

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

197<sup>TH</sup> MEETING

Sheraton Hotel South Padre Island, Texas

NOVEMBER 9, 2004

TUESDAY MORNING SESSION

**VOTING MEMBERS**

- DeGraaf Adams ..... Texas
- Karen Bell ..... Florida
- Maumus Claverie ..... Louisiana
- Roy Crabtree ..... NMFS, SERO, St. Petersburg, Florida
- Jim Fensom ..... Florida
- Myron Fischer ..... Louisiana
- Karen Foote (designee for John Roussel) ..... Louisiana
- Joseph Hendrix ..... Texas
- Phil Horn ..... Mississippi
- Vernon Minton ..... Alabama
- Julie Morris ..... Florida
- Corky Perret ..... Mississippi
- Robin Riechers ..... Texas
- Bobbi Walker ..... Alabama
- Kay Williams ..... Mississippi
- Roy Williams ..... Florida

**NON-VOTING MEMBERS**

- Doug Fruge ..... U.S. Fish & Wildlife Service, Ocean Springs, MS
- Larry Simpson ..... GSMFC, Ocean Springs, Mississippi
- LT Don Montoro .. 8<sup>th</sup> Coast Guard District, New Orleans, Louisiana

**STAFF**

- Steven Atran ..... Population Dynamics Statistician
- Lorna Evans ..... Transcription Specialist
- Amanda Thomas ..... Court Reporter
- Shepherd Grimes ..... NOAA General Counsel
- Stu Kennedy ..... Fisheries Biologist
- Trish Kennedy ..... Administrative Assistant
- Rick Leard ..... Deputy Executive Director
- Wayne Swingle ..... Executive Director

1 **OTHER PARTICIPANTS**

2  
3 Pam Baker .....Environmental Defense, Corpus Christi, Texas  
4 Virginia Fay .....NMFS-SERO, St. Petersburg, Florida  
5 Martin Fischer ..Gulf Fisherman's Association, St. Petersburg, FL  
6 George Geiger .....South Atlantic Council  
7 John Merriner .....Houston, Texas  
8 Dave McKinney .....NOAA Enforcement, Austin, Texas  
9 Dennis O'Hern .....St. Petersburg, Florida  
10 Bob Spaeth .....Madeira Beach, Florida  
11 Phil Steele .....NMFS-SERO, St. Petersburg, Florida  
12 Bob Zales, II .Panama City Boatmen's Association, Panama City, FL  
13 Jeff Rester .....GSMFC, Ocean Springs, Mississippi  
14 Heidi Lovett (via phone) ...MRAG, Americas, Inc., Tampa, Florida  
15 Russell Nelson ...Marine Resource Science, Oakland Park, Florida  
16 Karen Raines .....NMFS, SERO, St. Petersburg, Florida

17  
18 The Gulf of Mexico Fishery Management Council convened in the  
19 Sand Dunes Ballroom of the Sheraton Hotel, South Padre Island,  
20 Texas, Tuesday morning, November 9, 2004, and was called to  
21 order at 8:30 o'clock a.m. by Chairman Julie Morris.

22  
23 **CHAIRMAN JULIE MORRIS:** I would like to call the meeting to  
24 order. Good morning. My name is Julie Morris and as Chairman  
25 of the Gulf of Mexico Fishery Management Council I welcome you  
26 all to the 197<sup>th</sup> meeting of the council.

27  
28 Members of the public will be permitted to present oral  
29 statements in accordance with the schedule published in the  
30 agenda. Please advise the council staff if you desire to  
31 address the council. Please give written statements to the  
32 council staff.

33  
34 1996 amendments to the Fishery Management Act require all oral  
35 or written statements to include a brief description of the  
36 background and interests of the person in the subject of the  
37 statement.

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

44  
45 If you have a cell phone or a pager or similar device, we ask  
46 that you keep them on silent or vibrating mode during the  
47 council and committee sessions. A tape recording is used for  
48 the public record and therefore, for the purpose of voice

1 identification, each member is required to identify themselves  
2 starting on my left.  
3  
4 **MR. JOE HENDRIX:** Joe Hendrix, Texas.  
5  
6 **LT. DON MONTORO:** Lieutenant Don Montoro, 8<sup>th</sup> Coast Guard  
7 District.  
8  
9 **MR. MYRON FISCHER:** Myron Fischer, Louisiana.  
10  
11 **MS. KAREN FOOTE:** Karen Foote, Louisiana.  
12  
13 **DR. MAUMUS CLAVERIE, JR:** Mau Claverie, New Orleans.  
14  
15 **MR. ROBIN RIECHERS:** Robin Riechers, Texas.  
16  
17 **MR. DEGRAAF ADAMS:** Degraaf Adams, Texas.  
18  
19 **MR. SHEPHERD GRIMES:** Shepherd Grimes, NOAA General Counsel,  
20 Southeast Region.  
21  
22 **DR. ROY CRABTREE:** Roy Crabtree, NOAA Fisheries.  
23  
24 **MS. GINNY FAY:** Ginny Fay, NOAA Fisheries.  
25  
26 **MR. PHIL STEELE:** Phil Steele, NOAA Fisheries.  
27  
28 **MS. KAY WILLIAMS:** Kay Williams, Mississippi.  
29  
30 **MR. PHILIP HORN:** Philip Horn, Mississippi.  
31  
32 **MR. CORKY PERRET:** Corky Perret, Mississippi.  
33  
34 **MR. JIM FENSOM:** Jim Fensom, Florida.  
35  
36 **MR. ROY WILLIAMS:** Roy Williams, Florida.  
37  
38 **MS. KAREN BELL:** Karen Bell, Florida.  
39  
40 **MR. VERNON MINTON:** Vernon Minton, Alabama.  
41  
42 **MS. BOBBI WALKER:** Bobbi Walker, Alabama.  
43  
44 **MR. DOUG FRUGE:** Doug Frugé with Fish and Wildlife Service.  
45  
46 **MR. LARRY SIMPSON:** Larry Simpson, Gulf States Marine Fisheries  
47 Commission.  
48

