that the other choices were not acceptable. He asked if there were any plans to limit the private recreational sector.

Dr. Hogarth stated that the issue of a red snapper permit for the private sector was being considered.

Mr. Nugent was concerned that pressure on the Council would cause them to drop the idea of a moratorium thereby making the shorter season, etc., the only options available to the charter industry.

Dr. Hogarth reiterated that the NMFS was bound by law to solve the overfishing problem.

Mr. Twiggs stated that cutting back on the activity of the for-hire sector would limit the number of people able to participate in the resource. He had not heard about the resource sharing regarding the 49/51 allocation split. He pointed out that the for-hire fishery was for pleasure whereas the commercial was for corporate profit.

Dr. Hogarth stated that the allocation issue had been addressed at the November 1999 Council meeting.

Mr. Lifton related that the problem in his area was jewfish.

Mr. Swingle stated that the Council would hear reports on the status of jewfish at the November 2000 Council meeting.

Mr. Zales explained that there had been an idea of allowing a limited scientific harvest of jewfish for research.

Mr. Loyal stated that his customers enjoyed catching jewfish and then having one break off.

Dr. Hogarth related that he hoped to work with the charter industry on the red snapper fishery overfishing problem and let the AP know that he had an open door policy.

Mr. Stewart asked if the NMFS was concerned about the current effort or future effort. Dr. Hogarth responded that there had been some reduction of effort but that further effort must be capped to achieve the rebuilding plan.

Mr. Stewart asked why the NMFS could not come up with a plan that would reduce effort in all the fishing sectors at one time. Mr. Zales responded that Mr. Stewart's plan was good but there were procedures that had to be followed, i.e., each fishery had to be addressed under their separate FMP.

SECTION I

Ms. Walker moved that under Section I(1) all vessels holding GMFWF-HFP permits and/or endorsements will be included in an active frame in one of the approved fishing data surveys.

Mr. Zales explained that the surveys were done on a random basis. He stated that there were 3 sectors for the port samplers: shore mode, private rental mode, and a charter rental mode.

Dr. Holiman pointed out that the design of the data collection survey from the catch standpoint was to obtain individual angler performance.

Mr. Walker offered a substitute motion to accept Section I as written, status quo.

Mr. Zales explained that everyone with a permit had the potential to be surveyed.

Mr. Walker withdrew his substitute motion.

Dr. Holiman was concerned that any individual who refused to fill out the survey would in no way be penalized. Ms. Walker explained that would be covered under Section J.

Mr. Stewart offered a substitute motion to make Sections I and J one section.

Mr. Zales explained that if he did not send in a logbook, at the time of permit renewal he would receive a notice that without the logbook he could not receive a renewed permit.

Mr. Loyal was concerned that if one of his deck hands was in a bad mood and refused to answer the survey it would affect him as the vessel owner. Mr. Zales responded no that the surveyor would ask for and get the information from the vessel owner only.

By a vote of 9 to 4 the question was called.

The substitute motion carried by a vote of 14 to 1, with 1 abstention.

Mr. Wickers moved that under permit renewal the following language be added: **permits can be renewed providing the vessel owner can prove by income tax returns that he was in the for-hire fishing business and his income tax return shows that at least 50% of his earned income or \$25,000 of gross income was from for-hire charter fishing during one of the three previous years.**

Mr. Zales explained that in 1 of every 3 years the income requirement would have to be shown but the permit had to be renewed annually.

Motion carried.

Mr. Swingle clarified that Mr. Wickers' motion would now be a subsection of Section I. Mr. Zales responded yes.

SECTION K (renumbered J)

Ms. Walker moved that under Section K(2), that it read: **The historical captain must apply and qualify for the historical captain permit within 90 days of enactment of this regulation. The captain must qualify by furnishing income tax records showing at least 50% of his earned income was from for-hire fishing business at least one of the three years 1996, 1997, or 1998.**

Mr. Lifton was concerned for the captains that were paid in cash and may not keep good records.

Mr. Stewart was unsympathetic to any captain who did not report his earnings.

Mr. Swingle stated that for the commercial fishery a historical captain was defined as having had to be continuously in the fishery from 1989 to the present time and he felt 1 out of 3 years was a pretty vague time period.

Motion carried by consensus.

Mr. Wickers did not agree with giving a historical captain a Class 2 license, he believed they should get a Class 1 license. Mr. Zales explained that the owner had been taking all the risks and the historical captain chose not to take the responsibilities as a vessel owner.

Mr. Stewart pointed out that an individual who had just recently purchase a boat should not get the same consideration, i.e. a Class 1 license, as someone who owned a boat for several years.

Mr. Wickers **moved** that under Section K(3), [now Section J]: **The historical captain permit can only be used on a vessel owned by the historical captain and will be equivalent to a Class 1 (endorsement).**

Motion failed by a vote of 4 to 10, with 2 abstentions.

Ms. Walker **moved** that under Section J(3): **The historical captain permit can only be used on a vessel owned by the historical captain and will be equivalent to a Class 2A (endorsement) that can carry no more than six passengers. The Letter of Eligibility will expire 5 years after qualifying if it is not placed on a vessel owned by the historical captain and is non-transferable prior to being placed on a vessel.**

Motion carried without objection.

SECTION L (renumbered K)

Mr. Whitmore asked if the control date of November 18, 1998 could be changed to be the date of implementation. Mr. Zales responded no.

Mr. Burgess pointed out that this section would allow quite a few boats into the charter fishery.

Mr. Stewart suggested taking the word "modified" out of Section L(1) [now K(1)].

By consensus the word "modified" was removed from all the sections.

Mr. Whitmore related that modifications to his boat to make it a charter boat were documentable, therefore there was a method to use to determine if a boat was being modified for charter fishing.

Mr. Swingle suggested adding that the historical captain would have to prove he was or had been in the fishery prior to having a boat built.

Mr. Locklear moved to strike the word "in" under Section K(3).

Mr. Locklear withdrew his motion.

Ms. Walker moved that under Section K(1) the language be changed to: **Vessel owners who were or are in the for-hire fishery business and can legally prove that a vessel was under contract to be built, or was under construction prior to November 18, 1998 will receive a Class 1 endorsement in the fishery or fisheries that they held permits in prior to November 18, 1998.**

Mr. Zales explained that situations like Mr. Whitmore's was covered by the fact that he had been in the business before he had his boat modified.

Mr. Twiggs asked if a situation such as a captain with a 6-pack vessel who bought a multi-passenger boat, that had to be modified to be a multi-passenger boat, how would he be affected. Mr. Zales responded that he would be fine because he would be covered under the historical captain section.

By consensus Ms. Walker's motion carried.

Mr. Thierry asked if he sold his boat today would the person he sold the boat to get his license.

Mr. Zales asked if there was any opposition to Sections K(2) and K(3) as written.

By consensus Sections K(2) and K(3) were adopted as written.

K(2): In order to receive the endorsement, the boat owner will provide to the NMFS a copy of the contract dated prior to November 18, 1998, and/or receipts dated prior to November 18, 1998, for substantial expenditures of a boat under construction along with proof of the legal transfer of monies for deposit or expenditures by canceled check, receipt for cash, or electronic transfer receipt, also dated prior to November 18, 1998.

K(3): Vessel owners who can prove that a vessel was under contract to be built after November 18, 1998, and prior to January 8, 2000, after complying with Sections D(1) and K(2) will receive a Class 2 endorsement in the fishery or fisheries that they requested.

SECTION M (renumbered L)

Mr. Nugent moved that any concerns, suggestions, or thoughts the AP might have for future considerations for the Council for the for-hire recreational fishery be sent as a separate action from Sections L and M.

Motion carried by a vote of 11 to 3, with 3 abstentions.

Mr. Loyal moved that the charter moratorium apply only to the area North of the south shore of the Suwanee River.

Motion failed by a vote of 5 to 10, with 1 abstention.

Mr. Burgess pointed out that under the transfer section the owner of record on November 18, 1998 can sell his license to whomever he chooses or he could keep his license even if he sold his boat. Ms. Walker stated that during this moratorium period licenses could not be transferred.

Mr. Charlie Walker asked if the state of Florida would require the fishermen to have the state and federal permit to harvest king mackerel in state waters. Mr. Williams replied if the state of Florida were to comply with the federal regulations then yes that would happen.

Mr. Burgess did not believe Section C(3) had any real meaning.

Mr. Swingle believed that a majority of people would prefer that the control date be the date of implementation.

Mr. Thierry moved that under Section C(3) the control date be changed from November 18, 1998 to the date of implementation.

Motion carried by consensus.

Mr. Wickers moved that the Ad Hoc Charter Vessel/Headboat AP recommends that the Council look at using the following as an alternative proposal or in conjunction with the industry proposal. If this course of action will result in the desired goals the Council is looking for, it may be a simpler way to achieve your goals and implementation would be quicker. The Council could follow the same process and plan that was followed for the commercial reef fish permitting process/moratorium, i.e., implementing an income requirement and following it with a moratorium within several years if needed. That the Charter Vessel/Headboat Pelagics Species Permit and the Gulf Charter/Reef Fish Permit shall be amended to require that more than 50% or \$25,000 of gross income of an individual/owner earned income must be derived from charter/headboat fishing. If the owner is a corporation or partnership, the majority stockholder and/or partner has to be the income qualifier. Charter/headboat applicants must submit their Coast Guard Master's License and vessel documentation and/or state registration.

Mr. Wickers explained that this motion was an alternative to the industry proposal.

Mr. Twiggs asked what would keep a new person from buying a license. Mr. Zales explained that Mr. Wickers' motion would be the most restrictive measure and reduce the charter industry.

Mr. Nugent was opposed to Mr. Wickers' motion because of the shortness of the season. He stated that part-time people had every right to be in the charter industry.

Mr. Stewart pointed out that a historical captain was covered under Mr. Wickers motion because the captain had to produce the income requirement in order to get the permit.

Mr. Wickers stated he was not opposed to incorporating sections of his motion into the industry proposal.

Mr. Zales pointed out that Mr. Wickers' motion would keep any new people from entering into the charter fishing industry. He stated that Mr. Wickers' motion sent a message that this AP wanted to cap and restrict the charter industry.

Mr. Wickers believed the Council should have several choices to review. He believed that by recommending that the Council just modify the current commercial permits that would save a lot of time in drawing up a whole new plan.

Mr. Lifton asked what would happen to the historical captain who had been working for a corporate owner.

A roll call vote was conducted:

Ms. Walker - NO	Mr. Snyder - NO
Mr. Carter - ABSENT	Mr. Stewart - YES
Mr. Kahoe - ABSENT	Mr. Thierry - NO
Mr. Locklear - ABSENT	Mr. Twiggs - NO
Mr. Loyal - YES	Mr. Charlie Walker - YES
Mr. Lifton - YES	Mr. Don Walker - NO
Mr. Nugent - NO	Mr. Wickers - YES
Ms. Pease - NO	Mr. Williams - ABSENT
Mr. Rice - NO	Mr. Zales - NO
Mr. Roberts - NO	

Motion failed by a roll call vote of 5 to 10, with 4 absent that the Ad Hoc Charter Vessel/Headboat AP recommends that the Council look at using the following as an alternative proposal or in conjunction with the industry proposal. If this course of action will result in the desired goals the Council is looking for, it may be a simpler way to achieve your goals and implementation would be quicker. The Council could follow the same

process and plan that was followed for the commercial reef fish permitting process/moratorium, i.e., implementing an income requirement and following it with a moratorium within several years if needed. That the Charter Vessel/Headboat Pelagics Species Permit and the Gulf Charter/Reef Fish Permit shall be amended to require that more than 50% or \$25,000 of gross income of an individual/owner earned income must be derived from charter/headboat fishing. If the owner is a corporation or partnership, the majority stockholder and/or partner has to be the income qualifier. Charter/headboat applicants must submit their Coast Guard Master's License and vessel documentation and/or state registration.

SECTION M (Section A on the separate document)

Mr. Roberts related that an interim effort was being made and he believed the AP was trying to get the states to adopt the federal rule.

Mr. Zales clarified that it appeared that a database on the state level was already in use, where the universe of saltwater anglers was defined, and if the federal agencies could tap into this data base or design a similar database then there would be a much better source for data information.

Mr. Swingle related that a long time ago MRFSS used the state records rather than calling fishing households randomly. He pointed out that the only downfall was that the state records did not contain telephone numbers.

Dr. Holiman stated that there was a process of evaluating which states required recreational licensing and could be used as a platform for surveying anglers and which anglers were exempted from having a license. He related that the Council should make some sort of recommendation to the states on cooperative effort in obtaining data information.

Mr. Don Walker believed that under Section A(3) that the term "over estimates" should be *under estimates*.

Mr. Locklear asked if under Section A(1) there may be a requirement for charter boats that only fished in state waters. Mr. Williams replied that the state did adopt the federal permit in the commercial fishery.

Mr. Charlie Walker **moved** that Section A(1) be adopted as written - status quo: that in an effort to develop a comprehensive and reliable data base, the universe of recreational fishermen needs to be defined. A survey, such as the charter boat pilot survey could be developed to give better effort and catch data for the entire recreational sector. **Motion carried.**

Mr. Wickers asked if the intent was to get all fishermen registered. Mr. Zales replied yes to get a better data base and what landings are actually occurring.

Mr. Zales believed the vast majority of anglers had no problem with giving information regarding their fish landings.

Mr. Charlie Walker **moved** that Sections A(2) and A(3) be combined into one subsection **[deleting the last 3 sentences under A(3)]**.

Ms. Walker asked if the recreational fishery would be more inclined to accept the registration if it seemed that there was an overestimation of the fishery or the seasons were cut shorter. Mr. Charlie Walker responded no that the recreational fishery already had registration so the AP did not have to sell anything. He felt the kingfish and grouper fisheries were overestimated. He believed the current data was flawed.

Mr. Crabtree asked if "flawed" meant too imprecise or systematically biased in some direction. Mr. Charlie Walker responded a little of both.

Mr. Crabtree suggested that maybe more "intercepts" would be a better idea than randomly sampling the universe.

Mr. Zales agreed and stated that much better data could be obtained from an intercept because that would be from a fisherman who would have knowledge rather than just someone who may not fish at all anymore or at all.

Mr. Swingle suggested that to state the precision of the estimates from sampling would be much improved. Ms. Walker agreed.

Ms. Walker offered an **amendment** that a budget to allow for more intercepts be added to the motion. **Amendment carried** by consensus.

Motion as amended and modified carried that: As an effort to define the universe we suggest that the Council and the NMFS request that all five states share their data base of State Saltwater recreational fishing licenses with the NMFS for use in developing a survey to better estimate effort and catch data until the Registration Program is developed. The AP also suggests that the Council budget to allow for more intercepts.

SECTION B

Ms. Pease **moved** that the last sentence under Section B(1) be changed to: **We strongly recommend a Shrimp Fishery Vessel Permit (SFVP) be implemented (Amendment 11).**

Mr. Swingle related that the Council would be reviewing Shrimp Amendment 11 which would include permitting of the shrimp fishery, requiring logbooks, and discussion of requiring observers. He stated that an options paper for this amendment would most likely be initiated in the September-October 2000 time frame. He suggested that the AP recommend that the Council proceed as rapidly as possible with Shrimp Amendment 11.

Ms. Walker added that an **amendment to the motion should be: that the AP supports proceeding with Shrimp Amendment 11 as soon as possible.** Ms. Pease agreed.

Mr. Roberts believed the for-hire industry was being used to permit the shrimp industry. He stated that he had a lot of friends in the commercial industry and did not want his name attached to any type of permit system for the commercial sector.

Mr. Rice stated that the shrimp industry was not backing the for-hire industry. He supported requiring a permit system for the shrimp industry.

Ms. Walker agreed with Mr. Roberts but stated that the shrimp trawl bycatch affected at least 25 species of fish in the Gulf of Mexico. She pointed out that the shrimp industry has dodged the permit system long enough.

Mr. Swingle related that the shrimp industry had shied away from a permit system because a vessel owner could be penalized by the actions of a deck hand in violating the Endangered Species Act. He further related that many vessel owners were for permitting the captains.

Ms. Walker agreed and stated that a vessel owner in Alabama had been served notice because of the actions of the captain on his vessel.

Mr. Zales related that the Gulf of Mexico shrimp fleet was the only commercial fishery that was not permitted. He stated that if the operators had permits then sanctions could be made against them rather than against the vessel. He reported that several operators move from one vessel to another and are never penalized. He informed the panel that up North the operators had something similar to a driver's license and if they were found guilty this license was revoked.

Mr. Zales stated that the shrimp industry was the single most driving force behind the reason why the charter industry was now having to face the threat of a moratorium. He related that the shrimp industry bycatch was the reason the charter red snapper fishery closed earlier every year.

Mr. Twiggs believed the AP was charged with finding ways to revise the fishery.

Ms. Walker recommended an **amendment to the motion that under Section B(1) that: the AP supports the creation and implementation of an operator's license.**

Mr. Nugent asked if there was some rule against placing sanctions against the shrimp fishermen. Mr. Swingle responded that under the Magnuson-Stevens Act there were 3 groups that could be permitted: 1) dealers; 2) vessels; and 3) operators of vessels. He related that the Florida shrimp industry representatives themselves recommended implementing operators' licenses.

Motion as amended carried by a vote of 10 to 2, with 1 abstention that: The Gulf Council proceed as rapidly as possible with the development and implementation of Shrimp

Amendment 11 to provide for a shrimp vessel permit and in that effort the AP supports the creation and implementation of an operator's license.

SECTION C

Mr. Zales related that this section would be requesting the Council to make a similar request as listed.

Mr. Twiggs asked if the Magnuson-Stevens Act required each state to follow the federal guidelines. Mr. Swingle replied no that each state could act independently.

Mr. Swingle suggested and the AP agreed by consensus this amendment is made and adopted as follows: that under Section C(1) that the term "to comply" be changed to "to implement compatible rules".

Mr. Nugent asked if the AP was asking that the state mandate the "push/pull" boats. Mr. Zales responded that the intent to possess would require a permit in the EEZ.

Mr. Swingle suggested that under Section C(2) that the sentence should read: **All recreational for-hire boats *possessing species managed by the Gulf Council*, whether fishing in the EEZ or State waters, will be required to have a Gulf of Mexico For-Hire Fishing Permit.**

Mr. Roberts did not want to have to acquire another permit.

Mr. Loyal believed that any fisherman catching a fish should be licensed no matter what area he caught the fish.

Ms. Walker pointed out that the fish landed in state waters were counted against the overall quota.

Mr. Zales did not believe anyone was being excluded from the charter industry, they had a year to meet the income requirement.

Mr. Thierry stated that there may be a big enforcement problem with this state water/federal water issue. Mr. Zales related that an individual would have to "possess" a fish to be required to have the permit.

Mr. Loyal asked if someone could, today, get into the charter business. Mr. Zales responded no, not unless you had a federal permit. He stated that any new permit would come with a letter telling that individual they may not be allowed to continue their charter business in the next few years.

Mr. Charlie Walker moved to eliminate Sections C (2-4).

Mr. Swingle pointed out that under the Magnuson-Stevens Act the federal rules could not be extended to the estuarine waters.

Mr. Zales related that if a vessel were seaward of the defined line then the vessel would be required to have the permit but shoreward of the defined line and the vessel would not be required to have a permit.

Mr. Roberts pointed out that the AP to this point dealt with federal rules.

Motion carried by a vote of 9 to 5, with 1 abstention to eliminate Sections C(2) through C(4).

Mr. Nugent **moved that the Council send a recommendation to the States to bring their applicable for-hire boats in-line with the industry proposal.**

Mr. Nugent wanted the focus back on the boats. He stated that the boats that fished inside the line never fished outside the line.

Mr. Zales related that boats inside the line would take care of the smaller (traditional guide) boats.

Mr. Nugent **withdrew his motion.**

Mr. Rice **moved that the AP accept the above document as their Preferred Alternative and present it to the Council.**

Motion carried by a vote of 11 to 4.

- **Other Business**

Mr. Rice asked why the allocation was at a 49%/51% split in favor of the commercial sector.

Mr. Rice **moved that the red snapper allocation be split 75%/25% in favor of the recreational sector.**

Mr. Twiggs believed the for-hire industry should get its fair share.

Mr. Roberts asked how many commercial licenses existed in the red snapper fishery. Mr. Swingle related there were about 133 Class 1 licenses allowing harvest of 2,000 pounds per trip and 400 Class 2 licenses allowing harvest of 200 pounds per trip. Dr. Lamberte related that 133 boats harvested 97% of the quota.

Mr. Nugent was opposed to the motion and felt the Council would not take this AP seriously.

Mr. Zales suggested amending the motion to take the fixed percentage out and encouraging addressing the allocation issue as soon as possible.

Mr. Williams related that using the greatest value from an economic standpoint may be a good idea.

Mr. Swingle informed the AP that a woman at Texas A&M that was developing an analysis of the economic value of recreationally caught red snapper to be used in comparison with a similar analysis of commercially caught red snapper.

Mr. Wickers questioned why the commercial sector was “historically” given the higher ratio of allocation. Mr. Swingle related that in adopting Amendment 1 the time period of 1979 through 1987 was used to calculate the relative amounts of all reef fish caught by the commercial and recreational sectors. He stated that the recreational catch was obtained from the MRFSS, which was the only survey method at that time.

Mr. Rice pointed out that 2% of the allocation equaled 180,000 pounds of red snapper which could keep him fishing for a few more days.

Mr. Thierry believed some type of buyout should be included in the industry proposal. Mr. Zales suggested adding some stipulation that if a fisherman’s boat were sold he also sold his quota which would revert back to the fishery.

Mr. Swingle offered the following language to amend Mr. Rice’s motion: that the AP recommends that the Council reassess the allocation of red snapper between the commercial and recreational sectors using the best available and economic information.

Mr. Twiggs did not believe the AP should allow the best available and economic information to mandate the allocation.

Ms. Walker did not believe the commercial sector had calculated its value to the fullest.

Motion failed by a vote of 6 to 6 that the red snapper allocation be split 75%/25% in favor of the recreational sector.

Mr. Thierry moved that the AP recommends that the Council reassess the allocation of red snapper between the commercial and recreational sectors using the best available and economic information to list rationale of the number of participants affected and to move towards determining the best overall benefit to the Nation.

Mr. Snyder offered a **substitute motion that the red snapper allocation be split 60%/40% in favor of the recreational sector.**

Mr. Thierry believed a rationale should be added to the motion.

Mr. Wickers pointed out that an irrational request by the AP could backfire and he worked closely with the commercial sector down in the Keys.

Ms. Walker supported Mr. Thierry's motion.

Mr. Snyder **withdrew his substitute motion.**

Mr. Swingle related that the buy-out programs were designed for the commercial industry and the costs were borne by the industry. He did not believe the commercial industry would be willing to fund a buy-out program.

Mr. Zales related that a buy-out program was not always a good thing. He believed an individual transferable quota (ITQ) would be a better choice.

Mr. Wickers opined that if the farmers could be bought out then the fishermen could too.

Mr. Swingle stated that several conservation agencies bought out large portions of ITQs and could then do whatever they wanted with their portion of the quota.

Mr. Crabtree related that the Council could receive a direct appropriation from Commerce for the commercial buy outs. He explained that there had been discussion of constant TAC management strategy vs. constant F, F meaning fishing mortality fishing strategies. He related that constant F would hold fishing mortality at a constant level and as the stock size increases the TAC goes up. He reasoned that there had never been a transition from the constant TAC to a constant f because it involved cutting TAC. He pointed out that there were 2 solutions: 1) go with a buy out and get TAC now or 2) go with a buy out and look into the possibility of a transition to a constant F approach to the fishery without any reduction in the recreational quota.

Mr. Swingle stated that the problem with the buy out was that if 40% of the commercial vessels were bought out then the other 60% would have a longer season because there was no poundage associated with the buyout.

Mr. Twiggs asked about the possibility of ITQs. Mr. Swingle related that the Council was prohibited from even drafting a plan with ITQs until the year 2001.

Ms. Walker related that the last time she looked at constant F she recalled that the TAC would have to be lowered to 1 to 3 million pounds and it would take a long time for TAC to come back up. Mr. Crabtree responded that would that it depended on how the bycatch issue was handled, i.e. setting up a rebuilding plan at a higher percentage.

Motion as modified carried that the AP recommends that the Council reassess the allocation of red snapper between the commercial and recreational sectors using the best available and economic information and to emphasize the number of participants affected and to move towards determining the best overall benefit to the Nation. Investigate the

feasability of a buy out of the commercial sector with that portion of the TAC reverting to the recreational sector.

Mr. Charlie Walker moved to eliminate the last few gill net licenses in the king mackerel fishery.

Mr. Wickers explained that the reason the gill net fishery had not reached its quota was because the bait fish had been killed in the Keys by the red tide which chased off the king mackerel.

Motion failed by a vote of 6 to 7 to eliminate the last few gill net licenses in the king mackerel fishery.