1 **EXECUTIVE DIRECTOR WAYNE SWINGLE:** Wayne Swingle, Gulf Council  
2 staff.  
3  
4 (Whereupon, presentations were given.)  
5  
6 **CHAIRMAN MORRIS:** If you will move to the council agenda, we're  
7 going to take up any changes to the agenda at this time.  
8  
9 **EXECUTIVE DIRECTOR SWINGLE:** Madam Chairman, I have two Other  
10 Business items. One of those is to appoint a SEDAR Panel for  
11 the Spiny Lobster Data Workshop and the other is to let you  
12 consider whether we should go ahead and proceed a year early and  
13 fill in a position for a PR person on staff.  
14  
15 **MS. WALKER:** I would like to suggest that we delay the  
16 Appointment of Committee Members to after the Administrative  
17 Policy Committee report, due to some of the actions that were  
18 taken yesterday in combining some of the committees.  
19  
20 **CHAIRMAN MORRIS:** Any other changes to the agenda?  
21  
22 **MS. WILLIAMS:** Under Other Business, I would like to discuss an  
23 emergency rule.  
24  
25 **CHAIRMAN MORRIS:** Can you give us the topic, please?  
26  
27 **MS. WILLIAMS:** The grouper closure.  
28  
29 **CHAIRMAN MORRIS:** Ms. Williams, would that more properly come as  
30 part of the Reef Fish Committee report? My decision is to put  
31 it under the Reef Fish Committee report instead of in Other  
32 Business.  
33  
34 **MS. WILLIAMS:** That's fine with me.  
35  
36 **CHAIRMAN MORRIS:** Any other additions or deletions to the  
37 agenda?  
38  
39 **MR. FISCHER:** Do we have a shrimp report?  
40  
41 **MR. PERRET:** Sure. The Shrimp Committee meeting was cancelled.  
42  
43 **CHAIRMAN MORRIS:** So Mr. Fischer, delete the Shrimp Committee  
44 report from the agenda. Any other changes to the agenda?  
45  
46 **MR. PERRET:** Move adoption.  
47  
48

1 **CHAIRMAN MORRIS:** Thank you, Mr. Perret. Is there a second to  
2 the motion?  
3  
4 **MS. WALKER:** Second.  
5  
6 **CHAIRMAN MORRIS:** **Any opposition to the adoption of the agenda?**  
7 **Thank you.** Next is the approval of the minutes under Tab A.  
8  
9 **MR. GRIMES:** Just a few. Page 45, Line 2046, this is actually  
10 Dr. Crabtree's statement, but immediately in from the left  
11 column strike one of the "is's." It says "is" twice and just  
12 strike the second one.  
13  
14 Page 56, Line Number 2583, the line begins with "stuff" and it  
15 says "stuff in my specifics." Switch "stuff" and "specifics" so  
16 it reads "specifics in my stuff." It didn't make a lot of  
17 sense, but it makes more sense transposed than it does the way  
18 it's written and so we'll go with that.  
19  
20 Page 61, and this may just be a typo, but Line 2809 it should be  
21 "hearing no objection" and not "hearing not objection." That's  
22 all, Madam Chair.  
23  
24 **CHAIRMAN MORRIS:** Any other corrections to the minutes?  
25  
26 **MS. FOOTE:** On page 1, I'm the designee for John Rousell.  
27  
28 **CHAIRMAN MORRIS:** Any other additions to the minutes? Can I  
29 have a motion for their adoption with those changes?  
30  
31 **MS. WALKER:** **Move adoption of the minutes as amended.**  
32  
33 **CHAIRMAN MORRIS:** Is there a second?  
34  
35 **MR. RIECHERS:** Second.  
36  
37 **CHAIRMAN MORRIS:** **Are there any in opposition to the motion to**  
38 **adopt the minutes? The minutes are adopted.** I need to pause  
39 and introduce Amanda Thomas, who is our court reporter for this  
40 meeting. Thank you, Amanda, for your work.  
41  
42 I also want the council to take a minute to thank and recognize  
43 the reception last night that was hosted by Degraaf Adams and  
44 CCA.  
45  
46 I think we had a wonderful time and the food was terrific and  
47 the hospitality really helps us be a team and do our work better  
48 together. So thank you, Degraaf, and if you could thank CCA for

1 us, that would be most appreciated. Dr. Crabtree, we have no  
2 exempted fishing permits to take up at this time?

3

4 **DR. CRABTREE:** We do not.

5

6 **CHAIRMAN MORRIS:** Then we'll move on to Committee Reports and  
7 the first one is Habitat Protection and I'll ask the Vice Chair  
8 of Habitat Protection to present the committee report.

9

10 **MR. HENDRIX:** Habitat Protection met and as I recall, we're just  
11 going to read the motions that were presented.

12

13 **CHAIRMAN MORRIS:** It's your choice whether you want to read the  
14 report or just read the motions.

15

16 **MR. HENDRIX:** A motion was passed and on behalf of the committee  
17 I so move that the HPC recommends that the proposed actions in  
18 the document regarding bottom-tending gear, bottom anchoring,  
19 and the fishing weight restrictions be applied throughout the  
20 small boxes shown in Proposal in Figure 11. This is concerning  
21 the habitat areas of particular concern.

22

23 **CHAIRMAN MORRIS:** For those of you who aren't up to speed on  
24 your papers, this is Tab J, Number 3. We have a committee  
25 motion. Is there discussion of the motion?

26

27 **DR. CLAVERIE:** I just want to go on record as objecting to that.  
28 I think it ought to be only what we originally said, which is  
29 the coral in those areas. Modern technology is good enough to  
30 keep up with that.

31

32 **CHAIRMAN MORRIS:** Additional committee discussion?

33

34 **MR. FRUGE:** I just want to point out, and I think it's probably  
35 understood, but the effect of this motion will require a re-  
36 description of the actions in the document and I don't remember  
37 what page it's on, but --

38

39 **CHAIRMAN MORRIS:** Mr. Frugé, if you could work on that a bit and  
40 get back to us on what page you think would need to be re-  
41 described and if you could give us a rationale for why you think  
42 that is the case.

43

44 **MR. FRUGE:** On page 22, the current description of the action,  
45 at least as I read it in the little boxes there, which I think  
46 is the appropriate place, it says regulate fishing weights over  
47 coral reefs in HAPC and prohibit bottom anchoring over coral  
48 reefs and prohibit all that gear on coral reefs and I think the

1 effect of this motion is that it would extend that action to the  
2 entire HAPC. Is that not right?

3  
4 **CHAIRMAN MORRIS:** Just in the northern Gulf area, that's what  
5 this motion would do and are you in support or opposition to  
6 that motion?

7  
8 **MR. FRUGE:** I'm in support of the motion. I just wanted to  
9 point out that this language would need to be changed in the  
10 document.

11  
12 **MR. PERRET:** I'm not certain what -- When we refer to small  
13 boxes in Figure 11, some of the small boxes delineate areas of  
14 coral, yet some of the others delineate what is called hard  
15 bottom, yet there are more hard-bottom areas that are not  
16 delineated than are delineated and it just seems to me if we're  
17 going to circle some hard bottom and not others, there had  
18 better be good rationale for it and until we get that rationale,  
19 I don't think I can support the motion either.