Mr. Lifton moved that a daily bag limit for jewfish of one per boat/per trip not, to exceed 300 pounds be implemented.

Mr. Nugent offered a substitute motion that a daily bag limit for jewfish of one per boat/per trip not, to exceed 300 pounds be implemented for Florida only.

Mr. Loyal was against any motion to catch jewfish and believed the jewfish should remain protected.

Mr. Zales supported the scientific research of jewfish and suggested that the scientific landings only of jewfish be put in a motion.

Mr. Lifton withdrew his motion and moved that the AP recommend that the Council consider implementing scientific research for jewfish from 26 parallel south to 25 parallel and out to 30 miles. Motion carried by a vote of 9 to 2, with 2 abstentions.

Mr. Loyal related that there was a big problem with undersized greater amberjack being counted as rudderfish.

Mr. Zales stated that enforcement officials in the Panama City area knew the difference between the greater amberjack and the rudderfish and would prosecute anyone trying to pass off an undersized greater amberjack as a rudderfish.

Mr. Williams related that during public hearings, especially in Destin, Florida, the headboat operators were vehemently opposed to a greater amberjack size increase of 28 inches.

Mr. Zales placed into the record a letter from Mr. James Page and an Affidavit signed by Dennis Raines, Jr. (**Attachment 12**).

Dr. Holiman explained that it was not clear to the Socioeconomic Panel (SEP) what goal, other than fishery management, was being attempted by the Draft Amendment. He listed reducing the number of vessels, reducing gross effort, shifting the dominance of one sector over another as

possibilities. He stated that simply limiting the number of vessels in the fishery without capping individual trips would not address the problems with harvest.

Mr. Thierry did not believe that the smaller boats were fishing in the EEZ due to rising costs.

Mr. Zales believed the biggest restriction on the charter industry was the shorter season.

Mr. Twiggs asked why the SEP was not in favor of the moratorium. Dr. Holiman responded that the SEP did not believe the moratorium would achieve the goals that were set for it.

Mr. Twiggs stated that the goal of the industry was to keep the people that were in business, in business. He related that the shorter season was not only an economic detriment but a social one as well.

Mr. Roberts asked if there was any concern about the charter industry being classified under the commercial sector. Mr. Zales replied that it had been pointed out several times that the charter industry was a recreational fishery, not commercial. He was opposed to the charter industry distinguished under the commercial sector.

MEETING ADJOURNED AT 4:30 P.M.

H:\A\charterboat\APmins228.wpd



Table 5. Gulf of Mexico Landings of Red Snapper (1,000's of Fish) by Charter Vessel/Headboat Sectors and Percentage of Total Recreational Catch for 3 periods between 1981-1997.

Period	Average Total Landing	Charter Vessels		Headboats		For-Hire
		Average Landing	Percent of Total	Average Landing	Percent of Total	Percent of Total
1981/1982	2099	721	34.3	^{1/}		34.3
1988/1989	997	328	16.4	411	20.6	37.0
1996/1997	1363	577	42.3	387	28.4	70.7

Source: Schirripa (1997)

1197

21.4

34.3

61.7

^{1/} Headboat landings are combined with charter vessel landings under MRFSS.

Table 6. Gulf of Mexico Recreational Landings of King Mackerel (1,000's of fish) by Charter Vessel and Headboat Sectors and Percentage of Total Recreational Catch for 1983, 1988, and 1997

Year	Total Landings		Charterboat Vessels		Percent of Total	Headboats		Percent of Total
	# Fish	% S.D.	Landings			Landings # Fish	Percent of Total	
			# Fish	% S.D.				
1983	262.4	34	45.8	25	17.4	^{1/}		17.4
1988	354.7	^{2/} 10	103.4	22	29.2	9.4	2.6	31.8
1997	575.0	^{2/} 7	332.8	9	57.8	21.5	3.7	61.5

Source: Holiman (1999)

^{1/} Headboat landings are combined with charter vessel landings under MRFSS.

^{2/} Percent Standard Deviation based on MRFSS' component of total landings.

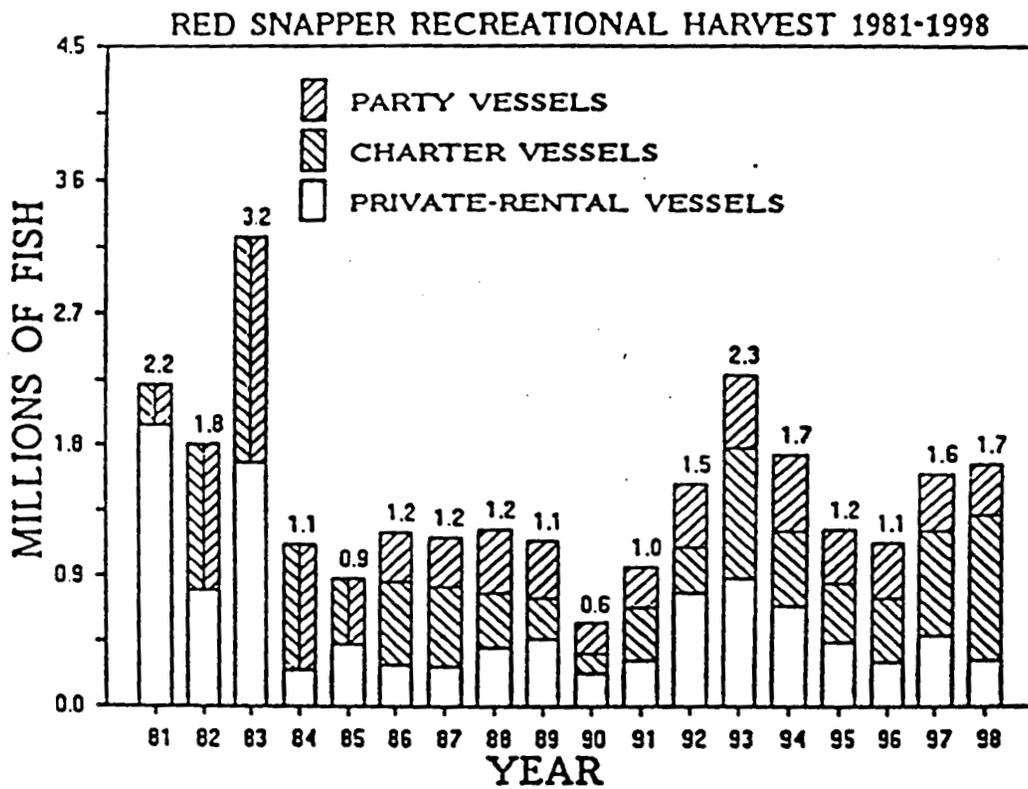


Figure 20. Estimated numbers of red snapper harvested by recreational fishers by mode, 1981-1998.

"HANDOUT" Attachment No. 2

(Reef Fish)

Calendar year estimates for total number and total weight for the red snapper fishery in Texas.									
Due to recalculation of sport-boat estimates, December of one year will fall in the following year.									
This has minimal effect on the overall annual estimates.									
Private-boat and charterboat methodology was standardized in 1983, so consistent estimates are available beginning in 1984 for these two strata. Private Gulf anglers were not surveyed during 1978-1983.									
Headboats were not sampled during May 1984-December 1985; charterboats were not sampled in a comparable manner in 1983.									
Data are from TPWD except for 1986-98 headboat landings estimates obtained from NMFS.									
1978-1982 headboat and charter boat estimates are for September of the current year through August of the following year.									
1983-84 headboat estimates are for May of the current year to May of the following year.									
Year	Headboat		Charter** Boat		Private Boat		Texas Total		
	Number	Weight	Number	Weight	Number	Weight	Number	Weight	
	(X 1000)	(Pounds)	(X 1000)	(Pounds)	(X 1000)	(Pounds)	(X 1000)	(Pounds)	
								(X 1,000)	
1978-79	230	240	3	4					
1980-81	254	265	24	33					
1981-82	445	464	44	60					
1983-84	258	256							
1984			5	7	36	49			
1985			35	57	18	29			
1986*	302	397	5	6	33	38	340	441	
1987	310	417	10	13	47	63	367	493	
1988	395	739	20	26	58	77	473	842	
1989	360	551	5	6	23	26	388	583	
1990	173	307	5	11	24	55	202	373	
1991	236	480	5	9	40	73	281	562	
1992	372	854	25	69	36	99	433	1,022	
1993*	411	1023	35	93	38	101	484	1,217	
1994	450	1156	45	125	76	212	571	1,493	
1995	320	1013	10	29	88	258	418	1,300	
1996	309	1044	25	91	71	259	405	1,394	
1997	313	1107	35	117	82	273	430	1,497	
1998	233	934	50	208	57	240	340	1,382	
*Private boat landings in 1986 and charter boat landings in 1993 from the routine monitoring program were aberrations due to high landings at a site that historically has little angling pressure. This skewed the estimates to uncharacteristic abnormally high levels. Therefore, both calendar estimates were recalculated based on the mean from the calendar years preceding and following the aberration.									
**Charterboat estimates during 1984-98 were recalculated based on a correction factor determined in 1998. The correction factor was determined using trip and landings information provided by permit holders.									

Methodologies used in the red snapper harvest estimates can be found under the following citations:

McEachron, L. W. 1984. Harvest estimates for Texas marine charter boats (1978-82). Technical Series Number 29. Texas Parks and Wildlife Department. Austin, Texas.

Osburn, H. R., and M. O. Ferguson. 1985. Charterboat fishermen finfish catch statistics for Texas marine waters (May 1983-May 1984). Management Data Series Number 77. Texas Parks and Wildlife Department, Coastal Fisheries Branch. Austin, Texas.

Osburn, H. R. 1986. State of Texas marine recreational fishing survey-design, implementation, and use of the data. Pages 10-15 in H. G. Lazauski, editor. Proceedings of the Statistical Symposium: design, collection, and assessment of angler volunteered information programs. Publication Number 14. Gulf States Marine Fisheries Commission. Ocean Springs, Mississippi.

Osburn, H. R., and M/ F. Osborn. 1991. Increasing the efficiency of Texas saltwater creel surveys. American Fisheries Society Symposium 12:155-161.

Warren, T. A., L. M. Green, and K. W. Spiller. 1994. Trends in finfish landings of sport-boat anglers in Texas marine waters, May 1974-May 1992. Management Data Series Number 109. Texas Parks and Wildlife Department, Coastal Fisheries Division. Austin, Texas.

Table 7 (cont.)

Charter												
Year	Florida		Alabama		Mississippi		Louisiana		Texas		Total Gulf	
	Numb	Wt	Numb	Wt	Numb	Wt	Numb	Wt	Numb	Wt	Numb	Wt
1986	425	1303	71	175	0	0	84	152	1	1	581	1632
1987	441	1342	57	138	0	0	59	103	2	3	559	1586
1988	213	583	138	291	6	7	11	16	4	8	372	905
1989	110	260	153	360	2	4	19	33	1	1	285	658
1990	34	85	55	124	4	8	44	81	0	1	138	299
1991	123	285	92	184	1	4	141	369	0	1	357	842
1992	114	250	108	224	3	8	84	233	5	11	314	727
1993	405	980	222	485	26	92	133	399	112	290	899	2246
1994	250	717	132	371	20	92	107	424	9	23	518	1627
1995	113	350	165	502	2	7	118	508	2	7	400	1374
1996	188	603	159	577	11	36	77	288	5	17	441	1522
1997	384	946	247	727	24	124	51	221	7	26	713	2045

328

577

Private/rental												
Year	Florida		Alabama		Mississippi		Louisiana		Texas		Total Gulf	
	Numb	Wt	Numb	Wt	Numb	Wt	Numb	Wt	Numb	Wt	Numb	Wt
1979	283	850	1069	970	1	2	819	3205	318	312	2490	5339
1980	266	414	14	12	51	144	1553	3983	137	422	2021	4976
1981	266	480	379	708	0	0	1045	2593	249	231	1938	4012
1982	121	258	242	504	8	7	354	614	93	78	819	1461
1983	16	32	241	482	11	14	1287	1982	115	131	1669	2641
1984	28	87	45	60	0	1	159	547	21	25	253	720
1985	179	795	53	117	2	3	89	179	180	215	503	1309
1986	71	217	27	68	1	2	148	267	33	44	281	597
1987	96	291	75	183	20	31	33	58	47	63	271	626
1988	109	299	17	35	9	10	210	316	68	126	412	787
1989	65	153	22	52	130	314	153	262	97	148	467	929
1990	27	68	119	267	16	30	41	75	26	46	229	486
1991	54	126	148	296	64	158	7	17	49	87	322	684
1992	51	113	277	574	209	656	126	348	114	259	777	1950
1993	46	112	315	687	144	505	198	594	180	466	884	2365
1994	22	63	263	736	78	358	133	529	191	487	687	2173
1995	12	37	173	524	34	124	156	670	70	221	444	1575
1996	21	68	115	416	41	130	94	354	37	125	309	1093
1997	17	41	212	626	85	450	97	420	79	281	491	1818

Party/Charters												
Year	Florida		Alabama		Mississippi		Louisiana		Texas		Total Gulf	
	Numb	Wt	Numb	Wt	Numb	Wt	Numb	Wt	Numb	Wt	Numb	Wt
1979	987	2962	232	210	0	0	3	12	1671	1641	2892	4824
1980	581	906	64	54	0	0	9	23	1390	4296	2044	5279
1981	43	77	94	175	0	0	61	152	136	126	334	531
1982	174	371	210	436	27	25	297	514	400	336	1108	1681
1983	211	427	609	1219	0	0	233	358	485	552	1538	2557
1984	32	99	84	113	0	0	306	1055	451	537	873	1804
1985	24	108	206	451	0	0	213	430	177	211	621	1201
1986	434	1331	78	194	0	0	99	178	303	399	914	2101
1987	446	1358	61	149	0	0	68	120	312	420	888	2046
1988	221	607	144	305	6	7	39	59	399	746	810	1724
1989	116	274	158	372	2	4	31	54	361	552	668	1256
1990	43	108	63	142	4	8	58	106	174	309	342	673
1991	131	304	100	199	1	4	169	444	236	420	638	1370
1992	131	287	125	259	3	8	126	348	377	857	761	1760
1993	424	1026	241	525	26	92	181	542	523	1352	1395	3538
1994	266	762	147	411	20	92	154	611	459	1173	1046	3049
1995	125	388	177	537	2	7	153	658	322	1021	778	2609
1996	203	649	173	629	11	36	117	437	315	1057	819	2808
1997	409	1007	271	799	24	124	85	370	320	1133	1109	3432

721

Table 7. Recreational harvest estimates for Gulf of Mexico red snapper by state and fishing mode for the period 1979-1996
 See the caption for Table for details on the data sources.

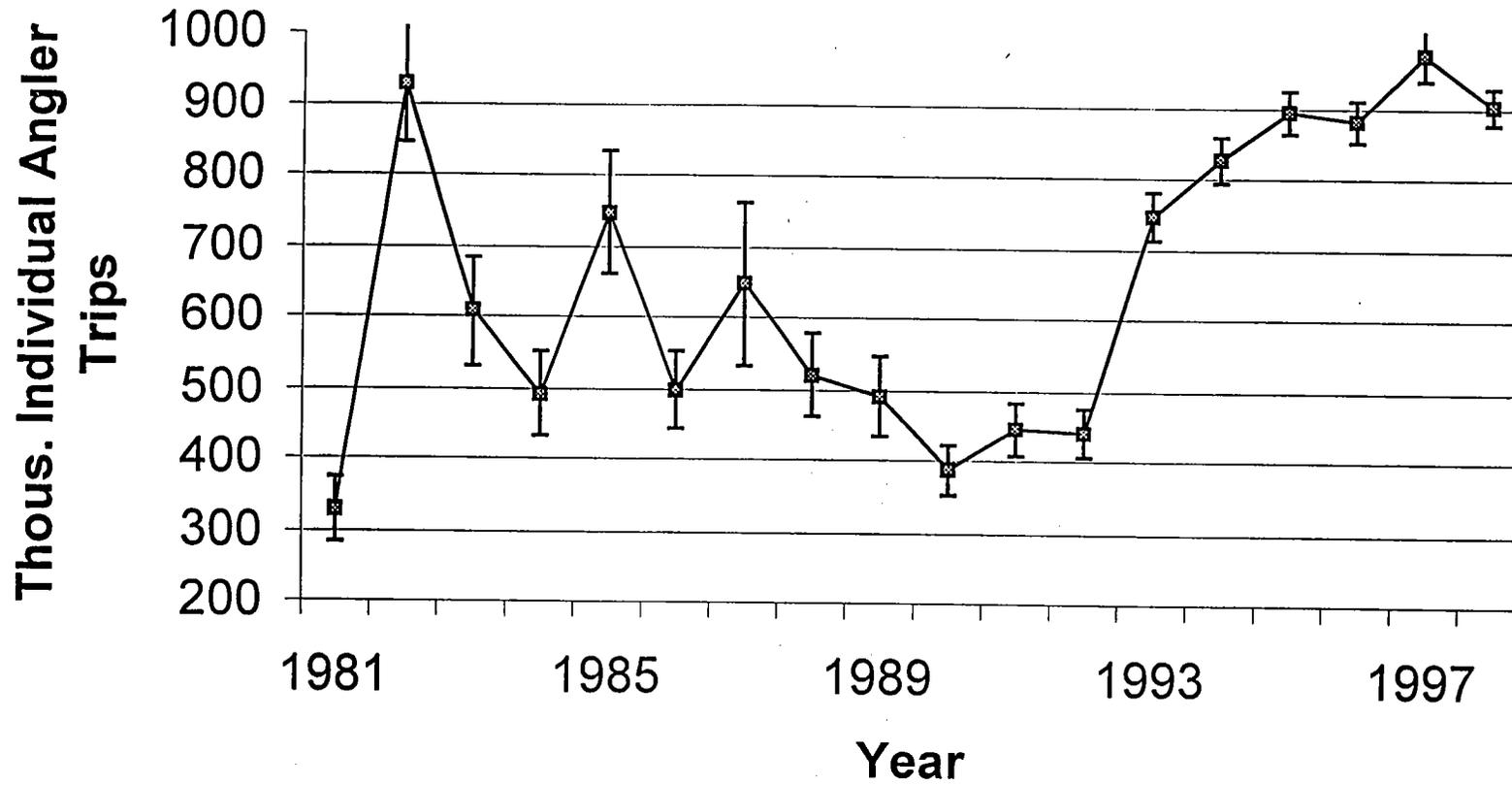
Shore mode												
Year	Florida		Alabama		Mississippi		Louisiana		Texas		Total Gulf	
	Numb	Wt	Numb	Wt	Numb	Wt	Numb	Wt	Numb	Wt	Numb	Wt
1979	79	237	0	0	0	0	0	0	14	14	93	251
1980	23	37	0	0	0	0	0	0	0	0	23	37
1981	0	0	0	0	0	0	0	0	0	0	0	0
1982	0	0	0	0	0	0	0	0	0	0	0	0
1983	0	0	0	0	0	0	7	11	4	5	11	16
1984	0	0	0	0	0	0	0	0	18	21	18	21
1985	6	28	0	0	0	0	0	0	0	0	6	28
1986	0	0	0	0	0	0	0	0	0	0	0	0
1987	2	6	0	0	0	0	0	0	0	0	2	6
1988	4	10	0	0	0	0	0	0	0	0	4	10
1989	34	80	0	0	0	0	0	0	0	0	34	80
1990	18	46	32	72	0	0	0	0	0	0	51	119
1991	9	21	1	1	0	0	0	0	0	0	9	22
1992	0	0	0	0	0	0	0	0	0	0	0	0
1993	4	9	0	1	0	0	0	0	0	0	4	10
1994	4	13	0	0	0	0	0	0	0	0	4	13
1995	0	0	0	0	0	0	0	0	0	0	0	0
1996	0	0	0	0	0	0	0	0	0	0	0	0
1997	0	0	0	0	0	0	0	0	0	0	0	0

Party												
Year	Florida		Alabama		Mississippi		Louisiana		Texas		Total Gulf	
	Numb	Wt	Numb	Wt	Numb	Wt	Numb	Wt	Numb	Wt	Numb	Wt
1986	9	28	7	18	0	0	14	26	302	397	333	469
1987	5	16	5	11	0	0	10	17	310	417	329	461
1988	9	24	6	14	0	0	28	43	395	739	438	819
1989	6	14	5	12	0	0	12	21	360	551	384	598
1990	9	23	8	17	0	0	14	25	173	308	204	374
1991	8	19	8	15	0	0	29	75	236	419	281	528
1992	17	38	17	35	0	0	41	114	372	846	447	1033
1993	19	47	18	40	0	0	48	143	411	1062	496	1292
1994	15	44	14	40	0	0	47	188	450	1150	528	1422
1995	12	37	11	35	0	0	35	150	320	1013	378	1235
1996	14	46	14	51	0	0	40	149	309	1040	378	1286
1997	24	60	24	71	0	0	34	149	313	1107	396	1387

(411)

(387)

Fig 1. Charter Recreational Effort, MRFSS Data, 1981-98.



1981 estimate does not include Wave 1.

Attachment No. 3

**Charter Recreational Efforts in Thousands of
Individual Angler Trips**
(MRFSS Data 1981 - 1998)

<u>YEAR</u>	<u>TRIPS</u>	<u>S.E.</u>
1981	329	44
1982	929	84
1983	608	76
1984	492	60
1985	747	86
1986	498	55
1987	648	115
1988	520	58
1989	491	57
1990	387	35
1991	445	38
1992	440	35
1993	747	34
1994	826	32
1995	894	31
1996	881	30
1997	975	36
1998	903	26

h:\a\charterboat\ch_eff2.xls

Table ___ Number and Percentage of Licensed Recreational For-Hire Vessels of all Classes in the Gulf Coast Counties in 1999

<u>State</u>	<u>No. Licensed Vessels</u>	<u>Percentage</u>
Florida (West Coast) ¹	2068	64.2
Alabama	148	4.6
Mississippi	50	1.5
Louisiana	376	11.7
Texas	578	18.0
<hr/> Total	<hr/> 3220	<hr/> 100.0

Source: (1) FL-LA GSMFC Data File (Donaldson, pers. comm.)
(2) TX TPWD Data File (Riechers, pers. comm.)

1. Including Monroe, Hernando, and Lee Counties.

Handwritten text at the top of the page, possibly a title or header.



FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



JAMES L. "JAMIE" ADAMS, JR.
Bushnell

BARBARA C. BARSH
Jacksonville

QUINTON L. HEDGEPEETH, DDS
Miami

H.A. "HERKY" HUFFMAN
Deltona

DAVID K. MEEHAN
St. Petersburg

JULIE K. MORRIS
Sarasota

TONY MOSS
Miami

EDWIN P. ROBERTS, DC
Pensacola

JOHN D. ROOD
Jacksonville

LLAN L. EGBERT, Ph.D., Executive Director
ICTOR J. HELLER, Assistant Executive Director

DIVISION OF MARINE FISHERIES
Russell S. Nelson, Ph.D., Director
Roy O. Williams, Assistant Director

Copy CTJ
00.FEB. 10 * 005 162

February 23, 2000

Dr. Robert Shipp, Chair
Gulf of Mexico Fishery Management Council
The Commons at Rivergate
3018 U.S. Hwy 301 N., Suite 1000
Tampa, FL 33619-2266

Dear Dr. ^{Bob} Shipp:

Our staff has discussed the Council's proposed moratorium on for-hire permits for coastal pelagics and reef fishes. Our discussion has been in the context of what type of moratorium would allow existing Florida fishermen to continue their present fishing practices in the federal zone, and what type of moratorium would also be acceptable to the Commission if we were asked to adopt the federal permit for fishing in state waters.

We are aware, as are you, that there are many Florida Gulf Coast fishermen who have not acquired the federal for-hire permits, even though they are required to have them when fishing in the EEZ. The reasons they have not obtained one or both are no doubt varied, but they include both ignorance of the law and the fact that they have not heretofore needed these permits because all of their fishing was in Florida state waters.

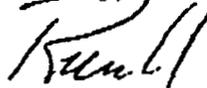
Regarding the first instance, we normally do not empathize with ignorance of the law as an excuse for noncompliance, but realistically we feel that we could not recommend to the Commission that they adopt a license for Florida state waters that will automatically exclude so many people who we believe would have complied if they had known of the law. The Florida Legislature has previously declared moratoriums in the stone crab, blue crab, and marine life commercial fisheries, and each time they have used a future date to allow anyone who needs or wants a license to acquire it. We feel that is fair, and we feel that any federal moratorium on for-hire permits needs to do the same.

Regarding the second instance, the Council has received testimony that if your proposed increase in gag grouper size limit is accepted by NMFS and if Florida were to adopt the same size limit,

then for-hire boats which have always fished in state waters will be forced to go into the EEZ where the larger grouper occur. We feel that the Council must permit these boats to have access to grouper in the EEZ.

If you decide to move forward with this moratorium, we urge you to use a future date as the cutoff point and to widely publicize that date. Making the permit transferable will also preempt many problems that are bound to occur in a fishery that is known to have a high turnover rate.

Sincerely,



Russell S. Nelson
Director

cc: Allan Egbert
Commissioners
Roy Williams



Attachment No. b
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
9721 Executive Center Drive N.
St. Petersburg, FL 33702
(727) 570-5326; FAX (727) 570-5583

FEB 25 2000

F/SER22:BS
SER00-045

Mr. Robert F. Zales II
Panama City Boatmen Association
P.O. Box 4151
Panama City, Florida 32401

Dear Mr. Zales:

As requested, enclosed are the National Marine Fisheries Service (NMFS) Southeast Regional Office's comments on your list of charter vessel/headboat (for-hire) limited entry proposals for the Gulf of Mexico reef fish fishery and coastal migratory pelagic fishery of the Gulf of Mexico and South Atlantic.

We recommend that you consider the enclosed comments and suggestions and then work with the Gulf of Mexico Fishery Management Council for development and review of the document under the fishery management plan amendment process. These comments are intended to ensure that the effort management goals of the Councils and the for-hire industry are achieved by the final mix of measures approved by the Councils and approved and implemented by the NMFS.

We look forward to working closely with yourself and other members of the Ad Hoc Advisory Panel during this process. Also, we appreciate the hard work that you and other industry participants have put into developing these proposals. Thank you for this opportunity to comment.

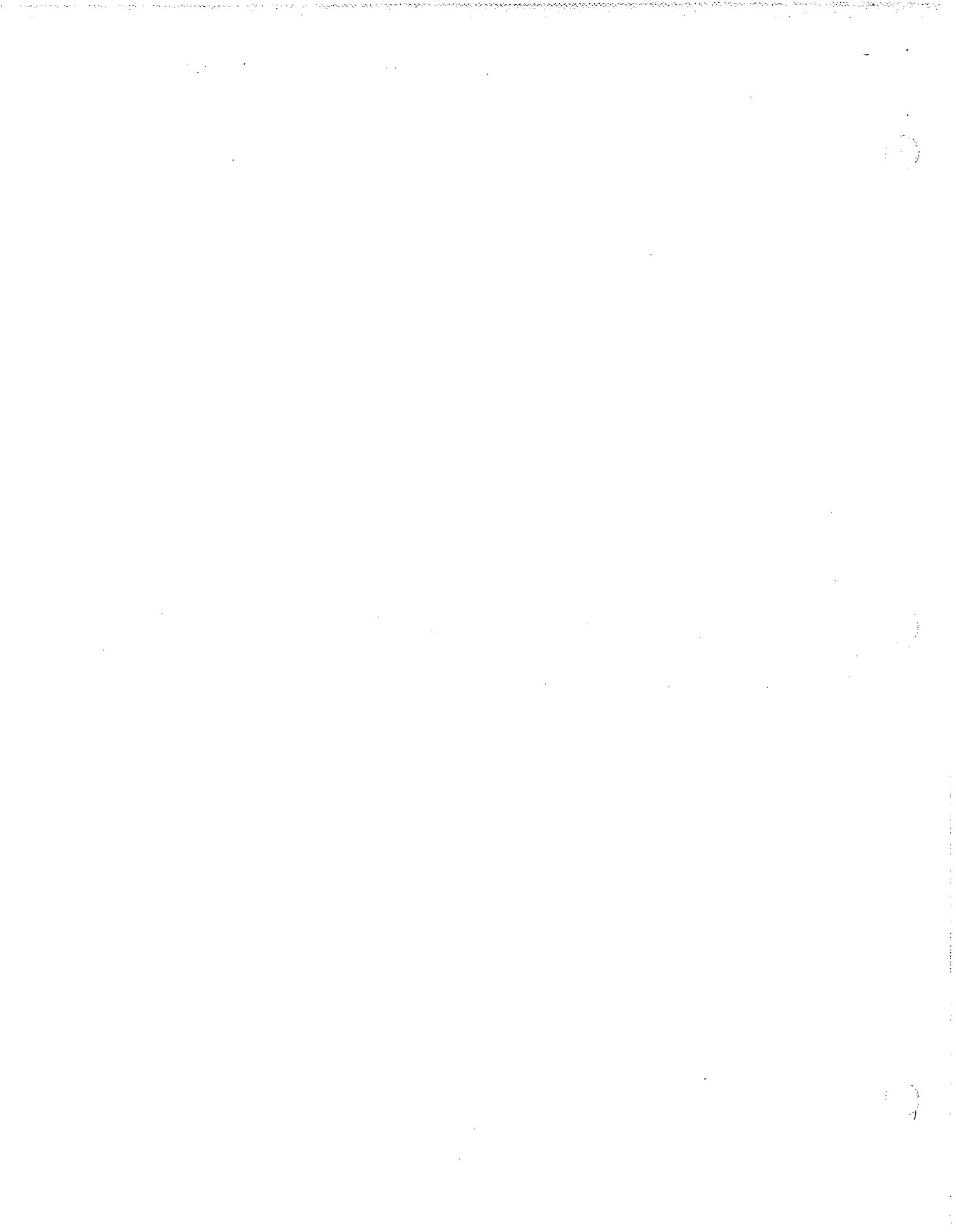
Sincerely,

Bill

William T. Hogarth, Ph.D.
Regional Administrator

Enclosure





NMFS COMMENTS ON CAPTAIN BOB ZALES'
FEBRUARY 8, 2000, LIMITED ENTRY PROPOSAL

General Comments

- 1) Implementation of the various measures would require an amendment of the Gulf reef fish fishery management plan (FMP) and coastal migratory pelagics FMP. The coastal migratory pelagics fishery is managed by both the Gulf of Mexico and South Atlantic Fishery Management Councils. However, your document does not address the issue of the extent of participation in the Gulf of Mexico coastal migratory pelagic fishery by South Atlantic fishers. Therefore, the various measures, as currently written, would not prohibit persons not currently in the fishery from obtaining permits. This issue will need to be addressed during the FMP amendment development process.
- 2) Preliminary examination of the various measures, in combination, indicates that the resulting for-hire vessel permitting system may be relatively complex for fishers to understand and to administer. Depending on which criteria are included, the permitting system may not substantively reduce the number of for-hire vessels in the fisheries or reduce harvest capacity to the level that would provide overall fishery benefits (in terms of extended red snapper fishing season, for example). If a significant reduction in participation is intended, more restrictive eligibility and reissuance criteria should be considered for inclusion in the FMPs.
- 3) Several important terms are used without a definition or description being provided earlier in the text. We suggest that a definition of these terms (examples listed below) be better defined in new introductory text preceding the listed Sections: Class 1-A, Class 1-B, Class 2-A, or Class 2-B endorsements (Section A); for-hire vessel permit (Section B); and for-hire operators (G(2)).
- 4) References to permits and endorsements are inconsistent and need to be corrected throughout the document.

Specific Comments

Section A: The description of A(1) should be clarified. For example, the period of the moratorium and the period for scientific review should be consistent. If a three-year moratorium is established, the scientific evaluation should occur within three years to determine the future disposition of the moratorium. If a five-year moratorium is established, the scientific evaluation should instead occur within five years.

Please note that maintenance of a database of non-reissued endorsements, as mentioned in this section, would be contingent upon approval of a reissuance procedure such as proposed in Section G. How often would the expired permits be redistributed? Section A implies that the expired permits would be redistributed every five years, while Section G does not specify a time frame. Also, the document should address the procedure to be used if the scientific evaluation determined that more permits could be issued than were available under the reissuance procedure.

Section B: We suggest that this section be clarified to state "The regulations will require that a copy of the permit(s) be on board a permitted vessels; however, an additional measure (B(1)) would provide a new requirement for a decal affixed to the permitted vessel."

In B(1), it is not clear what is meant by "All vessels including those that target species not in an FMP will be required to hold this permit." The authority for regulation of species not in an FMP does not exist in the Magnuson-Stevens Fishery Conservation and Management Act.

Section C: The terms "persons", "persons/corporations" and "persons and/or corporations" appear to be used interchangeably in the three alternatives. We suggest consistent use of the term "entity" for clarification purposes.

C(1): This would allow permits to be issued only to persons holding permits on a single date (November 18, 1998). Use of a longer permit qualifying period is suggested to avoid inadvertent disqualification of persons who allowed their vessel permit to expire on that date but renewed that permit shortly thereafter.

C(1) defines the eligibility for the limited entry endorsement but does not consider the procedure for obtaining the endorsement. C(1) should address that procedure as well as the associated time periods. This is particularly important because C(3) seems to indicate a second application period for individuals purchasing vessels between November 19, 1998, and January 7, 2000.

In C(2), the issue of persons owning multiple vessels, and ownership of a single vessel by several owners, is not addressed. For example, if an entity owns several vessels (either all at one time or one vessel after another) prior to November 18, 1998, could the entity now obtain a limited entry permit for each of those vessels? This is particularly important since Section C2 states "persons who...were issued new vessel permits when they replaced the vessel after that control date will receive a Class 1 endorsement". A specific time period and cutoff date for obtaining the replacement vessel should be established.

C(3) seems to open an application period for individuals obtaining a vessel between November 19, 1998, and January 7, 2000. If this is the case, then C3 should describe this application procedure including the timing of the events. If this is not the case, then C(3) is unnecessary if Section E is adopted.

Section C(4) duplicates Sections E and F and should be deleted to avoid redundancy.

D(2): The document should clarify if the term "of equal or less passenger capacity" refers to the capacity of the original qualifying vessel, the vessel first receiving the limited entry endorsement, or the vessel with the last endorsement. If an endorsement is transferred to a vessel with a smaller passenger capacity, can it be transferred back to a vessel with a larger passenger capacity? In addition, it is unclear how this requirement relates to the Class A and B endorsement established in Section F.

Section E: We suggest that an explanatory note be added to indicate that endorsement transfers must be registered with the NMFS.

Section F3: It is not clear how this measure would be implemented. This measure seems to imply that each vessel owner will notify the NMFS of any vessel capacity downgrade. In order to verify these downgrades, would the vessel owners be required to submit their Certificate of Inspection to the NMFS with each renewal of the endorsement? This would be a large reporting burden on vessel owners.

Section G: The frequency and duration of the reissuance procedure should be clarified. The document should also state something similar to the following condition under Section G: "a vessel endorsement for charter (Gulf reef fish or coastal migratory pelagics) fishing that is not renewed or that is revoked will not be reissued. An endorsement is considered to be not renewed when an application for renewal is not received by the NMFS one year after the expiration date of the endorsement." As a result, an endorsement will not become available for reissuance until one year after its expiration date.

G(1): The document should clarify as to whether or not all 4 classes of endorsements (Class 1-A, 1-B, 2-A, and 2-B) can be reissued under this procedure.

G(1)(1): The historical captain's permit is equivalent to a Class 2-A endorsement under K(3). If K(3) is approved and implemented, would revoked or non-reissued permits that are reissued to historical captains under Section G also be limited to Class 2-A? If the historical captain has already had a 2-year period to exercise his opportunity to obtain an endorsement and failed under Section K, why would he be given priority to obtain endorsements which become available from non-renewal?

Section G(1)(3): How would the "first come first serve" provision be implemented? Perhaps this provision could be based on postmark date during some specified period of time. How often would the "first-come, first-served" lists be generated?

Sections I, J: These sections should note that not all vessels will have the opportunity to participate in the surveys since sampling involves a random draw. As a result, documentation of participation in the surveys will be difficult for the purposes of permit renewal. Furthermore, verification of participation will require linkage/coordination of permit records with survey records. This effort will be hindered by limited availability of the appropriate unique identification numbers in the survey database. However, we also recognize that future modifications to provide this information are being developed by several of the state agencies.

K(2): An application period of 180 days seems long; we suggest 90 days.

The requirement that "which must equal 50% or more" seems to refer to the amount of time the vessel is used as for-hire and not the amount of time the historical captain served on the vessel. Therefore, K(2) should be rewritten to clarify if the vessel must be used for-hire, or the captain must serve for the 50 percent of a year. Can the captain serve on more than one vessel during the year to meet the requirement?

This section provides for issuance of a special permit to the individual qualifying historical captain which can be converted to a Class 2A vessel endorsement upon the historical captain obtaining ownership of a vessel within two years. However, the historical captain permit will have no purpose other than proof of eligibility for the endorsement if he obtains a vessel within two years. To avoid confusion with other permit types, we recommend issuance of a letter of eligibility (instead of a historical captain permit).

L(1): This appears to provide Class 1 endorsements to a relatively large number of vessel owners (i.e., all vessels built or modified before November 18, 1998), compared to the more restrictive eligibility criteria elsewhere in the document. Vessel construction could be difficult for the NMFS to verify. Therefore, we encourage careful consideration of the intent of this alternative so as to control participation in the fishery. If the intent is to cap the number of Class 1 endorsements being issued, more restrictive criteria should be considered.

This section limits anyone having had a permit prior to November 18, 1998, to endorsements for those fisheries for which they held a permit. However, those who never had a permit have no such restriction and can choose their endorsements in any fishery. This provision should be modified.

Attachment No. 7

Subject: Re: red snapper and for-hire proposal
Date: Wed, 12 Jan 2000 11:33:50 -0800
From: Richard Rice <Chereceiv@cajunnet.com>
To: "Bob Zales,II" <bobzales@interoz.com>

Bob, the way this is written, the commercial sector could begin chartering any time they wanted and we as charter fishermen would not be able to commercial fish as we do not have permits. The big question is, where would the additional fish come from as we are presently trying to cut back. Right now we, (charter sector & recreational) need a larger section of the pie not the present 49 - 51 split. There are streets named after this idea--ONE WAY--my position is no way. Rene' Rice

Bob Zales,II wrote:

> Richard Rice wrote:

>
>> Bob, I didnot get anything on Sunday. Please resend. Time is short and I will
>> respond. Rene' Rice

>> Bob Zales,II wrote:

>>> All:
>>> I have talked with Roy Crabtree about comments on interim rule. Most,
>>> if not all of our comments went to NMFS before 12-15-99. He checked
>>> with McLemore (Atny) and it is suggested we send a letter such as is
>>> attached to be positive sure our comments are considered. The current
>>> comment period ends 1-19-00 so you need to hurry.
>>> Also, what is your feeling on the proposal I sent on Sun. I have only
>>> heard from a couple of people and I would like to send this to the
>>> council before Fri. Please let me know what you think.

>>> Bob

>>>

>>>

>>>

>>> rs support 1-10-00.doc Name: rs support 1-10-00.doc
>>> Type: Winword File (application/msword)
>>> Encoding: base64

> Rene:

> I have attached the proposal. Please look at it and send your comments back.
> Thanks,
> Bob

>

>

>

> new permit request 1-8-00.doc Name: new permit request 1-8-00.doc
> Type: Winword File (application/msword)
> Encoding: base64

Re: red snapper and for-hire proposal

Subject: Re: red snapper and for-hire proposal

Date: Wed, 12 Jan 2000 20:08:43 EST

From: Capthierry@aol.com

To: bobzales@interoz.com, chancyw@gulftel.com

Bob,

I have been unable to open the files you are sending. I do not know why, but I can't.

If you could e mail more info to me, I will be able to get back to you on it.

I still have serious problems believing people in the industry did not know they had to have reef fish permits or pelagic fish permits. I do not understand with all the publicity, etc. how they could not know. People have to take care of their own business.

I also believe it is very important to distinguish between charter boats and the charter boats who depend on red snapper and pelagic species for a living.

Every inshore guide and whoever can prove their income from any type of charter fishing will get a charter permit, thus increasing the number of participants in red snapper and pelagic species fishery. They know these permits will be worth something someday.

Instead of decreasing effort, I feel like we will dramatically increase efforts in these fisheries.

Mike Thierry

JAN 20, 2000

GULF COUNCIL,

I DON'T MUCH LIKE THE IDEA OF TELLING A MAN OR WOMAN HE OR SHE CANNOT PARTICIPATE IN THEIR CHOSEN PROFESSION. IT GOES AGAINST THE AMERICAN WAY. IT GOES AGAINST A PRINCIPLE THAT BUILT THE COUNTRY, 'FREE ENTERPRISE'. ALSO IT KILLS THE AMERICAN DREAM.

WHEN I WAS A BOY I DREAMED OF BEING A FISHERMAN, LIKE MY FATHER WAS AND LIKE HIS FATHER BEFORE HIM WAS, IT IS AN HONORABLE PROFESSION. UP UNTILL RECENTLY IT HAD A GOOD FUTURE AND ALTHOUGH IT IS NOT PARTICULARLY REWARDING FINANCIALLY IT HAS HISTORICALLY BEEN PROMISED A CERTAIN AMOUNT OF INDEPENDENCE AND SECURITY.

MY BOY IS 14 YEARS OLD AND IS 4TH GENERATIONAL DESIN FISHERMAN. ON HIS CALENDER HE KEEP COUNT OF THE NUMBER OF DAYS HE DECKHANDS ON ONE OF MY BOATS. AS SOON AS HE IS OF AGE HE WILL SIT FOR HIS CAPT, LICENSE AND PURSUE THE AMERICAN DREAM.

I WOULD SUGGEST OTHER WAYS TO CONTROL THE NUMBER OF PERMITS.

1) FIVE BOAT CAPTAINS WOULD HAVE TO SIGN A LEGAL DOCUMENT CONFIRMING THAT AN APPLICANT HAS WORKED FULL TIME AND EARNED THE BULK OF HIS ANNUAL INCOME IN THE BUSINESS, FOR A PERIOD OF AT LEAST FIVE YEARS.

(2)

- 2) THE BOAT CHARTERS IF CAUGHT FALSEIFYING DOCUMENTS OR SUPPLYING FALSE INFORMATION WOULD LOSE THEIR PERMIT, THIS WAY NO ONE WOULD CO-SIGN UNLESS THEY WERE DAMN PROUD OF THE APPLICANT.
- 3) ALL CLASSES OF BOATS WOULD HAVE TO POSSESS A REEF PERMIT, (PRIVATE + FARE CHARTERING.) CRITERIA FOR PRIVATE BOATS WOULD HAVE TO BE DEVELOPED, OR STRONG FEES COULD BE REQUIRED. THESE FEES COULD BE USED FOR ENFORCEMENT.
- 4) VIOLATIONS OF ~~LENGTH~~ + SIZE LIMITS AND BAG LIMITS WOULD RESULT IN LOSS OF PERMIT (ZERO TOLERANCE).
- 5) NOW THE BIGGEST PROBLEM WITH ALL THE NEWLY IMPLEMENTED LIMITS IS THAT THERE IS BASICALLY "NO ENFORCEMENT" IN THE PRIVATE SECTOR. THE SMALL, FAST BOATS CATCH ANYTHING THEY WANT, BECAUSE THEY TIE UP IN OUT OF THE WAY PLACES WITH VIRTUALLY NO CHANCE OF PENALTY. THE CHARTER + HIRE BOATS TIE UP AT THE WELL KNOWN PUBLIC MARINAS WHERE THE MARINE PATROL + COAST GUARD LIVES. OUR HIRE BOAT WAS BOARDED + CHECKED 5 TIMES IN ONE WEEK LAST SUMMER.
- 6) AT PRESENT THE FOR-HIRE SECTOR IS PAYING A STEEP PRICE FOR THE PRIVATE SECTOR TO DO AS THEY PLEASE. BY THIS I MEAN OUR BOATS ARE LAYING AT THE DOCK $5\frac{1}{2}$ MONTHS OF THE YEAR, BECAUSE

(3)

THE NUMBER OF BOATS CATCHING REEF FISH IS SO ASTRONOMICALLY BECAUSE THE NUMBER OF BOATS IS SO HIGH, THE FOR HIRE SECTOR IS BEING PUT IN A POSITION OF ECONOMIC HARDSHIP.

MY CHARTER BOAT BUSINESS THAT TOOK ME 34 YEARS TO BUILD HAS BEEN SERIOUSLY DAMAGED BY A STROKE OF THE PEN. I HAVE GONE FROM 280 10 HR TRIPS A YEAR TO APP. 225. I AM A PARTNER IN A 65 FT PARTY BOAT THAT WE SEND OUT AT LEAST 2 DAYS A WEEK WITH A LESS THAN BREAK EVEN PAYLOAD, IN HOPES OF KEEPING THE CREW AND ORGANIZATION TOGETHER.

AT OUR MARINA ARE 40 BOATS THAT ARE TRULY "TIED UP" $5\frac{1}{2}$ MONTHS A YEAR.

IF ALL BOATS WERE REQUIRED TO HAVE PERMITS OR REEF FISH ENDORSEMENTS, AND STIFF PENALTIES WERE HANDED OUT FOR VIOLATIONS IT IS POSSIBLE THAT THE NUMBER OF BOATS BOTTOM FISHING WOULD BE LESS. IF THAT WERE TO HAPPEN, HOPEFULLY WE COULD GET BACK TO WHAT EVERYONE WANTS AND NEEDS A YEAR ROUND SEASON, EVEN IF HALF THE SEASON WERE AT A REDUCED LIMIT, SAY OF 2 FISH PER PERSON. THE FISHERMAN COULD FEED THEIR FAMILIES, AND THE PUBLIC COULD ENJOY YEAR ROUND A FISHERY THAT IS NOT IN AS MUCH TROUBLE AS YOUR BEST AVAILABLE SCIENCE SAYS IT IS.

④

I KNOW THAT BALANCING THE RIGHTS OF THE PEOPLE, WITH THE NEED TO PROTECT THE RESOURCE IS A TOUCH TASK, AS IS LEADERSHIP IN GENERAL. I KNOW SOME OF MY SUGGESTIONS MAY BE A "REACH" AND REQUIRE LOTS OF PAPERWORK. HAVING SAID THAT I APPEAL TO YOU TO EXHAUST ALL METHODS BEFORE YOU KILL THE AMERICAN DREAM.

THANK YOU FOR MY OPPORTUNITY TO SHARE MY THOUGHTS WITH YOU. I HOPE YOU WILL GIVE THEM CONSIDERATION.

RESPECTFULLY SUBMITTED

APT. Kelly Winkler
P.O. BOX 632
DESTIN, FLA. 32541

[Fwd: Qualifications for Class 1 Permit]

Subject: [Fwd: Qualifications for Class 1 Permit]

Date: Mon, 31 Jan 2000 08:54:07 -0600

From: "Bob Zales, II" <bobzales@interoz.com>

To: bobzales@interoz.com

Subject: Qualifications for Class 1 Permit

Date: Tue, 25 Jan 2000 21:59:22 EST

From: JPage29610@aol.com

To: bobzales@interoz.com

Bob, in addition to the information previously mailed to regarding the purchase of Keiths charter boat, I thought you might need to know that he has been in the fish harvessting and charter boat business for the past 12 years and can provide IRS verification that he has earned over 50% of his income from the business. Thank you for your support and help. Jim Page

Subject: [Fwd: Oualification for Class 1 Permit]

Date: Mon, 31 Jan 2000 08:53:45 -0600

From: "Bob Zales, II" <bobzales@interoz.com>

To: bobzales@interoz.com

Subject: Re: Oualification for Class 1 Permit

Date: Tue, 25 Jan 2000 21:49:27 EST

From: JPage29610@aol.com

To: bobzales@interoz.com

Bob, regarding the latest proposal and the new addition to the proposal. I feel like I should point out that my situation, which I will outline below is not adeqately spelled out in order for me to qualify for the Class 1 Permit. If you will, please extract from my situation and tailor it to be included in Permit Qualifications 2B or 2C. In October 1998, Keith Page and James Page , entered into an agreement to buy a charter boat from an individual dba Duke-Henry, Inc. At the time of closing of the loan and title transfer Nov 23, 1998, the buyer and seller had no knowledge or indication of need to transfer any charter fishing permits. If either party had known about the pending moratoruim we would have made sure that all permits were transferable and valid. Additionally if the lending institution had been aware of the pending moratoruim, they would have required all the permits to be transferred before the loan could be completed. The charter boat we purchased had been in continous charter operation since June 1996 and up until we purchased it. During that period, all permits to operate a charter boat were maintained by the owner. Please incorporate what you feel is necessary for us to qualify for the Class 1 Permit. I have a signed AFFADAVIT from the previous owner describing the full details of the purchase a;nd a signed letter to the Gulf of Mexico Fishery Managment Coucil appealing to them to issue a permit that would be eligible for us prior to Nov 18, 1998. Please advise what route I should take to get this information before the full council if necessary. Thanks for your unstanding and help. Jim Page

Subject: charter boat licensing

Date: Fri, 4 Feb 2000 10:02:15 EST

From: Capthierry@aol.com

To: bobzales@interoz.com, chancyw@gulftel.com

I am still concerned about why we are including commercial fishing as an income requirement in the licensing for charter boats. I don't feel like commercial fishermen traditionally charter fished. I realize that charter fishmn. were able to get a commercial permit, but this was because a lot of charter boats traditionally comm. fished in the off season- it was a big part of their income. I don't think many comm. fishmn. depend on charter fishing for a substantial part of their income. Also, most comm. boats are not suited for charter fishing at all. We are trying to limit the number of participants in charter fishing so let's take care of people who have traditionally done it and depend on it for a living. What IS the definition of "commercial fishermen"?? This could be shrimpers, crabbers, mullet fishrmn. , longliners, etc.!