20  
21 **CHAIRMAN MORRIS:** Mr. Perret, in the committee discussion  
22 yesterday, Ms. Lovett explained to us that the data on the  
23 bottom type was older and less accurate than the data showing  
24 where the location of the boxes around the coral areas were.

25  
26 Her assertion to the committee was that everything that has a  
27 box around it has coral reef structure in it, despite the  
28 underlying habitat designation as hard bottom.

29  
30 **MR. HORN:** I was in the committee meeting yesterday and of  
31 course the discussion about the bottom was more or less directed  
32 to the shrimp industry and you'll have to forgive me for not  
33 bringing this up yesterday, but all of this hard bottom with  
34 these boxes around it, every bit of it is very productive reef  
35 fish fishing.

36  
37 You've got anywhere from about thirty fathoms on out and there's  
38 an excessive amount of red snapper and even in the deeper water  
39 the vermilion snapper fishing that takes place on this hard  
40 bottom.

41  
42 I have no problem with coral and protecting it and everybody  
43 that I've ever come across that has fished in the northern Gulf  
44 knows where the Flower Gardens are and I've never heard of  
45 anybody fishing on it in years and years or even taking the  
46 chance.

1 But all these other areas, I just have a lot of problem because  
2 that's grounds that they work on. With all the limitations we  
3 have today to take this away from them is just another nail in  
4 their coffin and they've got a lot of them in it already.

5

6 **CHAIRMAN MORRIS:** So you're opposed to this motion, Mr. Horn?

7

8 **MR. HORN:** Absolutely.

9

10 **CHAIRMAN MORRIS:** Other committee discussion?

11

12 **MR. FISCHER:** I have different problems with what we're doing.  
13 I'm totally not in favor of I think it was Option A of taking in  
14 the large boxes. That's just too much area and I know that's  
15 not the motion

16

17 **CHAIRMAN MORRIS:** It was Option B.

18

19 **MR. FISCHER:** Option B. But the other issue I have was in side  
20 conversation that these very small boxes are just totally  
21 unenforceable. You have to remember this is about 100 to 125  
22 miles offshore. It's not close to the beach.

23

24 It's basically out of range of most recreational vessels, but  
25 it's also basically out of range of a lot of the enforcement  
26 vessels. To me, it's a feel-good measure. We would be voting  
27 something in -- I would like to hear what the Coast Guard has to  
28 say about it. I don't want to put them on the spot not prepared  
29 to comment, but that's why I asked for what the square miles  
30 were of some of these boxes. Some look relatively small.

31

32 **CHAIRMAN MORRIS:** Does either law enforcement or Coast Guard  
33 want to comment on this?

34

35 **LT. MONTORO:** I'm going to, if it's possible, allow Mr. McKinney  
36 to speak as well. I just wanted to make some comments related  
37 to understanding that this is going to final action in January  
38 and possible implementation.

39

40 I know that a lot of us are discussing the VMS scenario. VMS  
41 seems like it might possibly be a long ways off and to include  
42 these boxes now with the enforcement requirements without VMS  
43 would just be, again, difficult, and as well with the  
44 regulations.

45

46 Mr. McKinney and I, because of the concerns that enforcement  
47 have, have discussed a possible scenario that might alleviate  
48 the situation and I would like him to comment on those.



1 **MR. DAVE MCKINNEY:** I don't know if this is really throwing the  
2 baby out with the bathwater or not, but it might be a different  
3 approach to getting us to where we might want to go if we create  
4 a system of boxes.

5  
6 The little boxes are going to be very difficult to enforce with  
7 the current technology. Like the Coast Guard alluded to just  
8 earlier, without VMS and without making this requirement and  
9 without going through all the different fleets and now the  
10 longline fleet that might need to have this methodology, what I  
11 would recommend that the council consider is the potential of  
12 establishing these HAPC areas, but instead of creating  
13 regulations for them, create guidelines.

14  
15 The difference is that guidelines don't have the force of law.  
16 In other words, there's no tickets that is going to be written  
17 up for someone, for instance, that's anchored on the bottom.

18  
19 But at the same time, it gives you an opportunity to assess what  
20 the potential incursion rate might be, what the voluntary  
21 compliance level might be, and then a couple of years from now  
22 if you feel like that you need to make an adjustment and either  
23 bump these guidelines into regulations or perhaps even create  
24 different regulations based on what people have observed  
25 offshore, it gives you a place to start.

26  
27 **MR. MINTON:** In reference to Mr. Horn's comment, under  
28 Determination of Significant Regulatory Action, the second  
29 paragraph, and I'll quote page 40: Expected impacts are minor  
30 decreases in the catch of some managed species and some  
31 dislocation of fishermen in the commercial and recreational  
32 fisheries sector.

33  
34 Skipping a line, the next line says: The majority of current  
35 fishing behaviors and practices can continue as they have been  
36 and therefore productivity, competition, and jobs are not  
37 expected to be materially affected by the proposed actions.  
38 This seems to fly counter to what Mr. Horn was speaking of and I  
39 wonder just how much time has been put on this particular area.

40  
41 **CHAIRMAN MORRIS:** Could somebody who supports this motion from  
42 the committee please speak in support of it?

43  
44 **DR. CRABTREE:** I just want to point out that if you don't go  
45 with this motion, then you're going to have to go into each of  
46 these boxes and delineate where the coral is and basically draw  
47 another box around that.

1 I don't see how we can put a regulation that just says you can't  
2 fish over coral within the HAPCs because how is anybody going to  
3 know whether they're there or not?  
4

5 When we write the rule, there's going to have to be boundaries  
6 that say you can't fish in this area and so some of these are  
7 awfully small and to go -- I don't have the dimensions, but  
8 we've got a scale here that looks like some of these boxes are  
9 no more than one mile by one mile and it's not clear to me how  
10 you're going to go inside a box that small and draw yet another  
11 box.  
12

13 But we're going to have to put geographical boundaries on where  
14 these types of activities are going to be and either prohibit it  
15 or we're going to issue guidelines about them, either way.  
16

17 **MS. WILLIAMS:** I too was more or less thinking about shrimping.  
18 Fish are either going to be, in my mind, mostly around your hard  
19 bottoms or your artificial reefs.  
20

21 While I do not want to allow fishing on our coral reef and  
22 damaging our coral and they've got to fish somewhere and if the  
23 fish are associated with either reefs or hard bottoms and we go  
24 and block all these hard-bottom areas off, that's going to  
25 really be devastating to the fishing industry.  
26

27 So while I would protect the ones that we know are coral in the  
28 blue, I don't think I could support all of these boxes that just  
29 says hard bottom is what I'm looking at.  
30

31 **MR. GRIMES:** I think it's important to remember that you're not  
32 prohibiting fishing activity. You can still go out there and  
33 fish. You can't go out there and drop your anchor and you can't  
34 go out there and use over the weight limits and you can't go out  
35 there and drag your shrimp trawl through it. But you can still  
36 go out there and fish.  
37

38 **MR. HORN:** Have you ever tried to fish in fifty-fathom water  
39 with a thirty-two ounce weight and now you're going to put a  
40 vessel trying to harvest reef fish without anchoring on a spot?  
41 You just don't pull up there and park.  
42

43 It's unreasonable to expect that any vessel, commercial vessel,  
44 is going to be able to go out there and fish where they cannot  
45 anchor and use thirty-two ounce weights. That's really border-  
46 line a joke and this doesn't make sense.  
47  
48

1 With that vein of thought, I would like to make an amendment to  
2 this motion that the proposed actions that are presented apply  
3 only to the known coral reefs on the map on Figure 11 and not  
4 the hard bottom.