"Commercial fishermen" is too broad a term. Too many people will get "free" permits when they were not in the industry to start with-just because they can. People now realize these permits are worth something. I feel like everybody will be getting them. In reality, it will INCREASE the # of participants in the charter industry. I feel like if a commercial boat has his reef or pelagic fish permit by the control date, he should be allowed in because he is probably making a living at it. If he did NOT have the permit I don't think just because he makes 50% of his income from "commercial fishing" that he should get his for hire permit.
YOUR THOUGHTS????

Mike Thierry

Re: draft proposal

Subject: Re: draft proposal

Date: Tue, 08 Feb 2000 19:15:30 -0800

From: Richard Rice <Chereceiv@cajunnet.com>

To: bobzales@interoz.com

Bob. Looks like you all have put a lot more thought and logic in this draft. I reall where Section K is really neccessary at all. We are trying to cut back not leave loo people can sneak in. The date of Jan. 8, 2000 should really be back to the 99 date was. That would stop some of those speculators. People were well aware what was goin 2000 is purely speculators. G 1 could be if the TAC gets so great that we have a fu again instead of only a part time job. Right now we are only part time employees. Si 10 days does not constitute a livelyhood. Lastly....why get the commercials and tra their feathers all ruffled. Lets leave them alone for now and we can always go back that later if it deems necessary. Think on this for now and we will see ya'll in Tam

Bob Zales, II wrote:

> All:

> Attached is the final draft of the limited entry proposal. Please send

> comments (both positive and negative) to me at e-mail

> bobzales@interoz.com or fax 850-763-3558, Bobbi Walker at e-mail

> chancyw@gulftel.com or fax 334-981-4501, or Clair Pease at e-mail

> CPease3351@aol.com or fax 850-236-1002.

> This is not etched in stone. It does not qualify everyone. We

> attempted to cover as many people as is possible. Remember, this is

> about limited entry. Please send comments ASAP so we can possible

> modify before our meeting on 2-28. Thanks,

> Bob Zales, II

>

>

>

>

>

>

>

Limited Entry Proposal, FINAL DRAFT.doc

Name: Limited Entry Proposal, FIN

Type: Winword File (application/m

Encoding: base64

RECEIVED

FEB 1 2000

GULF FISHERIES COUNCIL

Copy C + T

Dear Sir

Thank you for making copies of
each of these pages for each member
of the Gulf Council

Capt David Pinkha

1/31/00

To: Chairman Dr. Robert Shipp, and The Gulf of Mexico Fishery Management Council
3018 US HWY 301 North, Suite 1000 Tampa, FL 33619-2266

From: Captain David B. Pinkham, Owner and Operator of the Fishing Charter Boat "Legacy"
1709 Keyway Road, Englewood, FL 34223

Re: Charter Vessel/Headboat Permit Moratorium Amendment

Dear Sir,

I am writing this letter to implore you to extend the control date on the Charter Vessel/Headboat Permit Moratorium.

I would like to tell you about the hardship that my family which consists of my wife and three children ages 15, 14 and 9, would suffer if you choose to use the control date of September 16th 1999.

I live in Englewood, Florida and have been involved with fishing all my life. In 1983 I begin to live my dream as a fishing guide. Paying the bills and getting the ends to meet were tough but I stuck through the lean years and built up a reputation and a clientele as a fishing guide.

In 1988 I applied for and was hired on as a firefighter with Sarasota County Fire Department. This was the perfect job to compliment my career as a charter boat captain because with the fire department shift work "on 24 hours off 48 hours", I was able to continue guiding. From 1988 to 1998 I worked both jobs guiding clients offshore to catch fish, and working at the fire department.

In December of 1998 thinking we needed a change as I'd lived in Florida all my life, I quit my job at the fire department, sold my charter boat and moved my family out to Durango, Colorado. This was a mistake, as the cost of living was very high and the pay was low. Realizing what a big mistake we had made, we returned back to our home in Florida.

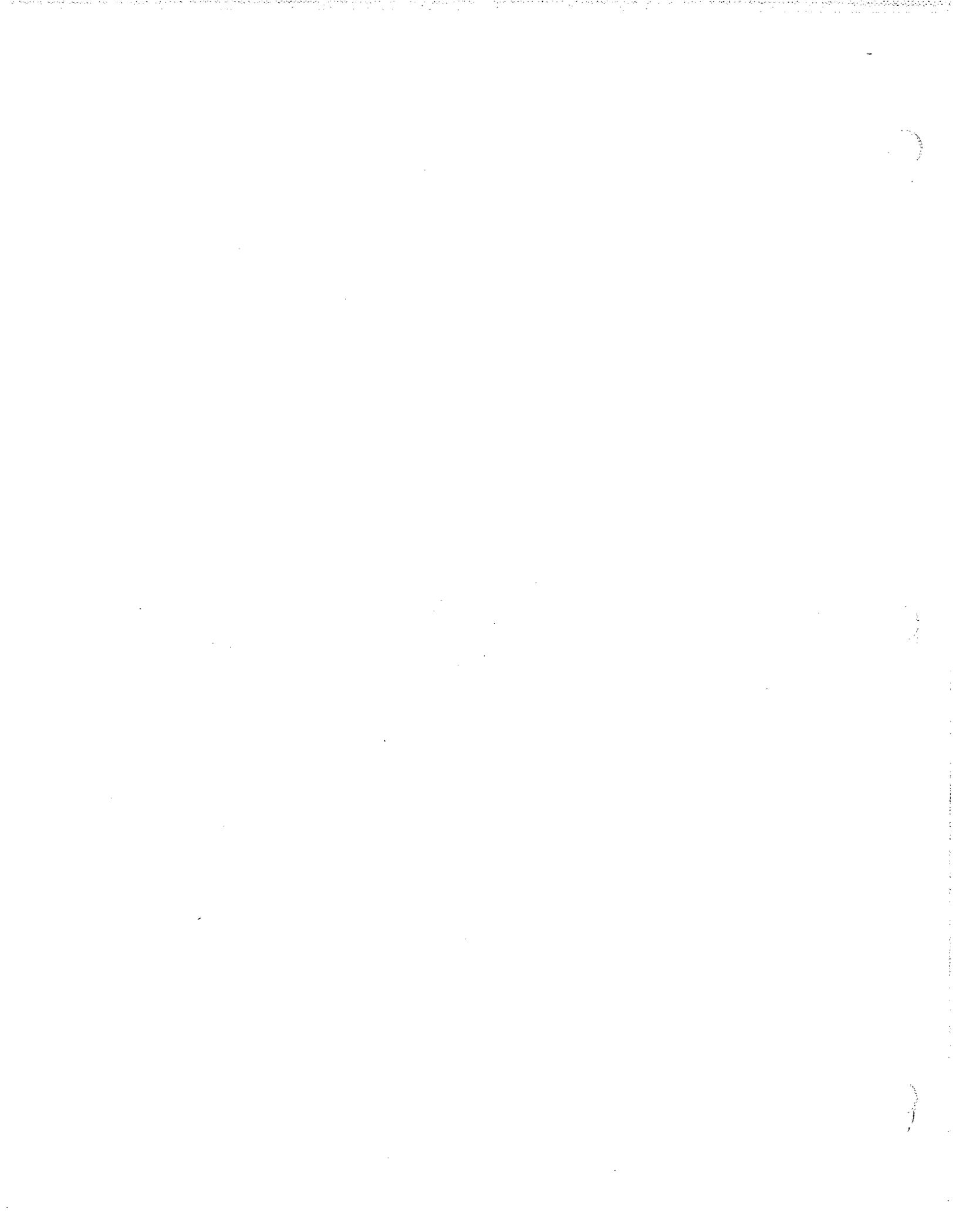
Intent on providing for my family in the best way I knew how, I invested my life savings and bought another charter boat and rigged it out for service. This was in September of 1999. The first couple months were tough as we expected with expenses high and income slow. Since late December of 1999 the business has taken off with the phone starting to ring. January 2000 was fairly busy and I'm already booking trips for February, March, April, and May. The reason I'm telling you all this is to show you I'm a real person, with a real family, not just a statistic.

I operate a first class charter boat business. I have always been very well organized in my paperwork, paying the required taxes and purchasing the required licenses needed to operate. My wife and I own and operate our 30' "Island Hopper" charter boat "Legacy" which is a documented vessel. I hold a 100-ton Captains License. I rent a commercial slip at Dona Bay Marina in Nokomis Florida. I carry charter boat insurance and operate as a 6-pack charter boat with an occupational license in Sarasota County. I have purchased the Charter Vessel Fishing License from the State of Florida and I belong to a drug consortium as required by the Florida Department of Transportation.

What I'm trying to show you is that I thought I had taken care of all legal requirements and licensing needed to operate my fishing business. I have been in the business for 16 years and was not aware of the Charter Vessel Reef Fish Permit. As a matter of fact over the years the folks from NMFS have come by the dock, talked with my clients, and measured and counted their fish catch. They never once mentioned this permit even though they routinely measured the grouper and snapper we caught in federal waters.

Suggested G 9)

- 4) Each year the historical captains (or operators) to whom the permits and/or endorsements are issued will be determined by the NMFS RA based on the records submitted by the applicants that demonstrate the greatest dependence on recreational for-hire fishing.



Subject: Fw: limited entry/ destin
Date: Sun, 27 Feb 2000 16:53:25 -0600
From: "MIKE ELLER SUSAN MARTIN" <youfish@earthlink.net>
Organization: FISHDESTIN.COM
To: "Bob Zales" <bobzales@interoz.com>

bob jones fishes on both sides of the fence!!!!

----- Original Message -----

From: <BOBFISH@aol.com>
To: <youfish@earthlink.net>
Cc: <Bigtrig42@aol.com>
Sent: Sunday, February 27, 2000 8:22 AM
Subject: Re: limited entry/ destin

> Mike,

>

> With all the opposition to the Zales/NMFS plan, who is really for it in
the

> fleet? It is time to bow up against the folks who have a private or hidden
> agenda. It blows my mind that of the 100 charter boats in Destin for
> instance, who determines which 15 charter businesses will be savaged by
NMFS

> proposal of 15% reduction in capacity of this sector?

>

> We need to find out the author of the 15% reduction. I don't think it was
> Hogarth as he is just a soldier doing what his superiors in DC tell him. I
> personally think it is Gary Matlock as he is head of Sustainable Fisheries
> and is about as anti towards us anyone I have ever met in my 37 years in
the

> trenches.

>

> How do the charter boats in St. Peter feel about the Z proposal? If we can
> rally them to our side I think we can slow the proposal down to a crawl if
> not a dead stop.

>

> Stay in touch and Southeastern Fisheries is dedicated to helping you every
> way we can.

>

> Bob Jones

>



THE FOLLOWING PEOPLE HAVE BEEN INSTRUMENTAL IN THE
PREPERATION OF THIS PROPOSAL:

JIM TWIGGS
MIKE NUGENT
JOHNNY WILLIAMS
MIKE HOLMES
RICHARD RICE
MYRON FISHER
NASH ROBERTS III
TOM PECKER
CORKY PERRET
MIKE THIERY
DON WALKER
BOBBIE WALKER
JOE MADDEN
MIKE ELLER
CHET SNYDER
CLAIR PEASE
BOB ZALES II
JIM PAGE
ED THOMPSON
JIM FENSOM
ROY WILLIAMS
RUSSEL NELSON
ED BURGESS
MIKE Mc LEMORE
BILL HOGARTH
ROY CRABTREE ??????
GREG WAHLE ????
PETE GENSEN
ENVERO???
BILL WICKERS
ANDY MECIROW
PEVIOUS AD-HOCK COMMITY

Normal

Normal

Default Paragraph Font

Default Paragraph Font

Compaq2C:\windows\TEMP\AutoRecovery save of Document1.asd

Compaq2C:\windows\TEMP\AutoRecovery save of Document1.asd

CompaqdC:\My Documents\THE FOLLOWING PEOPLE HAVE BEEN
INSTRUMENTAL IN THE PREPERATION OF THIS PROPOSAL.doc

CompaqdC:\My Documents\THE FOLLOWING PEOPLE HAVE BEEN
INSTRUMENTAL IN THE PREPERATION OF THIS PROPOSAL.doc



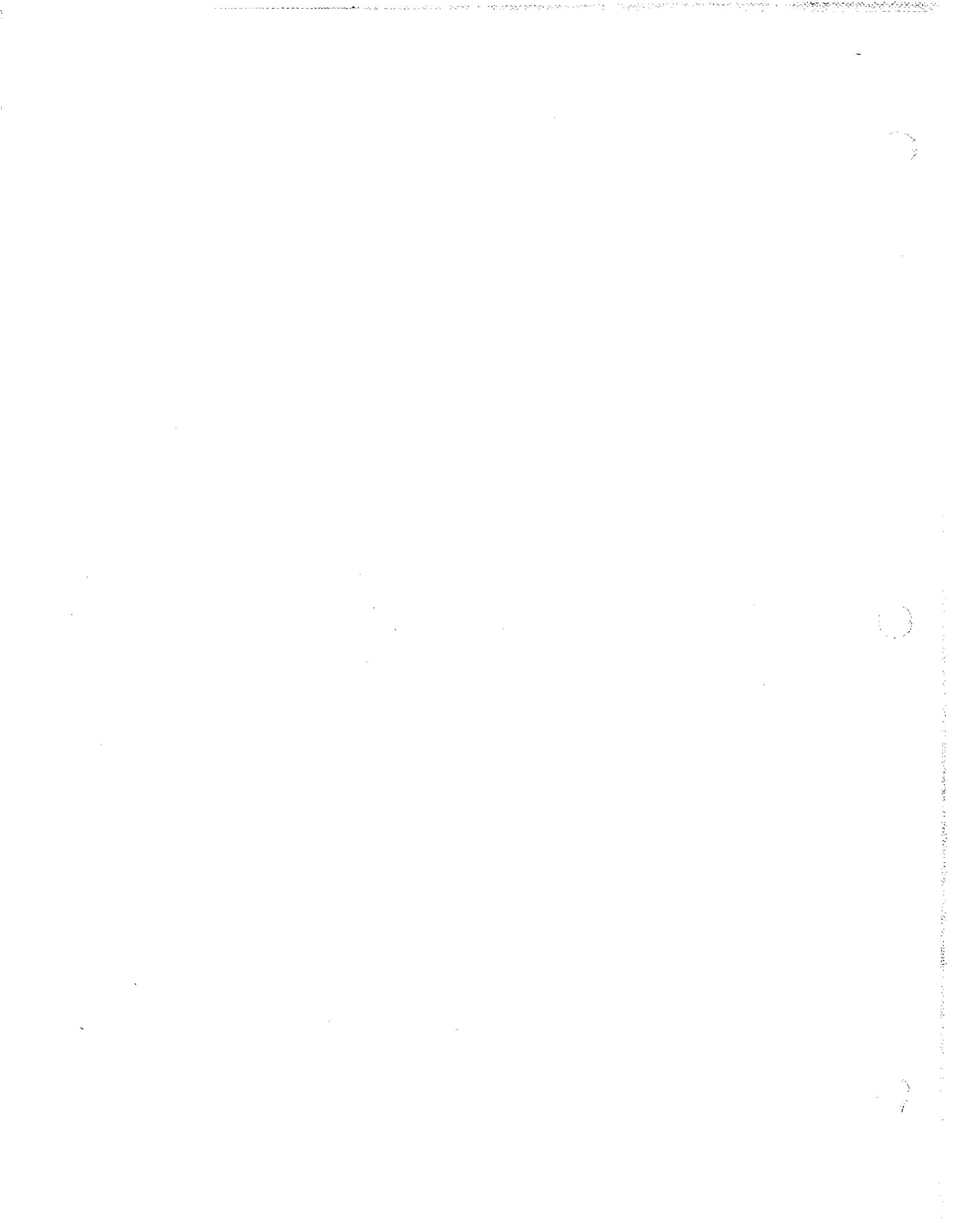
Subject: Duration of Moratoruim (final draft)

Date: Wed, 9 Feb 2000 01:35:05 EST

From: JPage29610@aol.com

To: bobzales@interoz.com

Bob, See Eligibility Requirements for Class 1 endorsement C(3). Please delete the word valid when referring to the permit in the requirement to be eligible for Class 1 endorsment. There are to many technical reasons that can be used by the NMFS to deny a permit based on what they consider valid. If the AP feels like this verbage should be included, then so be it. Thanks for your all your efforts. I feel like the draft overall is fair and equitable, except for C(3) Jim Page



<chet@fishindestin.com>,
"Chester FUDMAN Kroeger" <chester@mail.fudpucker.com>,
"Art follow me 2 Smith" <dolphin@adisfwb.com>,
"RACHAEL" <RWR6786254@aol.com>,
"Kay & Brad Biggers" <captbk81@aol.com>,
"Pat High Cotton" <hicottondestin@aol.com>,
"NEMO\biscuit head\ BEEBE" <DCAPTNEMO@aol.com>,
"Bob Walters" <capt.bob@gnt.net>,
"Capt. Steve Regan" <captstever25@aol.com>,
"Larry Thomas" <lthomas344@fwb.gulf.net>,
"Bud Miller \"melanie dawn\"" <bsacharter@aol.com>,
"John Holley" <invicta@scti.net>,
"Johhny Simms \MotherLode" <csc@nuc.net>

the letter put out by the Panama City Assoc. expresses all of our fears and concerns over limited entry and moratoriums.

we feel that the whole picture must be looked at in order for this to work (i.e. private boats, shrimpers, guide boats).

we do not want to be singled out.

do we want to stand pat and take our chances of having 15% of our boats possibly lose their permits?

hell no!

we do not trust NMFS. if they threaten to cut us back, their track record

shows that they probably will.

we have no choice but to try and work inside the system and make sure that the regulations that come down the pike are as favorable as we can stomach.

we do not want historical captains put out of business.

we want to be able to buy and sell our boats and upgrade when necessary.

we want to be on an even playing field with all user groups and not be singled out.

how do we achieve all of this?

that is the million dollar question.

I do not believe that it is in our best interest to ignore NMFS warnings and go for broke.

again, we do not trust them. they will do more damage if just left up to their own guidance.

if having a 3 year moratorium means the existing boats are assured of staying in the fishery and be able to sell or transfer their permits, then that is what we will have to have.

understand that we do not want this! especially if all user groups are not affected evenly.

but ultimately something will be forced on us. better to pick our own poison.

I do not want to fall in the all or nothing trap!

do I think that they will make this regulation affect all users (private,

Subject: Re: a point of clarification on limited entry//destin

Date: Sun, 27 Feb 2000 16:49:22 -0600

From: "MIKE ELLER SUSAN MARTIN" <youfish@earthlink.net>

Organization: FISHDESTIN.COM

To: <bubbat@cheney.net>, <MAUMUSJR@aol.com>, <gulf.council@noaa.gov>, <jdrfa@compuserve.com>, <Jimfensom@aol.com>, <ddrum@cajunnet.com>, <William.Hogarth@noaa.gov>, <BOBFISH@aol.com>, <captdavyjones@worldnet.att.net>, <rvminton.amrdgs@gulftel.com>, <nelsonr@gfc.state.fl.us>, <brantn@trip.net>, <halfhitch@interoz.com>, <rship@jaguar1.usouthal.edu>, <wayne.swingle@gulfcouncil.org>, <Capthierry@aol.com>, "Steve Tomeny" <charterboats@mobiletel.com>, <CAPTJIM@digiscape.com>, <chancyw@gulftel.com>, <hkaywilliams@hotmail.com>, <WILLIAR@gfc.state.fl.us>, <bobzales@interoz.com>, <Bigtrig42@aol.com>

CC: "scott robson" <sportfsh@gnt.net>, "Jim Berryman" <captjim321@gnt.net>, "Jason Mikel" <jtm@bsc.net>, "Bob Pennington" <reddawgsr@aol.com>, "Gary Gregg" <gggregg@aol.com>, "your honorship" <kenfranbeaird@cwix.com>, "Wayne neighbor Dillon" <glfwnds2@arc.net>, <RonMegill@aol.com>, "neil finkle" <bertramcap@aol.com>, "HOLLY @ HARBORWALK" <CHATWELL@aol.com>, "FRANK TEEMS" <BLUGRUPR@aol.com>, "Eric Williams" <pocol932@aol.com>, <DOCTAHP@aol.com>, "BOUNTY HUNTER" <captgeorge@gnt.net>,

guide boats, shrimpers)? probably not.

and that will make the regulation highly unfair and selective(as usual)

so what do you do ladies and gentleman.

I am afraid that their is not a good cut and dry answer to this problem.

but I believe working in this system holds more promise than not.

do I speak for all of destin? probably not, this issue moves around allot

and it is hard to get all of the info out and explain it. but through the mu

ltiple conversations we have had on the subject, this is the general feel

that I get from this large group of captains. individual feelings may vary

depending on their understanding of the situation and their personal

situations.

if you do not understand any part of this, please feel free to contact me.

sincerely

mike eller

sincerely

>

>

Subject: [Fwd: draft proposal]

Date: Sat, 12 Feb 2000 20:31:47 -0600

From: "Bob Zales, II" <bobzales@interoz.com>

To: bobzales@interoz.com

Subject: Re: draft proposal

Date: Thu, 10 Feb 2000 08:18:06 -0500

From: "Mark Rodgers" <rancho1@gtcom.net>

To: <bobzales@interoz.com>

CC: <rancho1@gtcom.net>

Bob:

Yes I started the process prior to 1-8 in fact nov 19,1999 . As I said in the meeting in Ft Walton I am startintg this business for my daughter and son-in-law

I got the loan in my name that means the boat will be in my name that means the license will be in my name non-transferable now how do I pass this legacy to my

family. When I pass away so does the license now I leave them with an unapid boat and no ability to pay off the loan or the possiblity that they will have to take another loan out in order to buy another boat in order to have a license. This does not seem right. There should be a provision for transfer after the license has been active for so many years or between family members so as to circumvent this problem.. As I said I am for a moratorium if it is in the best intrest of the fishery number 1. I have serious doubt that a retroactive closure is either leagal or ethical. I believe that if this is going to work the control date must be set only after a date where NO more licenses are sold. Why hasn't that been done yet.. JUST SET A DATE AND DON'T SELL ANY MORE LICENSES AFTER THAT DATE then use earned income of 50% and fish reporting to cut off those who thought they'd get a license to sell for profit. This would stop any litigatory action beause every body would know there is a closure and that if no more licenses are sold then knowone can sue beacuse they had a license retroactively taken. This seems to me to be the only solution.

Also I beleive that with fish reporting and income of 50% you will see a significant number of licenses lost beause of failure to report or inability to meet the 50% requirement there-by doing what you wanted which is to reduce the number of chater head boats impacting the fishery. There is no data base with which to support the impact at this time we need fish reporting so that the biologist can discern what impact charter head boats have on the fishery and we need 50% law to insure that the people that are chartering and have this all important license are indead doing it for a living and not a hobby. I believe these are the only true ways to make this work for all involved.