5  
6 **CHAIRMAN MORRIS:** Is there a second to the amendment?

7  
8 **MR. PERRET:** I'll second.

9  
10 **CHAIRMAN MORRIS:** On the amendment, Mr. Perret, did you want to  
11 speak?

12  
13 **MR. PERRET:** Mr. Horn, known coral bottoms, I assume that's the  
14 Flower Gardens and basically that would be it in this particular  
15 area of the Gulf?

16  
17 **MR. HORN:** It looks like that's the only coral they know about.

18  
19 **MR. PERRET:** Okay. If I may continue, Dr. Crabtree's comments  
20 earlier, and I support the motion for this reason. Dr. Crabtree  
21 says if we didn't go with the small boxes, we would have to, or  
22 someone would have to, delineate each particular area where  
23 there is coral.

24  
25 My problem with what was proposed previously is some of the hard  
26 bottoms are delineated with rectangles or whatever around them,  
27 but yet there are many others there's nothing around them and so  
28 there was no consistency to some are and some are not.

29  
30 We know these areas are coral areas. Fishermen have been not  
31 fishing the areas and we don't want them fishing on the area and  
32 until we get some better information on some of these other  
33 areas, I just think we should exclude all of these other hard  
34 bottoms and support the motion.

35  
36 **CHAIRMAN MORRIS:** Jeff, could you come to a mike?

37  
38 **MR. JEFF RESTER:** Just to provide a little background on Mr.  
39 Perret's question as far as why some areas were designated and  
40 some were not, I believe last summer in discussions with NOAA  
41 Fisheries personnel out of Galveston and also the director of  
42 the National Marine Sanctuary there in the Flower Gardens, they  
43 went through a list of the banks and basically told MRAG and  
44 also myself which ones they felt were more important or had more  
45 coral structure than others and that's why some boxes are  
46 delineated versus others.

1 **CHAIRMAN MORRIS:** I just want to emphasize again to the council  
2 that these are tiny areas when you look at the whole Gulf.  
3 Coral, everyone has agreed up to this point, is a really  
4 important, sensitive habitat.

5  
6 All of the work that we did on the EFH-EIS has come down to  
7 these few actions for these few relatively small areas and I  
8 want you to bear that in mind when you're considering this  
9 amendment and this motion.

10  
11 **DR. CRABTREE:** I'm trying to understand what we would be doing.  
12 I just looked at the map, Figure 11, and I can't tell which  
13 boxes are which exactly, but I see two that have the bluish-  
14 green in it.

15  
16 So is the intent of this amendment then that we would draw a  
17 smaller box around the bluish-green area within those two and  
18 that there would no regulations applied to any of the other  
19 areas? Is that what's intended?

20  
21 **CHAIRMAN MORRIS:** Mr. Horn is nodding yes, that's the intent of  
22 the motion.

23  
24 **MR. RIECHERS:** As Mr. Rester said, and whether this map depicts  
25 it or not, and Julie also mentioned it earlier, is that these  
26 other areas do in fact have coral on them. The map may be  
27 wrongly colored and it may not depict that very well for us and  
28 that may be part of the confusion going on here.

29  
30 But if I understood what both people said is that those other  
31 areas in fact do have coral and so while -- Maybe your intent,  
32 Phil, is to only deal with the two that are blue, I think we  
33 need to make that clear on the motion because as I read it the  
34 first time, I would have read it that basically we're going to  
35 go back in and recolor the boxes and we're going to be right  
36 back here talking about the same areas because they all have  
37 coral on them.

38  
39 **DR. CLAVERIE:** It seems to me that Phil's amendment takes us  
40 back to what's already on page 22, what we have now if we pass  
41 no motions with one exception. That is as I understand what's  
42 presently written in the book that it says over coral reefs  
43 within HAPC is where the restrictions will apply.

44  
45 Therefore, if coral reefs are discovered or delineated in the  
46 future, it would apply to those as well. The difference between  
47 that and your motion is that your motion locks us in with what's  
48 on this map only and so for that reason, I'm just going to vote

1 against the original motion, but I think your amendment, which  
2 gets us there but without ability to improve when we learn, is  
3 basically the same thing.

4

5 **MR. FISCHER:** I have one question on the motion. I would have  
6 to ask the maker of the motion. Is this specifically live coral  
7 reefs?

8

9 **CHAIRMAN MORRIS:** Mr. Horn, do you have an answer to that  
10 question?

11 **MR. HORN:** Yes, that would be my intent, live coral reefs.

12

13 **LT. MONTORO:** I had a quick question because based on my  
14 understanding of the regulations, this appears to be just status  
15 quo because these areas are already defined as National Marine  
16 Sanctuaries and HAPCs and are already protected. So this motion  
17 really doesn't seem necessary. You just simply go with status  
18 quo.

19

20 **MR. FISCHER:** The turquoise segments of live coral, does anyone  
21 have any idea what other boxes or what other shapes should also  
22 have turquoise on them?

23

24 **CHAIRMAN MORRIS:** Mr. Rester just addressed that a few minutes  
25 ago. I'll ask him to come back to the mike.

26

27 **MR. FISCHER:** He didn't specifically say which ones.

28

29 **CHAIRMAN MORRIS:** My understanding, Mr. Rester, is that  
30 everything that has a box around it contains living coral reef.  
31 Is that right?

32

33 **MR. RESTER:** That would be my understanding also. The base map  
34 that you're looking at that contains the blue versus the red  
35 versus the other shades on there was produced from the 1985 NOAA  
36 Data Atlas.

37

38 There has been a lot of work here in recent years on these areas  
39 and that's where Ron Hill and also the manager of the National  
40 Marine Sanctuary came back and told MRAG that these areas do  
41 contain coral reefs. It might not be reflected in the map, but  
42 that was my understanding of why they picked these areas versus  
43 the others.