----- Original Message -----

From: Bob Zales,II <bobzales@interoz.com>

To: Mark Rodgers <rancho1@gtcom.net>

Sent: Tuesday, February 08, 2000 4:16 PM

Subject: Re: draft proposal

>
>
> Mark Rodgers wrote:
>
> > Bob:

> > This proposal would devastate my life. I have been in the fishing
business
> > for 25 years. I had NO I repeat NO knowledge that a license was needed
to
> > charter fish and I receive correspondence from the NMFS every month. I
have
> > been a commercial fishing boat owner captain most of my life and have
> > captained charter head boats in the past but it has been over 7 years so
I
> > have no current history.
> > I have had this boat deal going since Nov. of 99 and had to go to the
> > federal government for a small business loan. I am due to take delivery
of
> > this vessel on Feb. 17th 2000. I have spent \$250,000.00 so far and if I
am
> > told I can't charter I will be forced into bankruptcy and I will SUE all
> > involved I will have no recourse. I purchased a license on a small boat
I
> > own as soon as I heard about this proposed closure but it's not a head
boat
> > license and will be of no use to me in the event of a closure. I can't
get
> > a license on the vessel I just purchased because I need the document
which
> > is in the Coast Guards hands being transferred. So if this proposed
closure
> > goes into effect I'm out of business. As I said before there are NO
HEAD
> > BOATS in Apalachicola and the tourist industry desperately needs more to
do
> > here this will also devastate this place that is now just starting to
grow.
> > All I can say is HELP I'm being put under again
> > You said this would hurt some am I that some???? I also represent 2
other
> > people who are currently in the process of building \$100,000,00 plus
boats
> > and will also not be able to get there licenses because they have no
> > document to get the license with. If this goes through this way I can
> > guarantee magor litigatory
> > action in the 7 digit category for all who would set there endorsement
> > ----- Original Message -----
> > From: Bob Zales,II <bobzales@interoz.com>
> > To: billy archer <BIGTRIG42@aol.com>; Bobbi Walker
<chancyw@gulftel.com>;
> > bubba thorsen <bubbat@pcola.gulf.net>; Chester fudman Kroeger
> > <chester@mail.fudpucker.com>; chuck gilford
> > <charismacharter@mexicobeach.com>; clair pease <CPease3351@aol.com>;
Cliff
> > Atwell <Chatwell@aol.com>; dave jones <captdavyjones@worldnet.att.net>;
> > Douglas Gregory <drg@GNV.IFAS.UFL.EDU>; ed \ pappy\ \ sheilds
> > <edshlelds@aol.com>; ed schroeder <mad-boat@msn.com>; Ed Thompson
> > <ifish01@sprynet.com>; frank stephenson <frankstp@mailier.fsu.edu>; Greg
> > Smith <cen28174@centuryinter.net>; Jim Page <JPage29610@aol.com>; Jim
Twigg
> > <CAPTJIM@digiscape.com>; joe bernhard <RICHTARA@aol.com>; Joe Madden
> > <captseasaw@aol.com>; ken beaird <kenfranbeaird@cwix.com>; Madden
> > <cbseasaw@aol.com>; Mark Rodgers <ranchol@gtcom.net>; Mike gusa
> > <mcgusa@southernco.com>; Mike Eller & Susan Martin & Idjy Blue <mike@fi
> > Sent: Tuesday, February 08, 2000 12:32 AM

> > Subject: draft proposal

> >

> > > All:

> > > Attached is the final draft of the limited entry proposal. Please send

> > > comments (both positive and negative) to me at e-mail

> > > bobzales@interoz.com or fax 850-763-3558, Bobbi Walker at e-mail

> > > chancyw@gulftel.com or fax 334-981-4501, or Clair Pease at e-mail

> > > CPease3351@aol.com or fax 850-236-1002.

> > > This is not etched in stone. It does not qualify everyone. We

> > > attempted to cover as many people as is possible. Remember, this is

> > > about limited entry. Please send comments ASAP so we can possible

> > > modify before our meeting on 2-28. Thanks,

> > > Bob Zales, II

> > >

>

> Mark:

> If you started construction prior to 1-8-00, you would qualify for a Class 2

> license. You would be able to operate as long as you wanted to stay in

> business. If the other two you mention started construction prior to

> 1-8-00,

> they would also qualify for a class 2. This proposal will help you if you meet

> the criteria. If you cannot provide a contract plus receipts, then you will

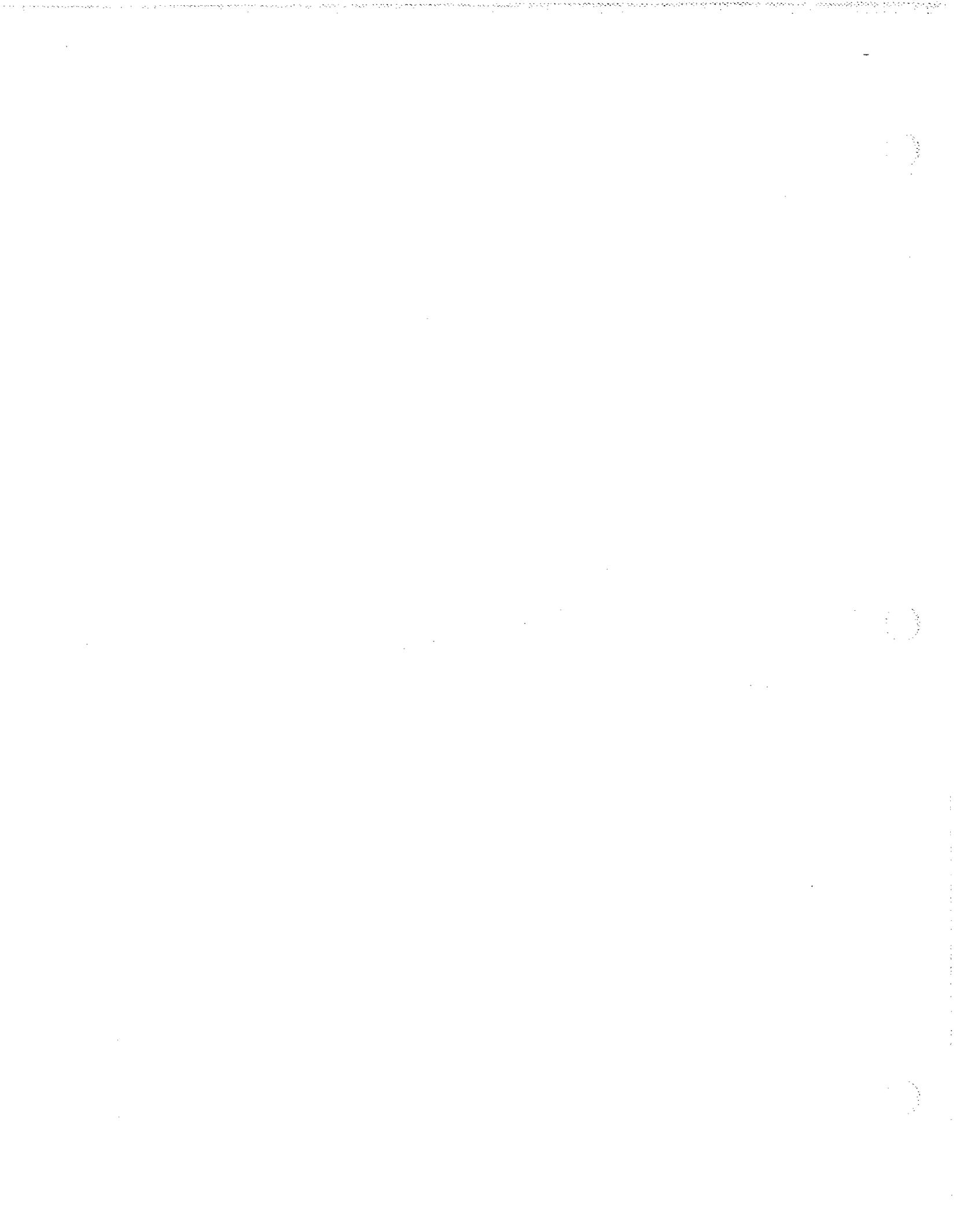
> have a problem. If you have the SBA loan, I'm sure it will stipulate moneys,

> dates, and purpose.

> Bob

>

>



Subject: [Fwd: draft proposal]

Date: Sat, 12 Feb 2000 20:30:59 -0600

From: "Bob Zales, II" <bobzales@interoz.com>

To: bobzales@interoz.com

Subject: Re: draft proposal

Date: Wed, 09 Feb 2000 22:50:22 -0500

From: Charles Walker <captchas@flfish.com>

To: bobzales@interoz.com

At 11:32 PM 2/7/00 -0600, you wrote:

>All:

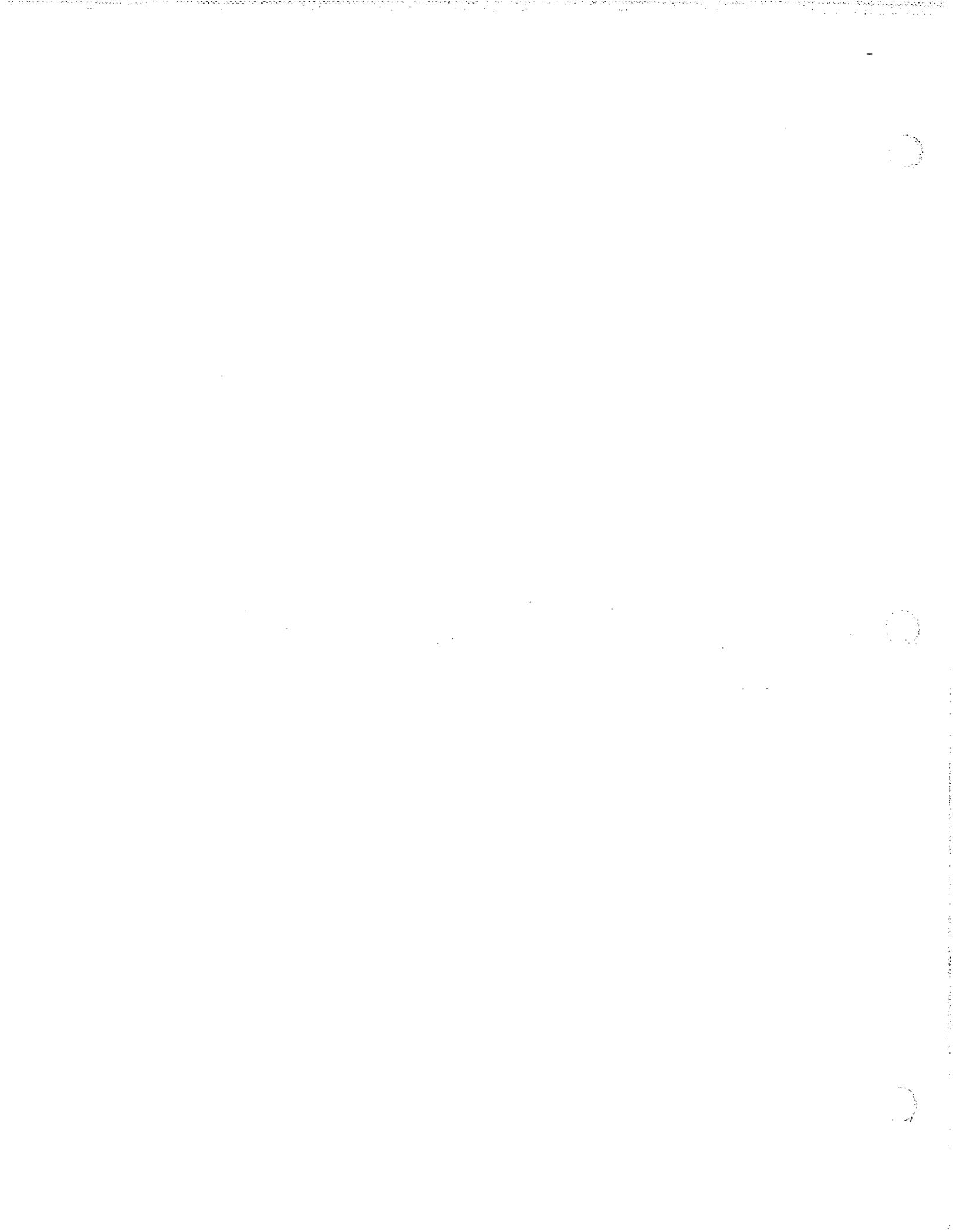
>Attached is the final draft of the limited entry proposal. Please send
>comments (both positive and negative) to me at e-mail
>bobzales@interoz.com or fax 850-763-3558, Bobbi Walker at e-mail
>chancyw@gulftel.com or fax 334-981-4501, or Clair Pease at e-mail
>CPease3351@aol.com or fax 850-236-1002.

>This is not etched in stone. It does not qualify everyone. We
>attempted to cover as many people as is possible. Remember, this is
>about limited entry. Please send comments ASAP so we can possible
>modify before our meeting on 2-28. Thanks,
>Bob Zales, II
>

For the record, I remain opposed to limited entry. This is nothing less than government intrusion and restriction of trade. All businesses need competition in order to grow and thrive. Limited entry does nothing to help any of the fisheries in the Gulf. Fish species can not be managed by exclusion of fishermen, only by restrictions on the amount of fish killed. Until the commercial industry has meaningful restrictions on the amounts of fish killed, by all classes of fishermen, the health of the fish stocks will not change

As for the document you sent; I see no problems since the AP voted to continue along this course.

Capt. Charlie Walker
Southern Charm
captchas@flfish.com
<http://www.flfish.com/fl>



[Fwd:]

Subject: [Fwd:]

Date: Sat, 12 Feb 2000 20:28:38 -0600

From: "Bob Zales, II" <bobzales@interoz.com>

To: bobzales@interoz.com

Subject: Re:

Date: Wed, 9 Feb 2000 09:31:42 -0800

From: Frank Stephenson <frankstp@mailier.fsu.edu>

To: bobzales@interoz.com

Roger that. This is what I suspected. You know what gripes hell out of me, Bob, is weekend six-packers who somehow have reef permits. I know several of these guys who have full-time jobs (not fishing) and yet somehow continue to sell grouper, legally. This should be stopped, and I've told Russ that. Otherwise, I agree that limited entry is a good way to go.

fs

Frank Stephenson, Editor

FSU Research in Review

MC 3067 FSU

Tallahassee, FL 32306

(850) 644-8634

fax: (850) 644-3675

"When all is said and done, more will be said than done."



Subject: [Fwd: draft proposal]
Date: Sat, 12 Feb 2000 20:32:48 -0600
From: "Bob Zales, II" <bobzales@interoz.com>
To: bobzales@interoz.com

Subject: draft proposal
Date: Thu, 10 Feb 2000 09:02:14 -0600
From: "MIKE ELLER SUSAN MARTIN" <youfish@earthlink.net>
Organization: FISHDESTIN.COM
To: "Bob Zales" <bobzales@interoz.com>
CC: "your honorship" <kenfranbeaird@cwix.com>,
"Wayne neighbor Dillon" <glfwnds2@arc.net>,
"tom putnam" <halfhitch@interoz.com>, <RonMegill@aol.com>,
"Mike Thierry" <capthierry@aol.com>, "Mike Nugent" <brantn@trip.net>,
"Jim Twigg" <CAPTJIM@digiscape.com>,
"HOLLY @ HARBORWALK" <CHATWELL@aol.com>,
"Eric Williams" <poco1932@aol.com>, "Ed Thompson" <ifish01@sprynet.com>,
"Ed Schroeder" <madboat@msn.com>,
"Chester FUDMAN Kroeger" <chester@mail.fudpucker.com>,
"BUCKLEY @ SENATOR CLARYS" <VERNON.BUCKLEY.507@LEG.STATE.FL>,
"BOUNTY HUNTER" <captgeorge@gnt.net>,
"Bobbi Walker" <chancyw@gulftel.com>, "Bob Zales" <bobzales@interoz.com>,
"billy archer" <BIGTRIG42@aol.com>,
"Art follow me 2 Smith" <dolphin@adisfwb.com>,
"clair pease" <CPease3351@aol.com>

After looking over the document you all have put together I have these comments:

1. it basically looks good
 2. I like the way you have set up (D) 1. though it will cause corporate boats to lose value if they cannot sell boat as charter boat with permit that could be considered a fair compromise)
 3. I have concerns about the historical captain part.... what about a captain that does not buy a boat for 4 years from now, would they still be eligible?
 4. I applaud the effort to register the private sector as well the shrimp industry. I have serious reservation as whether or not it will ever happen but I do not want to be a nay sayer)
 5. basically this document looks like a DAMN good compromise and looks to cover the whole spectrum of the fisheries, the problem is , will it be excepted?
- it makes to much common sense.
so here is the BIG QUESTION?
if the powers that be refuse to:
adopt private boat registration
adopt shrimp boat permits
adopt state boat permit requirements
then do we allow this regulation to go forward when it reverts back to the same worthless burdensome regulation that does not affect everyone evenly or fairly (let alone address the 3 big problem areas)?

what do everyone think? lets kick this around and here everyone's comments.

02/25/2000

THANK YOU to Bob Z's Bobby W's & Claire P's hard work and devotion to this issue as well as the ongoing continued fight.

mike e

p.s. will be out of town the 11th thru 20th.

m.e.

You will never find what you seek on the outside

If you do not find it first on the inside

<>< <>< <>< <>< <>< <>< <>< <><

LIFE IS GOOD!!!!!!!

Michael, Susan & Idjy Blue too

Subject: [Fwd: Introduction to Ad-Hoc]
Date: Sat, 19 Feb 2000 19:23:28 -0600
From: "Bob Zales, II" <bobzales@interoz.com>
To: bobzales@interoz.com

Subject: Introduction to Ad-Hoc
Date: Thu, 17 Feb 2000 23:08:42 -0500
From: "Capt. Mike Locklear" <captmike@hitter.net>
To: <bobzales@interoz.com>, <chancyw@gulftel.com>, <gin1823@aol.com>, <brantn@trip.net>, <cpease3351@aol.com>, <cherecelIV@cajunnet.com>, <nashroberts@compuserve.com>, <chet@fishindestin.com>, <capthierry@aol.com>, <captjim@digiscape.com>, <captchas@flfish.com>, <captbill@charterboatlindad.com>, <gulf.council@noaa.gov>

To ALL:

Allow me to introduce myself. I am one of the newest members to the Ad Hoc Charter Vessel/Headboat Advisory Panel. I am learning about you through the material I have received from the Council staff, so I thought I would give you some history about myself and what the fishery of the EEZ means to me.

I have been licensed by the U.S.C.G. since 1976. I have upgraded by license several times during the first three terms and currently hold a 50 ton Master in American waters which includes the (EEZ). I thought that maybe some day I would like to own a pontoon boat that would carry more than six passengers and maybe let my son or daughter take over in about 10-20 years.

My experience has been operator of a small to medium vessel and six passengers or less capacity. My license will allow me to carry more than six passengers on any 50 ton vessel that is certified by inspection of the USCG.

I have operated fishing charter vessels for hire in waters of the Florida Middle Grounds, the Florida Keys, the Florida Big Bend, the East Coast of Florida. For three years in the late 1970's I operated a charter vessel 50's; Huckins with approximately. 70% spearfishing and 30% sportfishing in both state and federal waters. I recall having my USCG license, FCC permit and my CPR card as the necessary documents to be legal for-hire.

In the early 80's I operated a 31's; Baha Cruiser Sportfisher that was used to take clients grouper fishing in federal waters. I do not recall that there was a reef permit for charter vessels at that time. (Although, I see now it was implemented in 1987)

In 1992 & 1993 I held a Federal Fisheries Permit (FFP) for both Reef fish and Pelagics for the Gulf of Mexico and South Atlantic.

In 1994 & 1995 I reduced my Federal Fisheries Permit to Reef Fish. I had 0 harvest for that particular permit. I let the permit expire. I knew it was worth money but I just did not try to find a buyer.

Perhaps, the moratorium should apply to areas in the gulf where there is heavy charter boat traffic, only. We just do not have a problem here from Carrabelle south to Hudson. I do not want to see the small

guide boats(4 or less) to suffer from congestion caused in the more populated areas of the gulf.

In 1989, I began to engage in near shore or state waters. Beginning in 1993, I purchased a 18 foot Pro-Line flats skiff for inshore fishing. I still run a Pro-Line, but it is my second boat that I received in 1997. If I was intending on applying for a RC, I see problems with the new permit as proposed if it is exclusively licensed to the vessel. If I was to my sell my boat, I would want to transfer the permit for my new boat as some guides frequently replace their vessels each year or every two years. Perhaps there could be a provision for small guide boat operators(4 passengers or less) for transfer to new vessels.

Currently, I have been staying busy fishing in state waters for the last 11 years mostly in Homosassa but also have chartered in destinations along the west coast of Florida from Naples to St. George Sound by trailering my boat to various destinations.

It is easy on some days for a small vessel (16-24 feet)to venture out into the EEZ from any west coast destination. Just today, I spoke with two captains who operate in the EEZ without a RC or CH. One was aware of the permitting process, but did not think it was necessary since he has never been ask for it by anyone. The other Captain who recently got his license and spent 50K on a new rig was not aware of the reef permitting process. As it has been stated, I agree that the states must participate in order to let the small charter vessels learn that there is indeed a permit needed to fish federal waters.

In our area off Homosassa, there is not a problem from overfishing especially with the new regulations for gag grouper. That species is most of what is brought in.

I would like the opportunity to be free to enter the EEZ without a permit as many other captains do. The NFMS is an agency that is mostly a paper agency.(I have been on their constituency mailing list for the last several years) It is not fair to the captains that do pay the permit fees every year. Yet many veteran guides (probably 1/3 of permitted numbers) do freely operate in the EEZ at least on a part time basis without the fear of being boarded or asked for a Federal Fisheries Permit by any law enforcement agency.

There is only 1 registered vessel in Homosassa with a RC who also has other multiple endorsements. I am sure this vessel only commercial fishes and yet has an RC. They use the boat for stone crabbing and other types of commercial fishing. I wonder how many of these multiple endorsement permit holders of the EEZ are truly using the permit for the intended purpose i.e.. for-hire? Yet there are at least a half of dozen six passenger vessels that leave from Homosassa who regularly fish the EEZ for charter without a permit.

If the draft is accepted by Council, I foresee the operators that become cited will be from ignorance of the law. Who is going to let them know that they need a permit?

Also I would like to know that if my son who is 10 years old or my daughter who is 11 will be able to fish in the EEZ as a for-hire operator? Perhaps a grandfather clause should be instituted for the charter boat industry before its gets too big.

I also believe that in an area where there is not a large presence of charter or headboats, that many operators will continue to operate in the EEZ without a Federal Fisheries Permit, unless both the state and federal agencies cooperate.

I will admit that I am confused about the economic studies for the charter boat industry and why it is necessary to have this information. Therefore, I will wait for one of you to enlighten me on this subject.

Because of the lack of time before the February 28-29 meeting, I am not sure that I could personally vouch for a significant amount of small vessel operators along the west coast of Florida. I do plan on attending the Frank Sargent Expo at the Tampa Fairgrounds on February 25-27 to find more opinions from small guide boat operators and to have a good time.

I do have an alliance with the Florida Guides Association and I know that at least two of the three officers, have their RC. One of their opinions were that if you already had your RC/CH, to pass the moratorium and eliminate the competition. I plan to be unbiased in my findings and will pass them on to you at the meeting.

Also I plan on e-mailing all the small boat operators I know and don't know(I have many e-mail addresses) through the Internet to see if they do fish Federal waters on occasion without a Federal Fisheries Permit or if they know one exist. I also will give the numbers on ones I poll who do not fish in the EEZ.

Sincerely,

Mike Locklear



Subject: Limited Entry

Date: Thu, 24 Feb 2000 22:19:27 EST

From: Jimfensom@aol.com

To: bobzales@interoz.com, CPease3351@aol.com, chancyw@gulftel.com

CC: Bigtrig42@aol.com

Bob, Clair, Bobbie

You all put in a lot of work and did a good job on the draft. Your analysis of the statistics presented at the last meeting was a big help.

The advisory panel should suggest what it thinks will work best. I am sure that is what the panel will do & I offer observations only because you asked for comments.

1. NMFS appears to be interested in putting a cap on the number of charter and guide boats in federal waters. If the cap must be reduced at a later date there will be some method implemented to do that.

2. All of us have devoted a lot of time to the issues of cutoff date, appeal process, historical captains, boats under construction, etc. The most recent information I have is that 3220 for hire boats are in the gulf. Since this talk of a moratorium only a few hundred additional permits have been added. Probably over half of those are legitimate and the other half are speculative or "just in case I might need one later". So, is all of this concern over about 100 speculative permits out of 3200 really an issue? Why not use a very late cutoff date?

3. If you tie an appeal process to income generated that will be more work for lawyers and may not be fair. Set up corporations, partnerships, assign interests etc. How do you distinguish between the guy that charter fishes 1/2 the year and commercial fishes the other 1/2 and the guy that charter fishes 1/2 the year and the other half installs electronics, builds boats, works in the tackle store, works in sporting goods at Walmart? What is income from fishing? What about the guy who lost money because of a blown motor?