44

45 **MR. MINTON:** Jeff, one more question. This is the second time  
46 you've said that. Is that referenced in the document, that  
47 these people have delineated these areas based on research,  
48 based on dives, based on what? I can't find it in here. Is it

1 in here?

2  
3 **MR. RESTER:** I'm not sure if it's referenced in this document.  
4 It might be referenced in the EIS.

5  
6 **MR. MINTON:** It seems like it certainly should be. They've got  
7 determinations as to what is there.

8  
9 **CHAIRMAN MORRIS:** Let the minutes reflect that any areas that  
10 Mr. Minton's comment needs to be reflected in the document.

11  
12 **DR. CRABTREE:** I want to go back to what I think I understood  
13 Dr. Claverie to be saying and it seemed that he implied that if  
14 coral was found in some of these other boxes then the  
15 restrictions we're contemplating would apply there.

16  
17 That's not the case because the regulations are going to  
18 identify, based on this motion, just these two boxes and they're  
19 going to delineate, as best we can, where in these two boxes the  
20 coral is. Then if we find coral in any of these others, it  
21 would take another plan amendment to come in and change the  
22 regulations. They won't just automatically apply, I don't  
23 think.

24  
25 **CHAIRMAN MORRIS:** Does everybody understand the amendment and  
26 what its intention is and are you ready to vote on the  
27 amendment? I'm calling for a vote on the amendment. **All those**  
28 **in favor of the amendment, raise your hand; all those opposed to**  
29 **the amendment, raise your hand. The amendment fails.** We're  
30 back to the main motion. Are we ready to vote on the main  
31 motion?

32  
33 **MR. PERRET:** Since we're getting Mr. Rester to answer questions,  
34 Jeff, can I ask him a question, please? The reason I would like  
35 to ask him this question, we've heard Mr. Minton question Mr.  
36 Horn's input relative to reef fish fishing in the area.

37  
38 We heard Mr. Collins, a Texas shrimper from this area and former  
39 president of the Texas Shrimp Association, numerous times  
40 comment about the importance of this area to shrimping. Yet in  
41 the document it says there would be little impact.

42  
43 With all due respect to MRAG and their people, I personally  
44 pointed out certain technical publications to them at least  
45 three times and they didn't know what it was and where to find  
46 it and this is the GMEI, Gulf of Mexico Estuarine Inventory  
47 Study.

48

1 Anybody in biology for any period of time certainly should know  
2 what it is. I think I even provided a copy for them. Now my  
3 question is do you have any idea how many recreational and/or  
4 commercial fishermen were contacted relative to this area to  
5 find out if they indeed use or did not fish in this particular  
6 area? Any idea on the number of any fishermen?

7  
8 **MR. RESTER:** To be brief, no.

9  
10 **CHAIRMAN MORRIS:** Mr. Perret, if you remember at our last  
11 council meeting Dr. Crabtree presented a shrimping effort map  
12 that was based on Benny Galloway's work or --

13  
14 **DR. CRABTREE:** I brought a map that was provided to me by Dr.  
15 Jim Nance in the Galveston Lab that showed all of the observer  
16 data that they have on shrimp trawls and what it showed was that  
17 around Stetson and Sonnier there was in fact shrimping that took  
18 place, but that in all of these deeper boxes that are  
19 encompassed by these large dashed lines there was very little  
20 shrimping that took place up there, based on the observer data.

21  
22 I would also, if could, Madam Chairman, just point out that  
23 you're approving this to go to public hearing and if you approve  
24 the motion that we began with, the public is going to look at  
25 these areas.

26  
27 If they fish there, I assume that they're going to tell us about  
28 it. We can always come back in if we get extensive comment that  
29 one of these areas is going to create problems and we can make  
30 adjustments at that time based on that area. So it's going to  
31 go to the public and this is the opportunity the public has to  
32 tell us if they fish in these areas or not.

33  
34 **MR. PERRET:** If I may respond to Dr. Crabtree. Dr. Crabtree,  
35 with all due respect to NMFS and Dr. Nance and his shrimp effort  
36 data, there is very, very much disagreement on how good or how  
37 bad the shrimp effort data is.

38  
39 Dr. Galloway, with the limited amount of work that he has done,  
40 has pointed to some real discrepancies in effort data. Now, in  
41 so far as we're only going to public hearing, my history of  
42 public hearing goes back to about 1979 when the vast majority,  
43 other than Texas, of the public did not want a certain action  
44 and yet this council went ahead and did the action and there was  
45 numerous times in between we take things out and we hear from  
46 the public, but we do not necessarily listen to the public.

47  
48

1 **DR. CRABTREE:** With respect to the shrimp effort though, Corky,  
2 I'll agree with you that trying to use the overall shrimping  
3 effort estimates in a spatially discreet manner is very  
4 difficult.

5  
6 But these are observer tows and so there was someone on the boat  
7 and so we know where they were and so I don't think that that  
8 applies. Now one can argue that because the observer program is  
9 voluntarily that it's not representative of the fleet as a whole  
10 and that may be a valid comment. But I don't think there's any  
11 doubt that where the observer showed trawling took place that  
12 that's where it took place.

13  
14 **MR. GRIMES:** I would also point out in terms of public comment  
15 that you had an extensive period of development, years of  
16 development, over your Draft Environmental Impact Statement,  
17 your Final Environmental Impact Statement.

18  
19 Those things were available to the public and we took public  
20 comment on those and people have not come out and complained  
21 that these areas are overly onerous with regard to their fishing  
22 activity.

23  
24 **DR. CLAVERIE:** Our council member from Louisiana who is not  
25 here, but happens to be the only shrimper on the council as I  
26 recall, said that the trawling in these areas was very  
27 productive of large shrimp and so he had discussed which of  
28 these areas he was talking about and I think it was some of  
29 these. That's number one. Number two is --

30  
31 **CHAIRMAN MORRIS:** Mr. Claverie, I'm going to respond to that  
32 before you continue. Mr. Thomassie concurred with the spatial-  
33 mapped effort data that Dr. Crabtree brought to us and that the  
34 two northernmost shallow-water areas that we're thinking of  
35 designating, Stetson and Sonnier, had significant shrimping  
36 activity around them and he was in agreement that these more  
37 southerly areas in the big boxes with the little boxes in them  
38 were not areas of high shrimp effort.

39  
40 **DR. CLAVERIE:** Okay. The other thing is that in effect we are  
41 going to public hearings with a map that's not up to date.  
42 People are telling us that some of these boxes that don't have  
43 an indication of coral do have coral and it would be  
44 appropriate, I think, to have an updated map even for me to look  
45 at on the council, much less the public, before we make a  
46 decision on this.