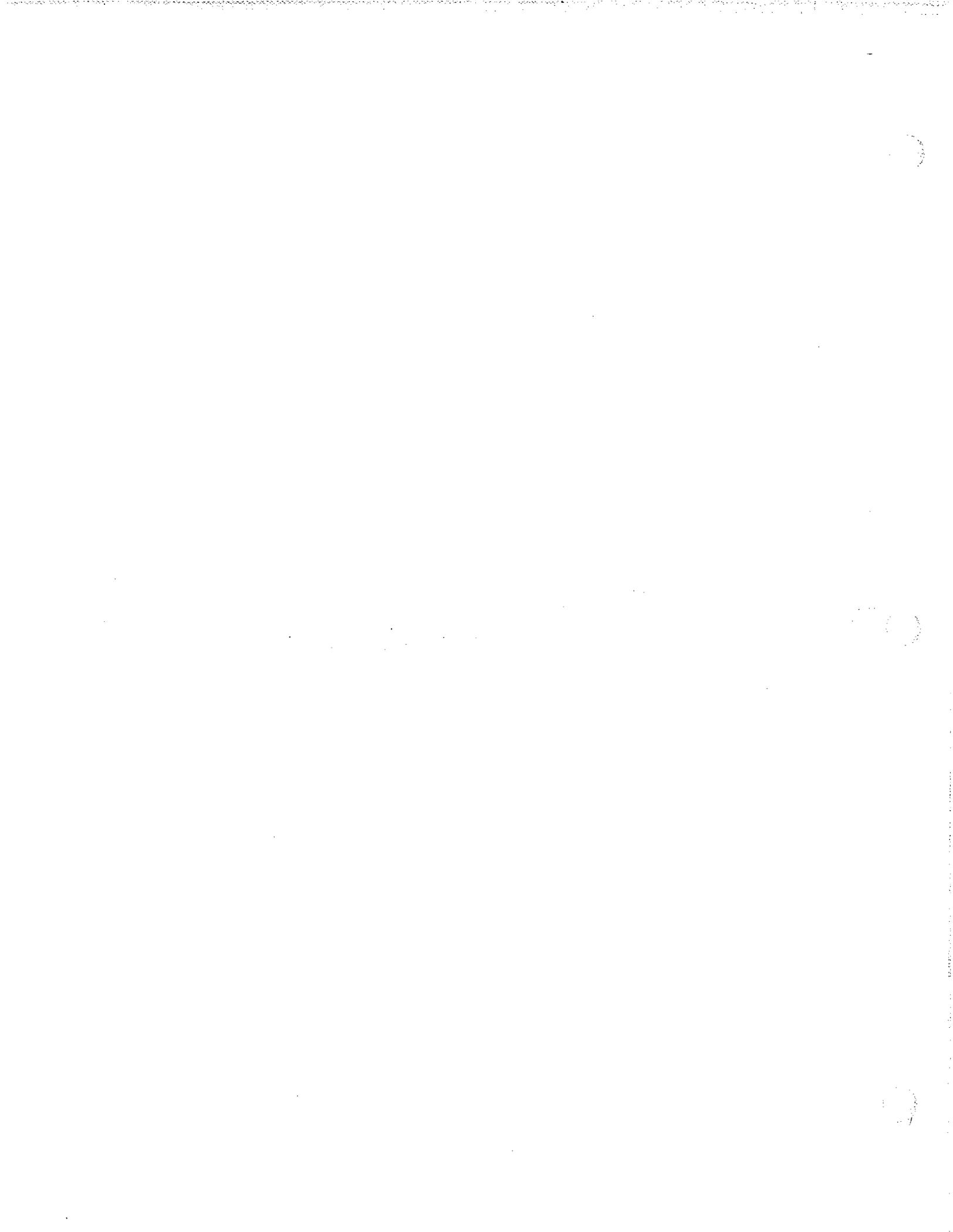
4. Appalachicola, Carrabell and Port St Joe all presented compelling testimony that the area is economically depressed, has very few charter boats & needs room to increase the number of permits. The problem there is immediate.

5. Permits- Most charter boats are 6 or less and almost all are 12 or less. Consider 3 classes of permits: 6 pack, 12 pack and head boat (keg). 12 pack can carry 12 to one, if coast guard limits boat to 10 then a 12 pack carries 10.

6. If the states don't do something about guide boats do we need this?

7. As you heard at the last meeting-many members have questions.

Good luck with your meeting next week.



On February 25th 2000 the majority of voting members of the Bay County Boatman Association respectfully request that the Charter/Head boat Adhoc committee, National Marine Fishery Service, and the Gulf of Mexico Fishery Management Council consider the following:

A). As professional fisherman that know what the real and sometimes unreal start up cost of either buying, refurbishing or building a boat (which can run in the hundreds of thousands of dollars) maintaining that equipment and securing dockage, licenses, federal permits, USCG inspection fees etc. We have to ask do we really need a moratorium when we have so many other management measures i.e. size limits, bag limits, seasonal closures, quotas, state and federal regulations already in place.

B). We feel that it is imperative that if the N.M.F.S or the G.M.F.M.C. decides to use a limited entry system for the charter/head boat industry that they should be forthcoming with a plan with stated guide lines that deal with all of the user groups currently fishing under the recreational quota. Not singling out just the charter/ head boats but insuring that the purely recreational and guide boat fisherman who take fish from the recreational quota has a limited entry/ moratorium system in place at the same time to ensure fairness to both groups.

C). Can a limited entry system be fair to the charter/head boat industry across the board? What will happen if the five Gulf States do not address this issue or agree to limit effort in state waters?

D). N.M.F.S has gone on record saying that sometime in the near future, the charter/head boat industry fishing in the EEZ of the Gulf of Mexico may be over capitalized by as much as 15%. We feel it is in our best interest to know how many charter/head boats that N.M.F.S. recommends as being adequate to service the needs of the recreational fishing public?

E). What arbitrary formula will the N.M.F.S. use to reduce the number of charter/head boats fishing in the EEZ of the Gulf of Mexico?

F). How will those people be compensated for the economic losses that will occur when they are told that they can no longer fish for profit, sell or transfer there permit to another boat or individual? Will they be compensated during a transitional period (such as with the buyback system implemented with the nets)?

G). We are adamantly opposed to any permit or class system that would limit ones ability to ever upgrade or improve his/her means of providing a lively hood for his/her family or that could not be passed along to another member of their family to continue a family tradition of fishing in the EEZ of the Gulf of Mexico i.e. (a historical captain would not be able to transferee their permit to his/her offspring).

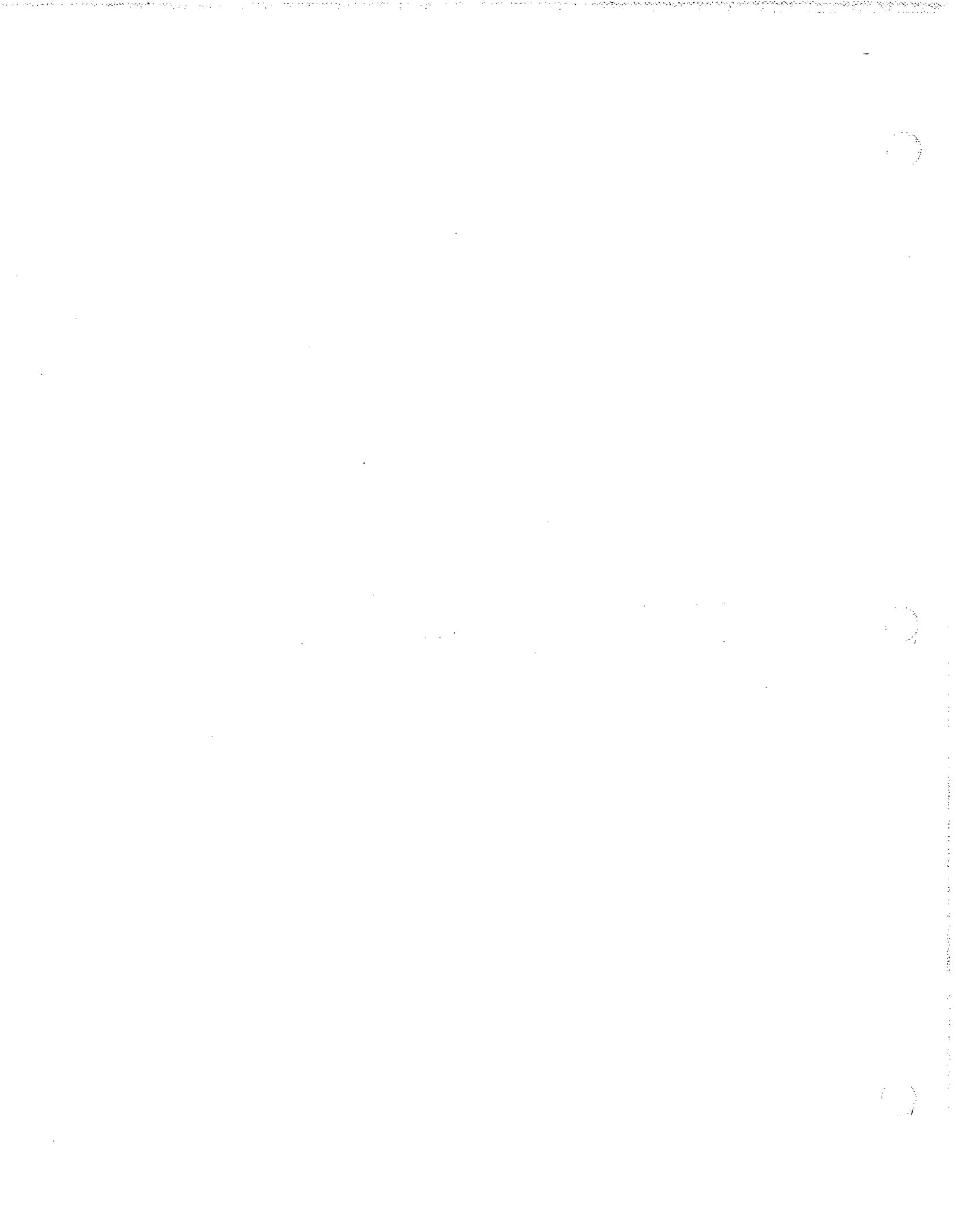
H). We are concerned that proposed framework for the historical captain is inadequate.

I). What happens to the permits that are purely speculative i.e. issued to a broke down rig sitting on a trailer in someone's back yard, "just in case I might need one later".

I). These are just some of the questions we feel that need to be addressed immediately. Until there are clear answers our organization and other individuals cannot endorse any limited entry system or moratorium being placed on the fore hire sector of charter/ head boat industry fishing in the EEZ of the Gulf of Mexico.

Respectfully yours,

The members of the Bay County Boatman Association



Subject: Re: limited entry/ destin

Date: Sat, 26 Feb 2000 22:18:31 -0600

From: "MIKE ELLER SUSAN MARTIN" <youfish@earthlink.net>

Organization: FISHDESTIN.COM

To: <Bigtrig42@aol.com>, <MAUMUSJR@aol.com>, <gulf.council@noaa.gov>, <Jimfensom@aol.com>, <ddrum@cajunnet.com>, <William.Hogarth@noaa.gov>, <BOBFISH@aol.com>, <rvminton.amrdgs@gulftel.com>, <nelsonr@gfc.state.fl.us>, <DPARTLOW49@cs.com>, <rshipp@jaguar1.usouthal.edu>, <wayne.swingle@gulfcouncil.org>, <Capthierry@aol.com>, <CAPTJIM@digiscape.com>, <chancyw@gulftel.com>, <WILLIAR@gfc.state.fl.us>, <hkaywilliams@hotmail.com>, <bobzales@interoz.com>

the letter from the panama city assoc. address's all of our fears and concerns. it is well thought out and well conceived. the Destin Charter Boat Assoc. agrees with it 100%.

----- Original Message -----

From: <Bigtrig42@aol.com>

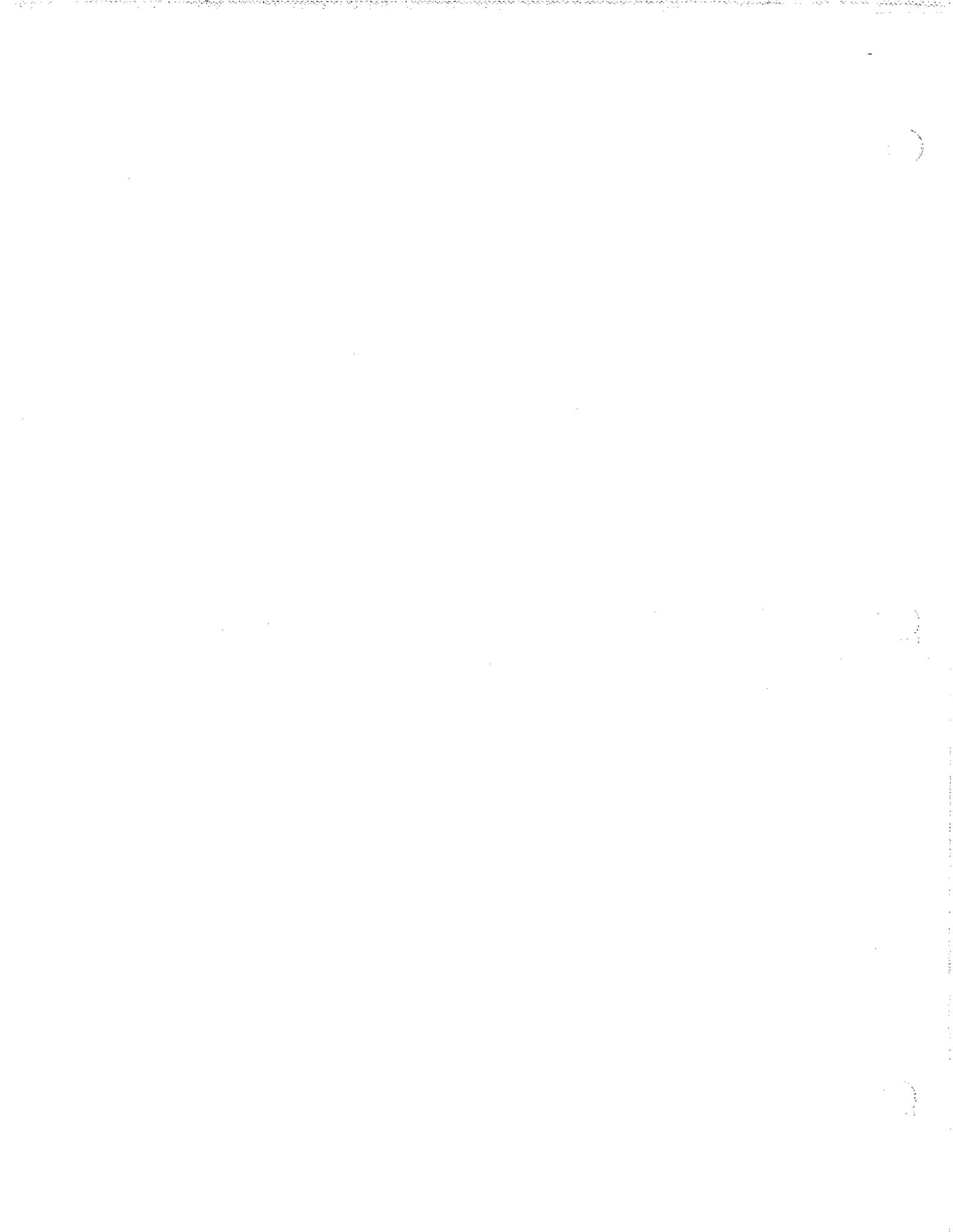
To: <MAUMUSJR@aol.com>; <gulf.council@noaa.gov>; <youfish@earthlink.net>; <Jimfensom@aol.com>; <ddrum@cajunnet.com>; <William.Hogarth@noaa.gov>; <BOBFISH@aol.com>; <rvminton.amrdgs@gulftel.com>; <nelsonr@gfc.state.fl.us>; <DPARTLOW49@cs.com>; <rshipp@jaguar1.usouthal.edu>; <wayne.swingle@gulfcouncil.org>; <Capthierry@aol.com>; <CAPTJIM@digiscape.com>; <chancyw@gulftel.com>; <WILLIAR@gfc.state.fl.us>; <hkaywilliams@hotmail.com>; <bobzales@interoz.com>

Sent: Saturday, February 26, 2000 11:36 AM

Subject: limited entry

> Please enter for the record

>



Re: (no subject)

Subject: Re: (no subject)

Date: Sat, 26 Feb 2000 15:26:02 EST

From: BOBFISH@aol.com

To: Bigtrig42@aol.com, bobzales@interoz.com, WILLIAR@gfc.state.fl.us, hkaywilliams@hotmail.com, chancyw@gulftel.com, CAPTJIM@digiscape.com, charterboats@mobiletel.com (Steve Tomeny), Capthierry@aol.com, wayne.swingle@gulfcouncil.org, rshipp@jaguar1.usouthal.edu, halfhitch@interoz.com, brantn@trip.net, rvminton.amrdgs@gulftel.com, captdavyjones@worldnet.att.net, William.Hogarth@noaa.gov, ddrum@cajunnet.com, Jimfensom@aol.com, youfish@earthlink.net, jdrfa@compuserve.com, gulf.council@noaa.gov, MAUMUSJR@aol.com, bubbat@cheney.net

Captain Billy Archer,

Thank you for sending Southeastern Fisheries Association a copy of the position of the Bay County Boatman Association concerning the question of a moratorium and limited entry, really non-issues in the overall scheme of things. Like your letter says, maybe a control date of 2002 or 2003 might be something to start with as other fisheries shake out.

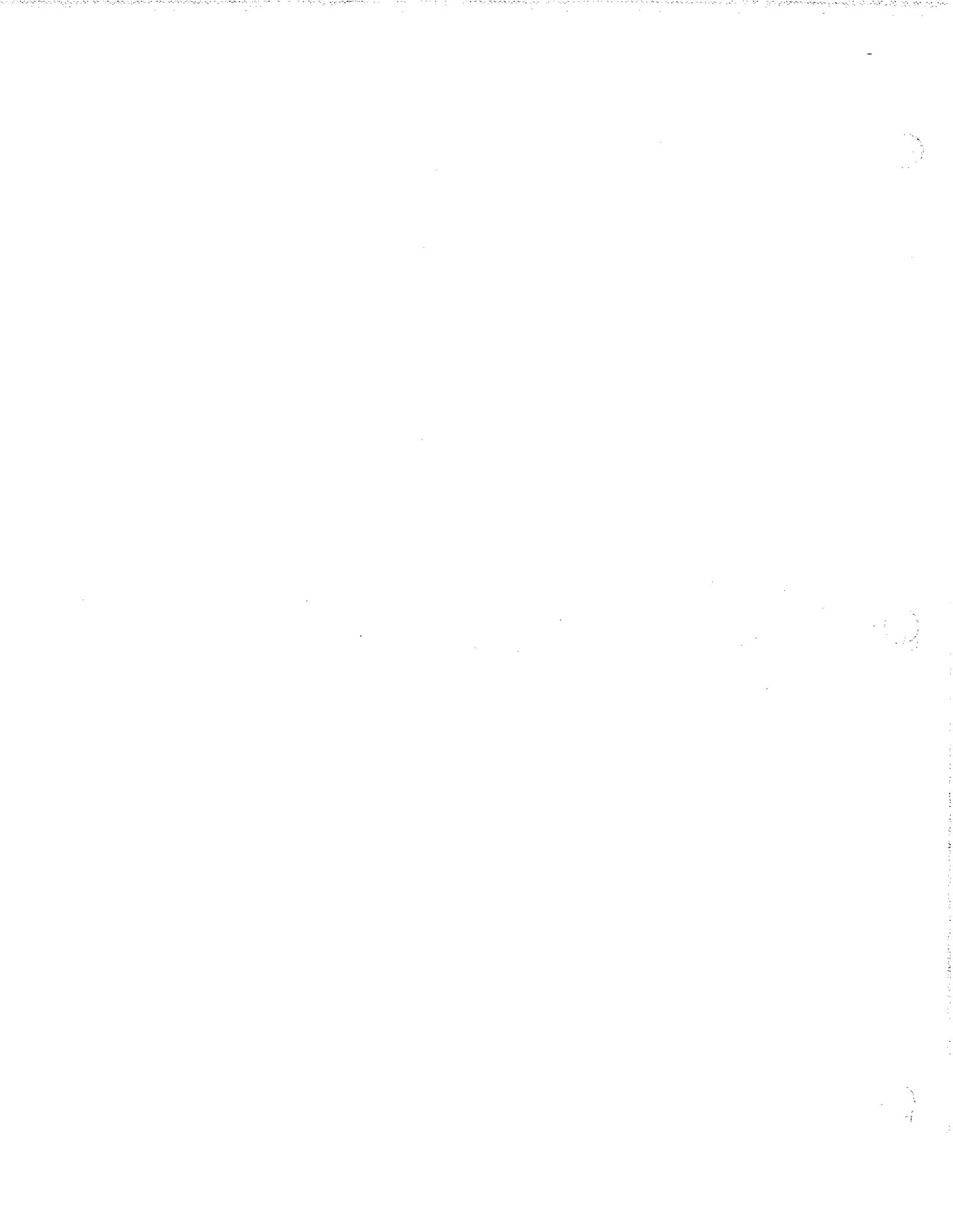
Southeastern Fisheries Association totally supports the positions stated in the message you forwarded to various individuals and entities as shown from the above addresses. We have found no rationale for a 15% reduction in the charter/party boat fleet and I doubt if Congress would be in favor of some arbitrary number selected by someone to shut down 15% of the businesses under such a proposal. Charter/partyboat operators are now victims of the cultural genocide sweeping the Gulf of Mexico fisheries.

Until the Councils get a handle on the recreational catch from all guides in and out of state waters and also consider individual boat fishermen in "conservation measures," they really don't know what is happening. To single out the charter boat/partyboat people is ludicrous.

We stand behind you 100% and are totally opposed to what Bob Zales et al. proposed on your behalf and behalf of lots of other folks who do not support the proposal.

Sincerely,

Bob Jones
Southeastern Fisheries Association
www.southeasternfish.org



Subject: nmfs response

Date: Sat, 26 Feb 2000 15:18:08 -0500

From: "Nash C. Roberts, Jr." <NASHROBERTS@compuserve.com>

To: "INTERNET:bobzales@interoz.com" <bobzales@interoz.com>

Bob,

I did not receive the nmfs response, would you try again either thru e-mail or fax.

This past Wednesday I attended the Louisiana Charter Boat Association (LCBA) state meeting. (About 90 % of our members run guide boats and fish state waters only)

I made a brief presentation on our Advisory Panel draft proposal. (But, I've nearly been overwhelmed by the information received in the last 2 weeks and don't have a firm grasp of it)

The consensus from them was:

- Section O(2) - Don't want the Federal Govt. issuing permits for the for hire boats using state waters!

What purpose would this serve?

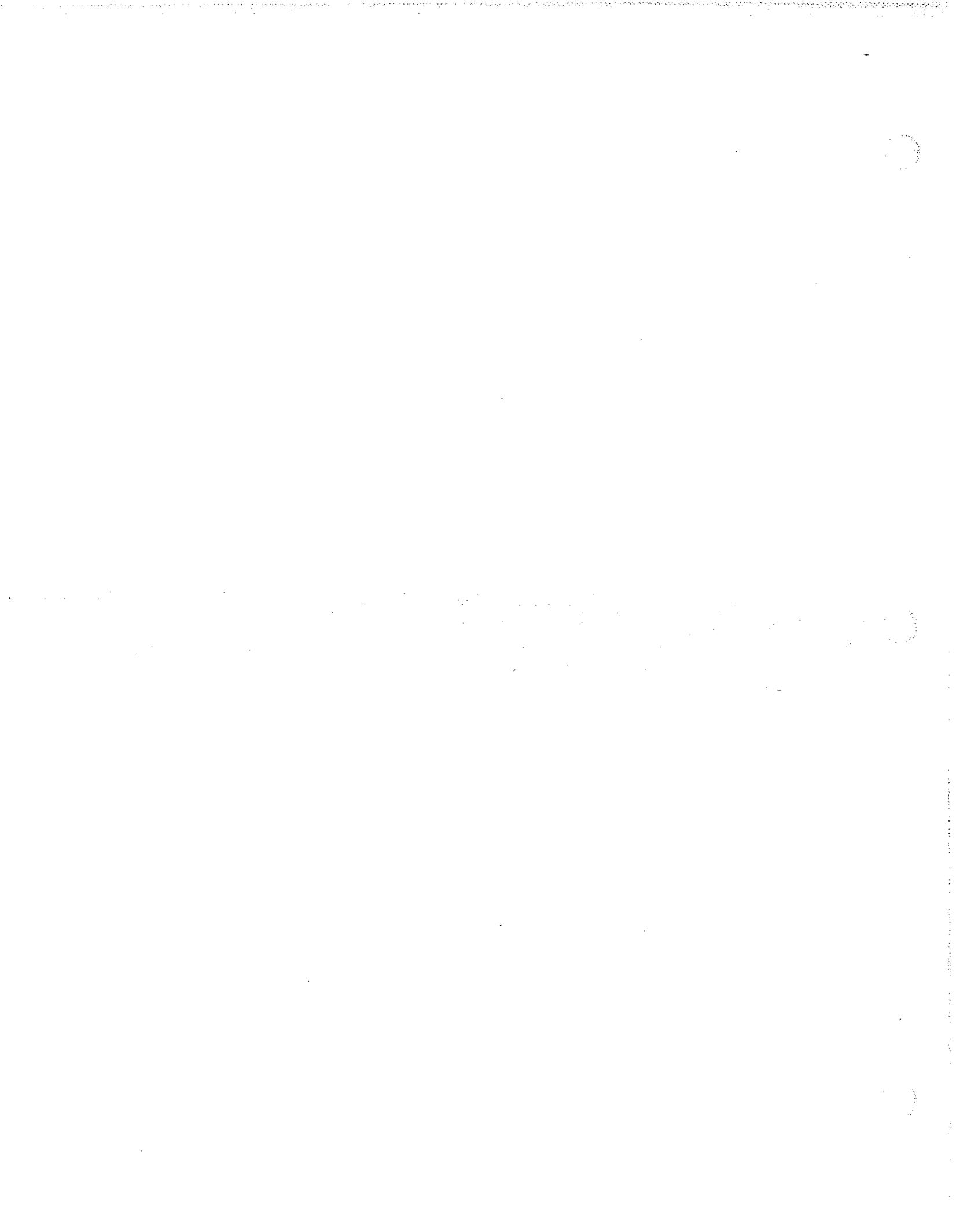
It is not needed, states already license these people.