1 **CHAIRMAN MORRIS:** Is the council ready to vote on this motion?  
2 Have you had adequate discussion? Anything else that needs to  
3 be said before we take a vote? I'm going to call for you to  
4 raise your hands. **All those in favor of the motion, please**  
5 **raise your hand; all those opposed raise your hand. The motion**  
6 **passes.**

7  
8 **MR. HENDRIX:** Questions also arose concerning the designation of  
9 the Pulley's Ridge HAPC. A very large area has been designated  
10 as HAPC, but only the southern fourth of the box contains coral  
11 reefs with the northern section containing patchy hard bottom.

12  
13 Discussion ensued on whether to leave the current HAPC boundary  
14 or revise the boundary to only include the southern portion. **A**  
15 **motion was passed, and on behalf of the committee I so move,**  
16 **that the HPC recommends that the public hearing draft of the EFH**  
17 **Amendment contain the current Pulley's Ridge HAPC boundaries.**

18  
19 **CHAIRMAN MORRIS:** Discussion of the motion? Are you ready to  
20 vote?

21  
22 **DR. CLAVERIE:** **An amendment to this motion that we list the**  
23 **little area as an alternative when we go to public.**

24  
25 **CHAIRMAN MORRIS:** Is there a second for Mr. Claverie's motion?  
26 Ms. Bell seconds. Any other discussion of Mau's motion? Does  
27 everybody understand the motion?

28  
29 **DR. CRABTREE:** The original motion, we had the large Pulley's  
30 Ridge box and then we had the smaller box in the south of that  
31 that was coral and that's where these restrictions would apply.  
32 What exactly does Dr. Claverie's motion now change?

33  
34 **CHAIRMAN MORRIS:** My understanding is that Dr. Claverie's  
35 amendment would direct the public hearing draft to show just the  
36 southern quarter of Pulley's Ridge as an alternative HAPC  
37 designation boundary for gaining public comment.

38  
39 **DR. CRABTREE:** And the preferred alternative would be the  
40 original motion or we would then -- So we have to select a  
41 preferred alternative at this point?

42  
43 **CHAIRMAN MORRIS:** Dr. Claverie is nodding that the preferred  
44 alternative would be the original large area and this would be  
45 an additional option for public comment. Does everybody  
46 understand the motion?

47  
48

1 **MR. WILLIAMS:** So what you just said is this is an additional  
2 alternative. So we would have two alternatives, neither  
3 preferred, I guess. Is that the way this would work?  
4

5 **CHAIRMAN MORRIS:** The clarification we just had was that the  
6 large box would be the preferred and this would be an additional  
7 option for public comment.  
8

9 **MR. WILLIAMS:** But in the preferred alternative, the whole area  
10 would be the HAPC, but only that southern quarter would fishing  
11 be prohibited in there?  
12

13 **CHAIRMAN MORRIS:** Right. Only coral reef areas within the HAPC  
14 and as far as we know at this point, the living coral reef  
15 structure is only in that southern one-quarter of the area.  
16

17 **MR. WILLIAMS:** And Dr. Claverie's motion would provide a second  
18 alternative that would designate only the small area at the  
19 bottom.  
20

21 **CHAIRMAN MORRIS:** Does everybody understand the motion?  
22

23 **MS. BELL:** I don't think we chose a preferred.  
24

25 **CHAIRMAN MORRIS:** We only had one option and so we didn't need a  
26 preferred at that point.  
27

28 **MS. BELL:** But now we have two and so I still don't think we  
29 chose a preferred.  
30

31 **DR. CLAVERIE:** This did not used to be an issue as the document  
32 was originally. But when we adopted the committee motion that  
33 we just adopted, it makes a big difference whether or not the  
34 area included in HAPC goes beyond just the coral area or  
35 includes only the coral area.  
36

37 So this option would really include the coral area only in this  
38 HAPC since the entire HAPC would have these restrictions. It  
39 makes it important now whereas before it was not.  
40

41 **CHAIRMAN MORRIS:** Dr. Crabtree, did you want to say something?  
42 You look very quizzical.  
43

44 **DR. CRABTREE:** It's not clear to me why that is important  
45 because the only restrictions that would apply would be in that  
46 smaller box at the southern end. They wouldn't apply in the  
47 remainder of the HAPC and so I'm not clear why it is highly  
48 important.

1 **CHAIRMAN MORRIS:** Are you ready to vote on the amendment to this  
2 motion?

3  
4 **DR. RICHARD LEARD:** Although the text doesn't really say that  
5 they're two options, that table implies that there are two  
6 options there because it goes on to indicate the western Gulf  
7 ridges as Proposal A and Proposal B.

8  
9 **CHAIRMAN MORRIS:** Any further discussion on the amendment? Are  
10 you ready to vote on the amendment? **All those in favor of the**  
11 **amendment, say aye; all those opposed, like sign. The amendment**  
12 **passes.** Back to the amended main motion. Any further  
13 discussion? Ms. Bell, you indicated a desire to indicate a  
14 preferred in this area?

15  
16 **MS. BELL:** No, I didn't want a preferred because remember we had  
17 the discussion of the fishing people who we thought they would  
18 come and say what they thought and so I would rather that there  
19 not be a preferred.

20  
21 **CHAIRMAN MORRIS:** Ready to vote on the main motion? Everybody  
22 comfortable with --

23  
24 **MR. GRIMES:** I would just point out in terms of discussing  
25 preferred alternatives, you just went through years worth of  
26 environmental impact statement analysis of alternatives. You  
27 chose a preferred alternative and what you're looking at now in  
28 this document is your preferred alternative from that  
29 environmental impact statement.

30  
31 You've already decided, apparently, and analyzed the impacts and  
32 said this is the way we're going to go. If you're going to  
33 change that and you haven't justified it or analyzed it in that  
34 document, you're going to have to go back and do that.

35  
36 In this case, I know you said you were going to identify  
37 Pulley's Ridge as HAPC and this, I think, is just further  
38 defining what you meant by Pulley's Ridge. So I wouldn't  
39 characterize it in terms of choosing preferred alternatives.  
40 You've done that already.

41  
42 **CHAIRMAN MORRIS:** Ready to vote on the motion?

43  
44 **MS. BELL:** May I speak to that? Initially, we only had one  
45 presentation about this entire area and in the meantime, in the  
46 past year, they've learned that it's just the southernmost part  
47 and so it's actually changed since we've developed this.

48

1 So that's why I felt that both those options should be available  
2 for the public to look at because a lot of the fishermen  
3 expressed a lot of concern that the area is so large.

4  
5 **CHAIRMAN MORRIS:** We have the motion on the board. Any  
6 questions or discussion about the motion? Any further  
7 discussion on the motion? **The Habitat Protection Committee**  
8 **recommends that the public hearing draft of the EFH Amendment**  
9 **contain the current Pulley's Ridge HAPC boundaries and that the**  
10 **council list the southern one-quarter area as an alternative.**  
11 The language isn't pretty, but I think the intent is clear. **All**  
12 **those in favor of the motion, say aye; all those opposed, like**  
13 **sign. The motion carries.**

14  
15 **DR. CLAVERIE:** I don't know exactly how to do it because it's  
16 not in the book, but I would like to move that the council adopt  
17 the original large area as the preferred alternative.

18  
19 **CHAIRMAN MORRIS:** Is there a second to Mau's motion? Second by  
20 Mr. Adams. Is there any discussion? We've already discussed  
21 this. Can we vote on the motion?

22  
23 **MS. WALKER:** Shep, a question. Do we need to do this since --  
24 Regarding what you said earlier, I'm wondering if we need a  
25 motion for a preferred.

26  
27 **MR. GRIMES:** I'm not exactly sure what the purpose of that last  
28 change was and we're talking about identifying Pulley's Ridge.  
29 You've already said Pulley's Ridge, we're going to make it HAPC  
30 and we're going to apply these protections to it, to the coral  
31 reefs within Pulley's Ridge.

32  
33 The question now, what is Pulley's Ridge? Is it this big box?  
34 Is it this little box? If it's this big box, the coral is in  
35 the little box and that's where we're going to apply the  
36 protections.

37  
38 This is more to me of a science question and what does the data  
39 support and not what does the public want. We've looked at  
40 these factors. If this is HAPC, it has these characteristics  
41 and then it's the larger area.

42  
43 If the coral is there only in the smaller part, then that's  
44 where we're going to apply our protections because that's where  
45 the coral is. I don't really understand the significance of  
46 adding Mr. Claverie's alternative that is the whole HAPC the  
47 little thing or the big thing.

1 **MS. BELL:** I wanted to speak to that also. Shep, what I think  
2 the problem is is they're not finding as much coral or coral in  
3 that northern three-quarter most part and so even though you  
4 say, well, it only affects the part where it is coral, the  
5 ruling or the prohibitions to go in there, just in the previous  
6 one we just said all HAPC you can't anchor, you can't use  
7 weights, you can't do certain things. So that right there means  
8 in that northern three-quarter potentially we would have those  
9 same restrictions.

10  
11 **CHAIRMAN MORRIS:** Ms. Bell, I don't understand whether you're  
12 speaking for or against the motion here.

13  
14 **MS. BELL:** I would prefer it go out without a preferred. I'm  
15 against it, but I was just answering his question.

16 **CHAIRMAN MORRIS:** Are we ready to vote on this motion? I think  
17 we've talked a lot about it.

18  
19 **MR. GRIMES:** I would like to respond to that. No, the previous  
20 motion when you didn't even deal with Pulley's Ridge, but what  
21 it said for those small boxes is you've drawn these small boxes  
22 and we've defined these areas as narrowly as possible.

23  
24 The information that's in the EIS is the best available  
25 scientific data and there are coral reefs in there and we have  
26 to draw some box in order to define the area in which certain  
27 activities are prohibited. So that's where we're saying the  
28 coral is.

29  
30 Pulley's Ridge, you've drawn a much bigger box. You've said all  
31 this is HAPC, but when we come down, this is the coral in this  
32 HAPC that we're going to prohibit these activities in. The  
33 smaller box is what the regulations would lay out for  
34 prohibiting activities. That's just because this box is larger  
35 than the ones you've drawn for those in the western Gulf.

36  
37 **CHAIRMAN MORRIS:** Dr. Claverie, could you please close and then  
38 we'll vote.

39  
40 **DR. CLAVERIE:** To that point, after all the work we've done on  
41 this we suddenly change today from the live coral in those areas  
42 to the whole area and there's nothing to say that the council is  
43 not going to do that with Pulley's Ridge the next time we meet.  
44 So this is an offset for that.

45  
46 **CHAIRMAN MORRIS:** We're voting on the motion. Everybody ready  
47 to vote? Do you understand the motion? All those in favor, say  
48 aye; all those opposed, like sign. That was completely unclear.

1 Please raise your hand if you're in favor of the motion; all  
2 those opposed raise your hand. The motion passes. Back to the  
3 Habitat Committee.

4  
5 **MR. HENDRIX:** The next item needing to be resolved was the issue  
6 of regulating fishing weights on vertical line fishing gear used  
7 over coral reefs in HAPCs.

8  
9 Currently three options exist that would limit weights at eight  
10 ounces, twenty ounces, or thirty-two ounces. In order to gain  
11 more public input on fishing weight regulations, a motion was  
12 passed, and on behalf of the committee I so move, that the HPC  
13 recommends that the public hearing draft of the EFH amendment  
14 not contain a preferred fishing weight option.

15  
16 **CHAIRMAN MORRIS:** Does everybody understand the motion? It's to  
17 have no preferred alternative in this particular category.  
18 Discussion on the motion?

19  
20 **MR. HORN:** Again, as I mentioned earlier, commercial fishing in  
21 depths of fifty to seventy-five or eighty fathoms of water, and  
22 they do, it's impossible to work with even a thirty-two ounce  
23 weight. Now can they put five thirty-two ounce weights on their  
24 line? If they can do that, then it's an inconvenience, but they  
25 can do it.

26  
27 But again, this is nothing more than eliminating the commercial  
28 fishing industry from working these areas and I speak against  
29 it. There's no option for status quo listed and I would like to  
30 make sure that that's in the document.

31  
32 **MR. FISCHER:** I do think the motion or the discussion before is  
33 possibly worded wrong because exactly what Phil said. It  
34 doesn't eliminate you from using multiple weights as long as  
35 they don't exceed those ounces.

36  
37 But second, I would like to know if Coast Guard can tell the  
38 difference in an eight and a ten-ounce weight because I use both  
39 regular on my daily work and I can't tell the difference.

40  
41 **CHAIRMAN MORRIS:** Lieutenant Montoro, do you want to comment on  
42 that?

43  
44 **DR. CLAVERIE:** When we went through this, we thought that a two-  
45 pound weight was the biggest -- We never heard that they use  
46 ten-pound weights. But remember, we found that eight or ten-  
47 pound weight at the tackle store in Panama City, the one that if  
48 you hit your foot with it that it would break your foot.