Roughly 75% of the guide boats are presently voluntarily complying with a trip survey.

Information gathered on a voluntary basis is much more likely to be accurate than that from a forced survey.

- any permit issued must be transferable.

Thanks,
Nash III



Maverick Charters, Inc.
2/22/00
(941)966-6372

Dear Councilmembers:

This letter is in regards to the proposed charter/headboat Permit Moratorium. My name is Brad Whitmore and I am the owner of Maverick Charters, Inc. We operated a 36' Hatteras "6-pax" vessel for-hire as a charter boat in Sarasota county. Maverick has been in business since 1996 and the past 4 years have been spent developing a high end product that caters to both local and tourist fisherman while promoting conservation. Although I've had a U.S.C.G. Captain license for approximately 14 years, the vessel is operated with a hired crew.

Conservation has been part of our operating philosophy since day one. Our charter agreement, which we require all charterers to sign, includes the following:
"We will gladly clean and process a "sportsman catch" for you and at the same time we encourage Catch and Release."

Many of our customers, a large number of whom also fish on their own, have been introduced to circle hooks and the proper use of the 'de-hooker' aboard the Maverick. We have never sold our catch dockside, and we don't take customers who intend to do so.

Also showing our interest in conservation, Maverick Charters has historically given to numerous charities including: The Billfish Foundation, Florida Wildlife Federation, Cousteau Society, Deaf Service Center fishing tournament, and is a corporate sponsor for the Tampa Baywatch Challenge.

Our Captain gave up fishing commercially on a RS license to head up Maverick. This too is a conservation measure of sorts.

It was brought to my attention in late '99 that there might be a permit that we needed but didn't have. I was suprised to hear this. It has always been my goal to be 'in-compliance". We have a county occupational license, a state Commercial vessel registration, a state fishing license, a state sales tax number, a federal tax ID, a vessel doc for Coastwise Trade, commercial insurance, Articles of Incorporation, etc.

Somehow I knew about all of these and secured them. However, I was never advised of and had never heard of the Federal Waters Permits pertaining to our operation. Even periodic phone calls to the U.S.C.G. up through last year with questions regarding requirements for our operation failed to get the Permits mentioned!

On the morning of 12/30/99, I called Tallahassee looking for info. They gave me the correct agency and the phone number for NMF permits. I immediatly called and was told that I would be issued a Permit but that I may not be allowed to keep it. I was told that an application would be mailed to me and that I needed to fill it out and mail it back. Unfortunately, there was no mention of walk-up counter service (to fill out and turn in

(SECOND PAGE NOT RECEIVED)



Industry Concerns to Draft Proposal

Mike Eller- Basically the proposal sounds good. Likes D1 with the consideration it will cause corporate boats to lose value. Concerned about 2 year provision for historical captain, should it be longer. He is concerned that NMFS will not follow through with private and shrimp registrations. Document looks like a damn good compromise and looks to cover the whole spectrum of the fisheries. Questions if it will be accepted. It makes too much common sense. If private boats, shrimp boats and state permit requirements are not regulated do we go forward with this proposal?

1. Frank Stephenson- He opposes part time week-end fishermen with permits that sell grouper legally. Otherwise I agree that limited entry is a good way to go.
2. Jim Page-Questions the word valid under section C3 line 3 and would like to see it removed. Otherwise the overall draft is fair and equitable.
3. Richard Rice- Is opposed to commercial income being used to qualify for a charter permit. Says the recreational sector needs a larger section of the pie. Not the 49/51 split. He advocates a 1999 control date instead of the 1/8/2000. He believes that we should leave the trawlers alone and go back to them later.
4. Mike Thierry- recommends we do not allow commercial fishermen the ability to use their income as a qualifier for a permit. He has a hard time believing that people were unaware of the need for permits. He also believes that it is important to determine what boats depend on reef fish and coastal pelagic. If we allow guide boats to obtain permits it will dramatically increase effort in these fisheries.
5. Captain David Pinkham-Extend the date of moratorium to 12/31/99 or until the next council meeting this would give all interested parties the ability to comply and obtain these permits.
6. Wayne Swingle- provisions under historical captain for RA to have the authority to determine who gets the new permits.
7. Mark Rogers- Provision to transfer licenses which have been active for many years between family members. NMFS should not have issued permits after a control date was set. Create a data base to determine income requirement and fish reporting. We need 50% income requirement to insure that people are indeed doing it for a living and not a hobby.
8. (Billy Archer, Bay County Boatmens Assoc. BCBA)With current and proposed regulations in place, do we really need a moratorium? He requests the federal government to develop a plan for all user groups who take from the recreational quota have limited entry moratorium system in place to assure fairness to both groups. Can limited entry system be fair to all charter/headboat industry across the board?
9. What will happen if 5 Gulf states do not address this issue in state waters?
10. How many charter/headboats does NMFS recommend as being adequate to serve the recreational needs of the public?
11. What arbitrary formula will NMFS use to reduce the number of charter/headboats fishing in the EEZ?
12. Will those people be compensated when they are told they can no longer fish for a profit, sell or transfer their permit to another boat or individual
13. Opposed to permit system that would limit the ability to upgrade or transfer to family members.

14. Proposed framework for the historical captain is inadequate.
15. What happens to permits that are purely speculative
16. (Bob Jones Southeastern Fisheries Assoc. comments on BCBA Paper) suggests a control date of 2002 or 2003. They also suggest that over capitalization in the for-hire sector is not an issue. Need to consider recreational catch from all guides in and out of state waters and also individual fishermen.
17. Nash Roberts III- He suggests that La. Guide fisherman do not want federal permits for state waters. What purpose would this serve? He also stated that states already have requirement for license. Roughly 75% of the guide boats already voluntarily participate in a trip survey and oppose mandatory logbooks. Any permit issued must be transferable.

Jim Fensom- It appears NMFS is interested in putting a cap on the number of charter and guide boats. If a cap is put in place and there is a need for reduction there will be a method implemented to do that. He suggests a late cut off date because he feels there is very little speculation occurring. Is all of this concern over a few hundred additional permits? He opposes income requirement because of part time fishermen. He is concerned about economically distressed fishing communities and their ability to enter the fishery. Consider three classes of permits 6 pack, 12 pack or headboats. If states don't do something about guide boats do we need this.

Capt. Mike Locklear- Moraatorium should apply to areas in the Gulf where there is heavy charter boat traffic only. Provide a provision for small guide boat operators 4 or less to transfer to new vessels. Suggests states must participate in notifying charter vessels of the federal permitting process. How many multiple endorsement permit holders in the EEZ are truly using the permit for the intended purpose i.e. For -hire? Who is going to notify fishermen they need a permit? Provide a grandfather clause to pass on permit to family. Questions economic studies for the charter boat industry and why is it necessary to have it.

Charles Walker- opposed to limited entry because it restricts trade and it's a government intrusion. Until the commercial industry has meaningful restrictions on the amounts of fish killed, by all classes of fishermen the health of the fish stocks will not change. Since the AP voted to continue I have no problem with the proposal.

Kelly Windes- He is opposed to the idea of telling someone they cannot participate in their chosen profession. He made the following suggestions
Five boat captains would have to sign a legal document stating the captain had earned the bulk of his money from charter fishing for 5 years.

If boat captain is caught falsifying documents they would lose permit.

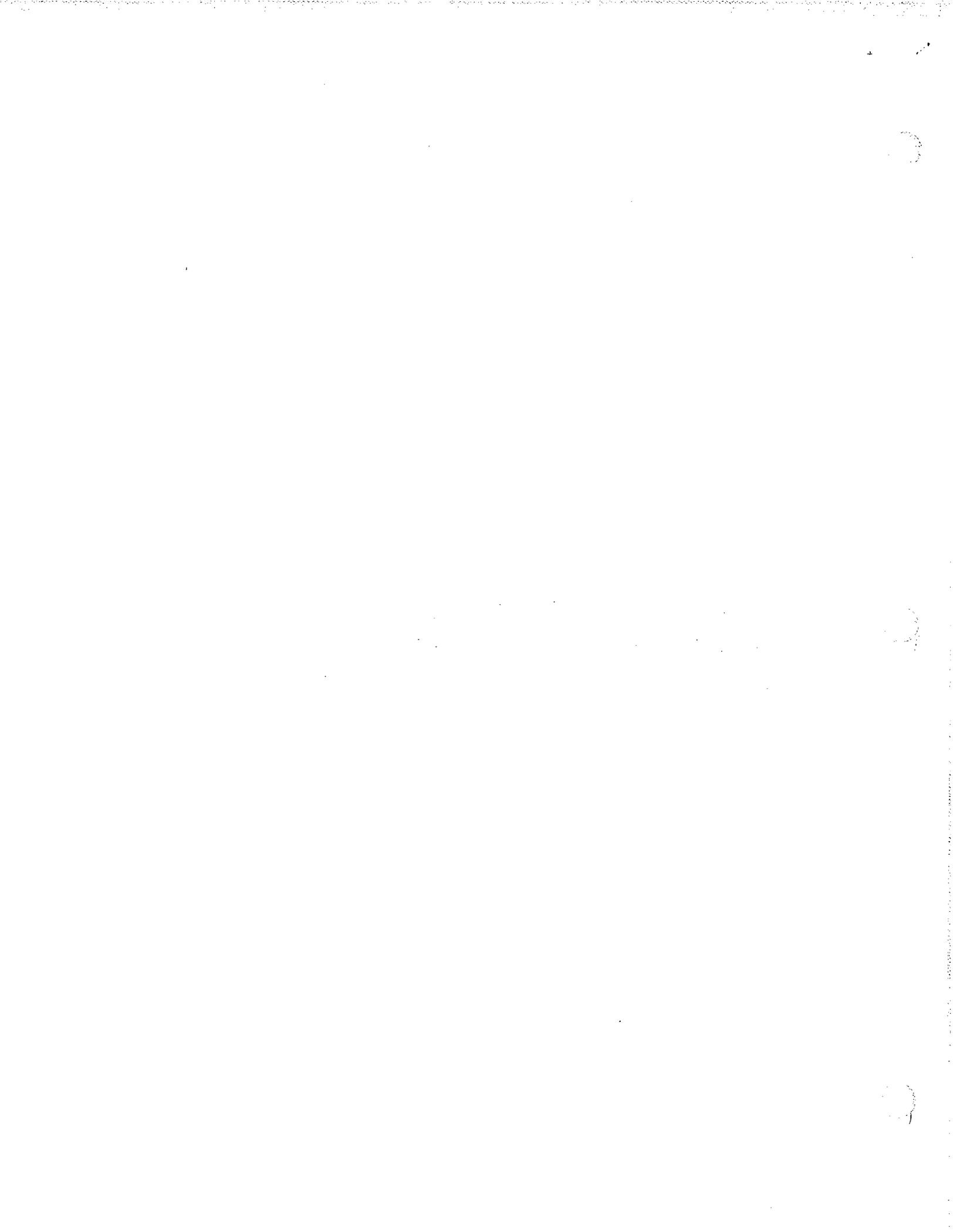
All classes of boats would have to possess a reef permit, private and fare carrying.
Criteria for private boats would have to be developed or strong fees could be required and be used for enforcement.

Violation of bag and size limit would result in loss of permit. 0 tolerance.

We have a problem with enforcement in the private sector.

We need a year round snapper season.

Brad Whitmore, Maverick Charters- Do not punish legitimate established operators who were unaware of the dates being considered. No windfalls for some at the expense of the rest in particular to move the permit to another vessel. He wants to greatly reduce bag limits to reduce pressure on the stock. He wants to educate our clients to bringing home just enough to have dinner.



Attachment No. 9

February 25, 2000

Gulf of Mexico Fishery Management Council

Dr. William Hogarth, Regional Director
National Marine Fisheries Service
1315 East West Highway
Silver Spring, Maryland 20910

RE: Charter Vessel/Head Boat Permit Moratorium

The Recreational Fishing Alliance (RFA) directly represents the interests of its 70,000 member anglers, clubs and marine-related businesses. Moreover, RFA indirectly represents the interests of the nation's 17 million saltwater anglers and the hundreds of thousands of businesses that support them. Also, the RFA represents the National Marine Manufacturers Association (NMMA) on marine fishery related issues. All are dependent on a healthy marine fishery resource. The RFA is submitting these comments to express its strong opposition to the proposal for a charter vessel/head boat permit moratorium. The RFA's objections are based on philosophical and practical considerations.

Initially, before considering taking any action which would affect the charter and head boat industry, its unique nature and character must be considered. For-hire vessels are the vehicle by which the general public and common man derive access to our nation's marine resources. The majority of the people in this country can not afford a fishing boat. Likewise, there are many who although they may have the financial resources do not have the know-how or time to justify purchasing their own vessel. These various people, of all socio-economic strata, utilize these for-hire vessels as their platform for access. A moratorium on permits would almost immediately result in limiting the public's options for access.

It is generally agreed that an increase in recreational participation is tied to increased availability of fish through expanded stock size. This is certainly the case for the charter and head boat industry. Limited entry will make it more difficult, and perhaps far more expensive, for a huge sector of the recreational public to enjoy the benefits derived by conservation efforts. As stock size expands, the public's access to these marine resources will be more limited. This proposed moratorium forebodes a troubling trend.

These proposals pose an even more significant threat to those members of the charter and head boat sector who do not presently hold permits. Some of these fishermen failed to obtain permits prior to the control date because they were not aware of the permit requirement, or were confused by it. This is not usual. Indeed, the National Marine Fishery Service has reported that as few as 40% of the people required to obtain HMS permits have done so. Others failed to do so because of the distrust of federal managers. Right or wrong, this sentiment is not uncommon throughout the United States. In either event, these owners and operators have a vested interest in this fishery. To exclude them would result in depriving them of their livelihood.

✓ There has been no adequate explanation as to why for-hire charter and head boats have been singled out for this moratorium.

Another troubling connotation of the proposed moratorium extends beyond the for-hire sector. Does this moratorium mark the beginning of an attempt to limit the recreational industry as a whole? The present proposal singles out the charter and head boat sector, but fails to adequately explain what other actions might be taken if, for example, NMFS determined that the moratorium is not enough.

There is no direct benefit guaranteed to the for-hire sector or general recreational community as a whole as a result of this restriction. What are the concrete rewards to be enjoyed by the recreational community as a result of this sacrifice and restriction? What credits will be given to the recreational fleet for the resulting reduced participation of the public? Although the proposal starts off by limiting the charter and head boat sector of the marine recreational industry, which sector is next if this proposal fails?

✓ There are other implications which extend far beyond the Gulf of Mexico which must also be considered, particularly in the context of coastal migratory pelagic fisheries in the Gulf of Mexico. The extent to which this proposal affects fishermen from other states is one of a number of national implications which should be left to be addressed by a national agency, not a regional council. This moratorium must be consistent with all of the National Standards of Magnuson-Stevens.

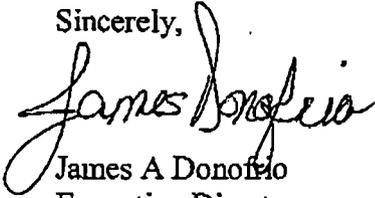
✓ The impact that this rule will have on fishing communities needs to be explored in far more detail (e.g. What will the impact of this moratorium have on Apalachicola, Florida?).

✓ The RFA also seriously questions the economic data used to support the moratorium concept. The council's estimates on number of trips, capital investments and

expenditures are based upon a flawed data base which needs to be corrected before this concept is even considered.

✓ Finally, will the alleged conservation benefits derived by this moratorium appreciably improve stock status? We do not believe they will. We feel the benefits are illusory, while the restrictions and negative impact on the recreational sector will be real and concrete. Please abandon the permit moratorium proposal.

Sincerely,



James A Donofrio
Executive Director



A. Duration of the Moratorium

A(1). Establish a three-year moratorium. Should the moratorium exceed three years The National Marine Fisheries Service will provide every five (5) years after implementation of this regulation a review of the status of the stocks controlled by restricted endorsements to determine whether for-hire fishing effort may be increased (to comply with National Standard (1) "...achieving, on a continuing basis, the optimum yield from each fishery for the U.S. fishing industry." Should the condition of the stocks controlled by restricted endorsements allow for increased effort, it will be increased by issuing new Class 2-A endorsements. These new endorsements will come from a database of non re-issued or permanently revoked Class 1-A, Class 1-B, Class 2-A, and Class 2-B endorsements.

B. New Gulf of Mexico Federal Waters For-Hire Fishing Permit (GMFWF-HFP):

B(1). Any vessel permitted to operate as a for-hire vessel in the EEZ will hold this permit, which will include endorsements for fish species regulated under Federal Fishery Management Plans (FMP), (i.e. reef fish, coastal migratory pelagic). All vessels including those that target species not in a FMP will be required to hold this permit. Evidence of this permit will be a decal suitably attached to the vessel.

C. Eligibility Requirements for Class 1 endorsement:

C(1). All persons holding a Charter For Coastal Migratory Pelagic Fish and/or a Gulf of Mexico Charter/Headboat for Reef Fish Permit as of the original control date of November 18, 1998 are eligible for a Class 1 endorsement in the fishery or fisheries they held permits in.

C(2). Persons who held vessel permits prior to the control date, but were issued new vessel permits when they replaced the vessel after that control date will receive a Class 1 endorsement in the fishery or fisheries they held permits in.

C(3). Persons who purchased a vessel after the control date, but prior to January 8, 2000 from a person and/or corporation who held a valid permit on November 18, 1998 shall be given a Class 1 endorsement in the fishery or fisheries that the vessel was permitted in provided that the seller of said vessel has not applied for a replacement permit

C(4). Class 1 endorsements will be fully transferable in accordance with Section E and F below.

D. Eligibility Requirement for Class 2 endorsement:

D(1). If a vessel owner has obtained a permit after November 18, 1998 and prior to January 8, 2000 and the vessel owner can prove by income tax returns that he was in the for-hire fishing business at least one of the three years 1996, 1997 or 1998, and his income tax return shows that more than 50% of his earned income or \$10,000.00 net profit was from (for-hire) charter fishing, the vessel owner will be eligible for a Class 2 endorsement in the fishery or fisheries he held permits in.

D(2). Class 2 endorsements may be transferred between vessels of equal or less passenger capacity owned by the permit holder but will not be transferable from the original owner of the permit to another individual or entity.

E. Class 1 Endorsement Transfers During the Moratorium

E(1). Transfer of Class 1 endorsements between vessels owned by the endorsement holder is allowed.

E(2). Transfer of Class 1 endorsements between individuals or other entities is allowed with or without transfer of the vessel.

F. Vessel Restrictions on Class 1 endorsement Transfers:

F(1). There will be two classes of vessels, (Class A) six passenger or non-inspected vessel and (Class B) vessels with U.S. Coast Guard Certificate of Inspection, (COI) to carry more than six passengers.

F(2). Transfer of endorsements is allowed within each of these classes, but not between classes except Class B can voluntarily agree to downsize its passenger capacity to Class A.

F(3). If a Class B vessel which has a higher passenger capacity endorsement fails a safety inspection or the owner of said vessel voluntarily submits his COI to the USCG and is forced to revert to a Class A vessel endorsement the endorsement holder will have a maximum of two years to correct the deficiency in order to have his Class B classification restored.

G. Re-issuance of Permits and/or endorsements Not Renewed or Revoked

G(1). Permits and/or endorsements not renewed (or permanently revoked) will be collected in a database by the National Marine Fisheries Service. Should, as per section A1, the condition of the stocks controlled by restricted endorsements allow for increased effort the endorsements available in this database will be issued in the following order:

- 1) Historical captains who qualified for a Historical Captain Permit, but failed to purchase a vessel as per K(3).

- 2) For-hire operators who fish for species not controlled by this regulation, but who can meet requirements set forth in section D(1) except the three years will be the preceding three full calendar years.
- 3) All persons who apply first come/first serve.

H. Appeals Process during Moratorium

H(1). An appeals process will be developed to accommodate data and/or record disputes between vessel owners and the National Marine Fisheries Service. The data and/or record disputes will be limited to dates of issue of original permit or permits, original USCG Certificates of Inspection or proof of personal and/or shipyard construction of a for-hire fishing vessel.

I. Charter Vessel Reporting

I(1). All vessels holding GMFWF-HFP permits and/or endorsements will be required to participate in one of the approved fishing data surveys.

I(2). Survey methods currently approved are 1) Pilot Charter Boat Survey 2) Texas Parks and Recreation Fishing Survey and 3) Beauford Headboat Survey for headboats.

J. Renewal Conditions:

J(1). GMFWF-HFP permit and Class 1 and Class 2 endorsement holders must participate in one of the National Marine Fisheries approved data survey methods in order to renew their permit and/or endorsement. The following are currently approved survey's, with the exception that the Texas Parks and Recreation Fishing Survey for Texas should be replaced with the Pilot Charter Boat Survey in the future. 1) Pilot Charter Boat Survey or 2) Texas Parks and Recreation Fishing Survey or 3) The Beauford Headboat Survey.

K. Historical Captain Permit:

K(1). A historical captain is a U.S. Coast Guard licensed captain who has operated a for-hire fishing vessel in the Gulf of Mexico as a USCG licensed captain for a minimum of five years prior to November 18, 1998 and did not own his own vessel or have a permit issued in his name during that time.

K(2). The historical captain must apply and qualify for the historical captain permit within 180 days of enactment of this regulation. The captain must qualify by furnishing notarized affidavits from the vessel owners he was employed by, listing the years he was employed and the percentage (which must equal 50% or more) of the year the boat was used as a for-hire fishing vessel.

K(3). The historical captain permit can only be used on a vessel owned by the historical captain and will be equivalent to a Class 2-A

(endorsement) that can carry no more than six passengers. The permit will expire two years after qualifying if it is not placed on a vessel owned by the historical captain.

L. Boats Under Construction and/or Modified

L(1). Vessel owners who can legally prove that a vessel was under contract to be built, modified or was under construction prior to November 18, 1998 will receive a Class 1 endorsement in the fishery or fisheries that they held permits in prior to November 18, 1998 or if they did not hold permits they will receive endorsements in the fishery or fisheries they request.

L(2). In order to receive the endorsement the boat owner will provide to the National Marine Fisheries Service a copy of the contract dated prior to November 18, 1998 and/or receipts dated prior to November 18, 1998 for substantial expenditures of a boat under construction along with proof of the legal transfer of moneys for deposit or expenditures by canceled check, receipt for cash or electronic transfer receipt, also dated prior to November 18, 1998.

L(3). Vessel owners who can legally prove that a vessel was under contract to be built or modified after November 18, 1998 and prior to January 8, 2000 after complying with Section D(1) and L(2) will receive a Class 2 endorsement in the fishery or fisheries that they request.

M. Gulf of Mexico Recreational Fishing Registration

M(1). In an effort to develop a comprehensive and reliable data base, the universe of recreational fishermen needs to be defined. A survey, such as the charter boat pilot survey could be developed to give better effort and catch data for the entire recreational sector.

M(2). The registration could be patterned similar to the current Federal Tuna Fishing Permit, which allows for purchase on line and through local tackle dealers.

M(3). As an interim effort to define the universe we suggest that the Council and the National Marine Fisheries Service request that all five Gulf States share their data base of State saltwater recreational fishing licenses with the National Marine Fisheries Service for use in developing a survey to better estimate effort and catch data until the Registration Program is developed. We feel that the current method over estimates the effort and catch data for the recreational sector. The Pilot Charter Boat Survey has concluded that effort in the for-hire sector was being over estimated by approximately twenty-five percent (25%). We feel the private recreational sector will at least show the same results, if not a greater percentage being over estimated.

N. Shrimp Fishery Vessel Permit

N(1). In an effort to develop a comprehensive and reliable data base, every individual and industry that impacts our resources has to be identified. We strongly recommend a Shrimp Fishery Vessel Permit (SFVP) be implemented in conjunction with the Gulf of Mexico Federal Waters For-hire Fishery Permit.

O. Request Gulf States to Comply

O(1). The five Gulf States, Alabama, Florida, Louisiana, Mississippi and Texas will be requested to comply with this moratorium and all issues addressed here.

O(2). All for-hire recreational boats, whether fishing in the EEZ or State waters, will be required to have a Gulf of Mexico For-Hire Fishing Permit.

O(3). All private recreational anglers, whether fishing in the EEZ or State waters will be required to hold a recreational registration.

O(4). All commercial shrimp vessels, whether fishing in the EEZ or State waters will be required to hold a Shrimp Fishery Vessel Permit.



Stop Revision

A. Duration of the Moratorium

A(1). Establish a three-year moratorium. Should the moratorium exceed three years The National Marine Fisheries Service will provide every three (3) years after implementation of this regulation a review of the status of the stocks controlled by restricted endorsements to determine whether for-hire fishing effort may be increased (to comply with National Standard (1) "...achieving, on a continuing basis, the optimum yield from each fishery for the U.S. fishing industry." Should the condition of the stocks controlled by restricted endorsements allow for increased effort. These new endorsements will come from a database of non re-issued or permanently revoked Class 1, Class 2-A, and Class 2-B endorsements.

B. New Gulf of Mexico Federal Waters For-Hire Fishing Permit (GMFWF-HFP):

B(1). Any vessel permitted to operate as a for-hire vessel in the EEZ will hold this permit, which will include endorsements for fish species regulated under Federal Fishery Management Plans (FMP), (i.e. reef fish, coastal migratory pelagic and new or future FMP'S). Evidence of this permit will be a decal suitably attached to the vessel along with a copy of the permit on board the vessel.

C. Eligibility Requirements for Class 1 endorsement:

A Class 1 permit would be issued to eligible boat owners under the provisions of C(1) through C(3) below and to all vessel owners who can demonstrate through records that they have been in a Gulf recreational for-hire fishery for the past 5 years, prior to the implementation date of the amendment.

C(1). All persons holding a Charter Permit For Coastal Migratory Pelagic Fish and/or a Gulf of Mexico Charter/Headboat permit for Reef Fish as of the original control date of November 18, 1998 are eligible for a Class 1 endorsement in the fishery or fisheries they held permits in.

C(2). Persons who held vessel permits prior to the control date, but were issued new vessel permits when they replaced the vessel after that control date will receive a Class 1 endorsement in the fishery or fisheries they held permits in.

C(3). Persons who purchased a vessel after the control date, but prior to January 8, 2000 from a person and/or corporation who held a valid permit on November 18, 1998 shall be given a Class 1 endorsement in the fishery or fisheries that the vessel was permitted in provided that the seller of said vessel has not applied for a replacement permit.

C(4). Class 1 endorsements will be fully transferable in accordance with Section E below.

D. Eligibility Requirement for Class 2 endorsement:

D(1). If a vessel owner who obtained a permit after November 18, 1998 does not qualify for a Class 1 endorsement under Section C and if the vessel owner can prove by income tax returns that he was in the for-hire fishing business at least one of the three years 1996, 1997 or 1998, and his income tax return shows that at least 50% of his earned income or \$10,000.00 gross income was from (for-hire) charter fishing, the vessel

owner will be eligible for a Class 2 endorsement in the fishery or fisheries he held permits in.

E. Endorsement Transfers During the Moratorium

E(1). Transfer of Class 1 endorsements between vessels owned by the endorsement holder is allowed.

E(2). Transfer of Class 1 endorsements between individuals or other entities is allowed with or without transfer of the vessel.

E(3). For Class 2 endorsements there are two classes of vessels, (Class A) six passenger or non-inspected vessel and (Class B) vessels with U.S. Coast Guard Certificate of Inspection.

E(4). Class 2 endorsements may be transferred within either of these classes of vessels, but not between Class A and Class B.

F. Vessel Restrictions on Class 1 endorsement Transfers:

F(1). Transfer of endorsements is allowed between vessels but without any increase in the number of passengers that can be legally carried under the U.S. Coast Guard Certificate of Inspection, i.e., can be transferred to vessels certified to carry an equal number or less passengers.

F(2). If a Class B vessel which has a higher passenger capacity endorsement fails a safety inspection or the owner of said vessel voluntarily submits his COI to the USCG and is forced to revert to a Class A vessel endorsement the endorsement holder will have a maximum of two years to correct the deficiency in order to have his Class B classification restored.

G. Re-issuance of Permits and/or endorsements Not Renewed or Revoked

G(1). Permits and/or endorsements not renewed (or permanently revoked) will be collected in a database by the National Marine Fisheries Service by vessel class. Should, as per section A1, the condition of the stocks controlled by restricted endorsements improve to allow for increased effort the endorsements available in this database shall be allocated by random drawing in the following priority order to:

- 1) Current vessel owners with Class 1 endorsements who want to upgrade the passenger capacity of their vessel, by surrendering their current endorsement.
- 2) Current vessel owners with Class 2 endorsements who want to upgrade their endorsement class from 2 to 1 and the passenger capacity of their vessel.
- 3) Historical captains who qualified for a Historical Captain Permit but failed to purchase a vessel as per K (3).

- 4) For-hire operators who fish for species not controlled by this regulation, but who can meet requirements set forth in section D(1) except the three years will be the preceding three full calendar years.**

Owners, historical captains or operators granted a Class 1 endorsement, under this section must provide documentation that within two years a vessel with the appropriate passenger capacity (or less) as certified by the U.S. Coast Guard has been purchased and is available for operation. The endorsement will be granted upon such documentation and the current vessel endorsement will be surrendered at the same time.

Note Other editorial changes suggested by NMFS will be added.

④

For-hire operators who fish for species not controlled by this regulation, but who can meet requirements set forth in section D(1) except the three years will be the preceding three full calendar years.

~~3) All persons who apply first come/first serve.~~ INSERT E

H. Appeals Process during Moratorium

H(1). An appeals process will be developed to accommodate data and/or record disputes between vessel owners and the National Marine Fisheries Service. The data and/or record disputes will be limited to dates of issue of original permit or permits, original USCG Certificates of Inspection or proof of personal and/or shipyard construction of a for-hire fishing vessel.

end
of
type

I. Charter Vessel Reporting

I(1). All vessels holding GMFWF-HFP permits and/or endorsements will be required to participate in one of the approved fishing data surveys.

I(2). Survey methods currently approved are 1) Pilot Charter Boat Survey 2) Texas Parks and Recreation Fishing Survey and 3) Beauford Headboat Survey for headboats.

J. Renewal Conditions:

J(1). GMFWF-HFP permit and Class 1 and Class 2 endorsement holders must participate in one of the National Marine Fisheries approved data survey methods in order to renew their permit and/or endorsement. The following are currently approved survey's, with the exception that the Texas Parks and Recreation Fishing Survey for Texas should be replaced with the Pilot Charter Boat Survey in the future. 1) Pilot Charter Boat Survey or 2) Texas Parks and Recreation Fishing Survey or 3) The Beauford Headboat Survey.

K. Historical Captain Permit:

K(1). A historical captain is a U.S. Coast Guard licensed captain who has operated a for-hire fishing vessel in the Gulf of Mexico as a USCG licensed captain for a minimum of five years prior to November 18, 1998 and did not own his own vessel or have a permit issued in his name during that time.

K(2). The historical captain must apply and qualify for the historical captain permit within 180 days of enactment of this regulation. The captain must qualify by furnishing notarized affidavits from the vessel owners he was employed by, listing the years he was employed and the percentage (which must equal 50% or more) of the year the boat was used as a for-hire fishing vessel.

K(3). The historical captain permit can only be used on a vessel owned by the historical captain and will be equivalent to a Class 2-A

(endorsement) that can carry no more than six passengers. The permit will expire two years after qualifying if it is not placed on a vessel owned by the historical captain.

L. Boats Under Construction and/or Modified

L(1). Vessel owners who can legally prove that a vessel was under contract to be built, modified or was under construction prior to November 18, 1998 will receive a Class 1 endorsement in the fishery or fisheries that they held permits in prior to November 18, 1998 or if they did not hold permits they will receive endorsements in the fishery or fisheries they request.

L(2). In order to receive the endorsement the boat owner will provide to the National Marine Fisheries Service a copy of the contract dated prior to November 18, 1998 and/or receipts dated prior to November 18, 1998 for substantial expenditures of a boat under construction along with proof of the legal transfer of moneys for deposit or expenditures by canceled check, receipt for cash or electronic transfer receipt, also dated prior to November 18, 1998.

L(3). Vessel owners who can legally prove that a vessel was under contract to be built or modified after November 18, 1998 and prior to January 8, 2000 after complying with Section D(1) and L(2) will receive a Class 2 endorsement in the fishery or fisheries that they request.

M. Gulf of Mexico Recreational Fishing Registration

M(1). In an effort to develop a comprehensive and reliable data base, the universe of recreational fishermen needs to be defined. A survey, such as the charter boat pilot survey could be developed to give better effort and catch data for the entire recreational sector.

M(2). The registration could be patterned similar to the current Federal Tuna Fishing Permit, which allows for purchase on line and through local tackle dealers.

M(3). As an interim effort to define the universe we suggest that the Council and the National Marine Fisheries Service request that all five Gulf States share their data base of State saltwater recreational fishing licenses with the National Marine Fisheries Service for use in developing a survey to better estimate effort and catch data until the Registration Program is developed. We feel that the current method over estimates the effort and catch data for the recreational sector. The Pilot Charter Boat Survey has concluded that effort in the for-hire sector was being over estimated by approximately twenty-five percent (25%). We feel the private recreational sector will at least show the same results, if not a greater percentage being over estimated.

N. Shrimp Fishery Vessel Permit

N(1). In an effort to develop a comprehensive and reliable data base, every individual and industry that impacts our resources has to be identified. We strongly recommend a Shrimp Fishery Vessel Permit (SFVP) be implemented in conjunction with the Gulf of Mexico Federal Waters For-hire Fishery Permit.

O. Request Gulf States to Comply

O(1). The five Gulf States, Alabama, Florida, Louisiana, Mississippi and Texas will be requested to comply with this moratorium and all issues addressed here.

O(2). All for-hire recreational boats, whether fishing in the EEZ or State waters, will be required to have a Gulf of Mexico For-Hire Fishing Permit.

O(3). All private recreational anglers, whether fishing in the EEZ or State waters will be required to hold a recreational registration.

O(4). All commercial shrimp vessels, whether fishing in the EEZ or State waters will be required to hold a Shrimp Fishery Vessel Permit.

Copy C + TS

February 24, 2000

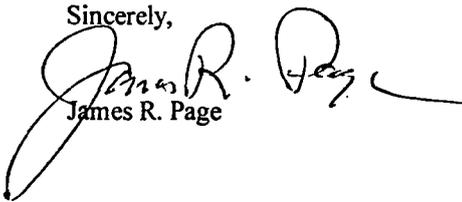
Mr. Wayne Swingle
Gulf Council Advisory Panel
The Gulf of Mexico Fishery Management Council

CHARTER VESSEL PERMITTING PROPOSAL TO BE DEVELOPED BY ADVISORY GROUP

Dear Mr. Swingle

I have just received a press release advising me of a meeting to take place in Tampa, February 28-29, regarding new revisions that the Ad Hoc committee will bring before the Advisory Panel for consideration. I cannot attend this meeting and therefore have asked Mr. Bob Zales to personally deliver this letter to you for your consideration. Would it be permissible for me to make a personal appearance before the panel or someplace else deemed appropriate, concerning the denial of a Charter Vessel/Headboat Permit Transfer by the NMFS. I would like to present a signed affidavit by the previous owner of the boat that provides full details of the boat purchase negotiations in June 1998 and the exchange of title at the SouthTrust Bank in Panama City, FL, November 23, 1998. Mr. Zales informed me that the revised draft of the proposed moratorium included provisions for the appeals process, however, my immediate concern is that the committee could illuminate this provision and thereby restrict me from obtaining a hearing through the appeals process. Would the Advisory Panel consider individual cases or would there be provisions for someone at NMFS to hear appeals? I would appreciate your response to the two items referred to above and await your reply. I will be happy to provide additional information if necessary. Your attention to this matter is greatly appreciated.

Sincerely,


James R. Page

AFFIDAVIT

I, Dennis C. Raines Jr. do hereby state the following facts concerning the sale of "M/V TRANSITION"; official number 592858, to Keith Page.

1. I was president and sole owner of Duke-Henry, Inc., a Florida Corporation that is no longer in existence.
2. Keith Page and I verbally agreed to the sale of the "TRANSITION" and his purchase in mid-October of 1998, contingent upon a satisfactory marine survey and his ability to secure financing of the vessel for the purpose of his owning and operating his own charter fishing business.
3. Further we agreed that all current permits and licenses would be transferred as necessary for his business operations.
4. Financing was completed on November 23, 1998 by Southtrust Bank in Panama City, Florida and the exchange of title took place on the same date.
5. At the time of our agreement and the subsequent sale, neither Keith Page or myself were aware of any moratorium in existence or forthcoming concerning charter fishing.
6. I operated the "TRANSITION" as a charter fishing vessel from June 1, 1996 to the time of sale to Keith Page. It was both of our understanding at the time of his purchase that there existed no issues concerning permits or licenses needed to addressed.
7. During the period of owning the "TRANSITION", I maintained all necessary permits to operate a charter fishing business.

Sworn to this 25th day of January, 2000 by:


Dennis C. Raines, Jr.
76 Midnight Pass
Crawfordville, FL 32327
850-926-9673

*Affiant is
personally known to me.*


Commission expires 06/11/2002



Dale Jacobs
MV COMMISSION # CC752369 EXPIRES
JAN 5 2002
BONDED THRU TROY FAIR INSURANCE, INC.

On February 25th 2000 the majority of voting members of the Bay County Boatman Association respectfully request that the Charter/Head boat Adhoc committee, National Marine Fishery Service, and the Gulf of Mexico Fishery Management Council consider the following:

A). As professional fisherman that know what the real and sometimes unreal start up cost of either buying, refurbishing or building a boat (which can run in the hundreds of thousands of dollars) maintaining that equipment and securing dockage, licenses, federal permits, USCG inspection fees etc. We have to ask do we really need a moratorium when we have so many other management measures i.e. size limits, bag limits, seasonal closures, quotas, state and federal regulations already in place.

B). We feel that it is imperative that if the N.M.F.S or the G.M.F.M.C. decides to use a limited entry system for the charter/head boat industry that they should be forthcoming with a plan with stated guide lines that deal with all of the user groups currently fishing under the recreational quota. Not singling out just the charter/ head boats but insuring that the purely recreational and guide boat fisherman who take fish from the recreational quota has a limited entry/ moratorium system in place at the same time to ensure fairness to both groups.

C). Can a limited entry system be fair to the charter/head boat industry across the board? What will happen if the five Gulf States do not address this issue or agree to limit effort in state waters?

D). N.M.F.S has gone on record saying that sometime in the near future, the charter/head boat industry fishing in the EEZ of the Gulf of Mexico may be over capitalized by as much as 15%. We feel it is in our best interest to know how many charter/head boats that N.M.F.S. recommends as being adequate to service the needs of the recreational fishing public?

E). What arbitrary formula will the N.M.F.S. use to reduce the number of charter/head boats fishing in the EEZ of the Gulf of Mexico?

F). How will those people be compensated for the economic losses that will occur when they are told that they can no longer fish for profit, sell or transfer there permit to another boat or individual? Will they be compensated during a transitional period (such as with the buyback system implemented with the nets)?

G). We are adamantly opposed to any permit or class system that would limit ones ability to ever upgrade or improve his/her means of providing a lively hood for his/her family or that could not be passed along to another member of their family to continue a family tradition of fishing in the EEZ of the Gulf of Mexico i.e. (a historical captain would not be able to transferee their permit to his/her offspring).

H). We are concerned that proposed framework for the historical captain is inadequate.

I). What happens to the permits that are purely speculative i.e. issued to a broke down rig sitting on a trailer in someone's back yard, "just in case I might need one later".

J). These are just some of the questions we feel that need to be addressed immediately. Until there are clear answers our organization and other individuals cannot endorse any limited entry system or moratorium being placed on the fore hire sector of charter/ head boat industry fishing in the EEZ of the Gulf of Mexico.

Respectfully yours,

The members of the Bay County Boatman Association



Joint Reef Fish/Mackerel Committee Report

Bob Zales II, Chairman of the Ad Hoc Charter Vessel/Headboat AP, presented the AP's proposal for a charter vessel permitting system under Tab E, No. 4(a). The Committees reviewed each section of the report and asked questions for clarification, but decided to review the whole document before they developed recommendations to the Council.

The Committees decided to vote as a Committee of the whole. After the Committee review was completed, Ms. Williams **moved to recommend to the Council that Staff integrate the management measures of the Ad Hoc Charter Vessel/Headboat AP's proposal into the Council's draft amendment for a moratorium for later Council review.** After much discussion on whether the Committee should develop their recommendations during the Committee session, **the motion carried by a vote of 6 to 5.**

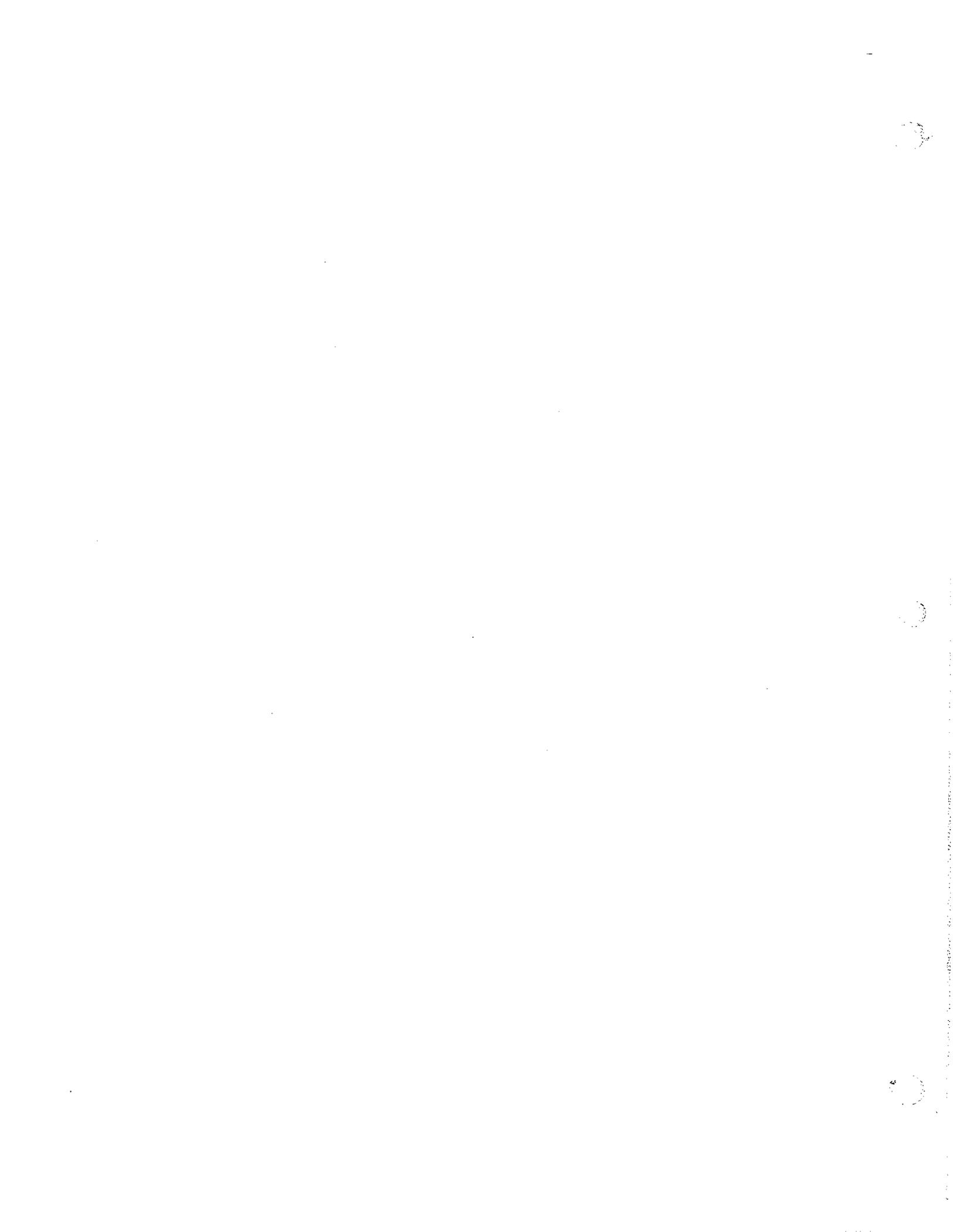
Mr. Jernigan **offered a motion to recommend to the Council that any proposal for a moratorium be killed.** Mr. Williams, Chairman, ruled the **motion out-of-order.**

The Committees then discussed whether Staff should insert the AP's proposal into the moratorium amendment prior to the Council session on Wednesday. Ms. Williams clarified her intent in her motion was not to delay the process. She **moved that Staff integrate the two documents and give the revised document to the full Council (by Wednesday).** After much discussion, of the pros and cons of such actions, Ms. Williams **withdrew her motion.**

Dr. Hogarth indicated he was anxious to know if the majority of the Committees' desired to proceed with a charter vessel moratorium. He, therefore, **moved to hold a non-official vote to proceed with the moratorium.** A number of the members felt the non-official vote of the Committees would serve no purpose. Dr. Hogarth **withdrew his motion.**

Mr. Williams asked if the Committees wanted to act on the other recommendations of the AP under Tab E, No. 4(b). The consensus was that the Council had already acted on almost all of the them.

Mr. Chairman, this concludes my report.



"HANDOUT" TAB E

3/3/00

(Joint Reef Fish / Mockrel Committee)

To: Gulf of Mexico Fishery Management Council

From: Capt Bill Wickers

Ad Hoc Charter / Headboat Committee Member
 161 Key Haven Rd
 Key West, FL 33040
 305-294-9286

I would like the Gulf Council to look at AN ALTERNATIVE proposal that was made at the recent Ad Hoc Charter / Headboat Committee meeting on Feb. 28 and 29 in Tampa, FL. This motion was not proposed by the committee by a vote of 10 to 5. I personally feel that it would have passed if we would have had more time (it was offered at the end of the meeting) to discuss all its ramifications and possibly amended further.

My intent was simply to offer the Gulf Council another option to look at in your efforts to re-duce for HIRB effect. The Ad Hoc Committee's Industry Proposal to me is very complicated and bureaucratic in nature and will not be easily understood or implemented.

My proposal is for the Gulf Council to simply follow the same process you followed

FOR THE COMMERCIAL REEF FISH PERMITTING PROCESS/MORATORIUM, I.E., IMPLEMENTING AN INCOME REQUIREMENT AND FOLLOWING IT WITH A MORATORIUM IF THAT IS NEEDED. BY DOING THIS THE COUNCIL HAS EVERYTHING IN PLACE FOR IMPLEMENTATION BY SIMPLY AMENDING THE EXISTING GULF REEF FISH CHARTER/HEADBOAT PERMIT AND THE PELAGICS SPECIES CHARTER/HEADBOAT PERMIT TO REQUIRE THAT 50% OF EARNED INCOME BE DERIVED FROM CHARTER/HEADBOAT FISHING. (THIS IS THE WORDING THAT IS IN AMENDMENT 10 TO THE REEF FISH PLAN.) BY DOING THIS YOU DON'T HAVE TO RE-INVENT THE WHEEL ONLY ADD A COUPLE OF SPOKES. THE MOTION THAT WAS REJECTED BY A 10-5 VOTE STATED AFTER SEVERAL AMENDMENTS THAT:

"THE AD HOC CHARTER VESSEL/HEADBOAT AP RECOMMENDS THAT THE COUNCIL LOOK AT USING THE FOLLOWING AS AN ALTERNATIVE PROPOSAL OR IN CONJUNCTION WITH THE INDUSTRY PROPOSAL, IF THIS COURSE OF ACTION WILL RESULT IN THE DESIRED GOALS OF THE GULF COUNCIL IS LOOKING FOR, IT MAY BE A SIMPLER WAY TO ACHIEVE YOUR GOALS AND IMPLEMENTATION COULD BE QUICKER. THE GULF COUNCIL COULD FOLLOW THE SAME PROCESS AND PLAN THAT WAS FOLLOWED FOR THE COMMERCIAL REEF FISH PERMITTING/MORATORIUM, I.E., IMPLEMENTING AN INCOME REQUIREMENT AND FOLLOWING IT WITH A MORATORIUM IF NEEDED.

THE CHARTER VESSEL/HEADBOAT PELAGICS SPECIES

PERMIT AND THE GULF CHARTER/HEADBOAT REEF FISH PERMIT SHALL BE AMENDED TO REQUIRE THAT MORE THAN 50% OF EARNED INCOME OR \$25,000 OF GROSS INCOME OF AN INDIVIDUAL/OWNER MUST BE DERIVED FROM CHARTER/HEADBOAT FISHING. IF THE OWNER IS A CORPORATION OR PARTNERSHIP, THE MAJORITY STOCKHOLDER AND/OR PARTNER HAS TO BE THE INCOME QUALIFIER. CHARTER/HEADBOAT APPLICANTS MUST SUBMIT THEIR COAST GUARD MASTER'S LICENSE AND VESSEL DOCUMENTATION AND/OR STATE REGISTRATION."

I HOPE THE GULF COUNCIL WILL CONSIDER THIS ALTERNATIVE WAY OF REACHING YOUR DESIRED GOALS. THIS COULD BE THE SIMPLEST WAY TO ACHIEVE THEM WITHOUT HAVING TO SET UP AN ENTIRELY NEW BUREAUCRATIC PROCESS THAT WILL BE EXTREMELY DIFFICULT TO IMPLEMENT

Sincerely

Capt. Bill Wickers Jr.