1 I guess that's what the bandit rig people use. I don't know.  
2 But we would have to have in the document justification for not  
3 allowing that and I don't know what the justification would be.  
4

5 **CHAIRMAN MORRIS:** Remember the motion is whether we have a  
6 preferred alternative in this category or not. Anyone else want  
7 to speak to that motion?  
8

9 **MR. ADAMS:** The wording in the document, I can't put my finger  
10 on immediately, but it does specifically say that these amounts  
11 of weights are only allowable per single line. So it does  
12 prohibit using multiple weights on a single line.  
13

14 I guess the question here is while thirty-two ounces may not be  
15 enough weight to reach the bottom on some commercial rigs, the  
16 point here is not trying to prohibit commercial fishing. It's  
17 trying to protect the coral structure and if you do allow over  
18 thirty-two ounces, will it damage the coral or will thirty-two  
19 ounces itself damage coral? I don't know.  
20

21 **CHAIRMAN MORRIS:** That's what we hope to get public comment on.  
22

23 **MR. MINTON:** During discussion in the committee, I believe it  
24 was pointed out that by going to public hearing with these  
25 weights like this if it was found later that thirty-two ounces  
26 was not enough weight that it would be less restrictive and a  
27 larger size could be used if appropriate. So I think that does  
28 leave us an opportunity to address this after we get some public  
29 comment.  
30

31 **CHAIRMAN MORRIS:** Council, are you ready to vote on this motion?  
32 **All those in favor, say aye; all those opposed, like sign. The**  
33 **motion passes.**  
34

35 **LT. MONTORO:** I would just like to request that the council  
36 consider allowing the Law Enforcement Advisory Panel to convene  
37 via conference call prior to January's meeting where you go to  
38 final action in order to review this document and provide some  
39 feedback.  
40

41 **CHAIRMAN MORRIS:** Any opposition to that suggestion? It seems  
42 like a sound suggestion. Thank you, Lieutenant Montoro.  
43

44 **MR. HENDRIX:** Due to time constraints, the summary of the  
45 Southeast Aquatic Resource Partnership meeting was postponed  
46 until the full council meeting. Madam Chairman, that concludes  
47 the report.  
48

1 **CHAIRMAN MORRIS:** Thank you, Mr. Hendrix. If you could find  
2 Handout Tab J, Habitat Committee, which probably was passed out  
3 yesterday some time, this is the Southeast Aquatic Resources  
4 Partnership Report and Mr. Rester, do you want to walk us  
5 through this agenda item?  
6

7 **MR. RESTER:** Everyone should have Tab J, Number 4, which is the  
8 meeting summary. In order to save time, the main thing that  
9 concerns the council was that SARP is trying to hire a full-time  
10 coordinator.  
11

12 Right now Mr. Doug Frugé is serving as an interim coordinator on  
13 a limited basis and he will not be able to serve in this  
14 capacity after March 15<sup>th</sup> of next year. A coordinator will  
15 provide much needed support for the program.  
16

17 Since Mr. Frugé has served in a limited capacity, SARP has  
18 acquired several grants to undertake a number of projects and  
19 SARP hopes that after a coordinator is hired they will be able  
20 to pursue grants that will cover the coordinator position.  
21

22 There was a letter distributed out at the SARP meeting.  
23 Everyone in attendance agreed that they would try and ask their  
24 agencies for \$5,000 towards funding the coordinator position.  
25 So right now I think what I'm going to do is let Mr. Frugé speak  
26 more to this point.  
27

28 **MR. FRUGE:** As Jeff indicated, at the SARP meeting a couple of  
29 weeks ago there was quite a bit of discussion regarding how to  
30 address the need to have a full-time coordinator for the SARP to  
31 do the nuts and bolts and keep everybody focused and carry the  
32 program forward.  
33

34 I, earlier this year, had volunteered to serve in an interim  
35 capacity doing this, beginning in mid-March, with the -- We sort  
36 of accepted our hope very strongly and really believed that we  
37 would be successful within the course of a year in obtaining  
38 some funding from a grant to hire somebody to take my place and  
39 do this on a full-time basis.  
40

41 We applied for that grant in June and it was a multi-state  
42 conservation partnership grant. The money comes from the Fish  
43 and Wildlife Service, but it's administered through the  
44 International Association of Fish and Wildlife Agencies.  
45

46 To our surprise, to our considerable surprise, they chose not to  
47 fund that proposal. So now we're in a situation where I'm kind  
48 of -- A number of things that I'm supposed to be doing are



1 sliding because of my doing this on about a 40 percent basis  
2 right now.

3  
4 So we need to find some way of filling this position. The idea  
5 was proposed that if each of the twenty-one agencies that signed  
6 the SARP Memorandum of Understanding threw in about \$5,000 each  
7 that it would provide an adequate amount to hire a coordinator  
8 as well as provide travel and some other support funding for  
9 that position.

10  
11 The chairman of SARP last week at the meeting of the  
12 Southeastern Association of Fish and Wildlife Agencies proposed  
13 this idea to most of the state wildlife directors in the  
14 southeast.

15  
16 I'm not completely up to speed on what the results were. I  
17 understand that there were several who committed to doing this.  
18 There were I think the majority that were still somewhat  
19 skeptical because they had not really been briefed very well by  
20 their fish chiefs, most of who had been at the SARP meeting.

21  
22 Since the council, of course, or the two councils involved in  
23 SARP and the commission don't attend the Southeast and Ron  
24 Lukens had approached this council and the South Atlantic  
25 Council with a similar proposal for contributing \$5,000 each and  
26 that's really about where it is right now.

27  
28 The way this would work, at least in concept when we were  
29 discussing it at the SARP meeting, was that the Southeastern  
30 Association would serve sort of as the banker to collect these  
31 funds through a coop agreement and then allow the SARP, through  
32 one of its agencies, to hire the coordinator.

33  
34 **CHAIRMAN MORRIS:** Mr. Frugé, could you have the SARP prepare a  
35 brief written proposal and we could take that up at the Habitat  
36 Committee meeting and the Budget Committee meeting?

37  
38 **MR. FRUGE:** That's here. It's been sent to the council and it  
39 should have been handed out under Tab J as well.

40  
41 **CHAIRMAN MORRIS:** So this is the written proposal?

42  
43 **MR. FRUGE:** That's the written proposal and that essentially  
44 summarizes or I summarized what essentially is in this letter.

45  
46 **CHAIRMAN MORRIS:** It doesn't contain a job description or  
47 anything like that?

48

1 **MR. FRUGE:** Well, no.  
2  
3 **CHAIRMAN MORRIS:** And you haven't pinned down exactly how the  
4 administration would happen? I think the council would need to  
5 see those details before it made a commitment, speaking out of  
6 turn here. I would recommend that if the timing isn't critical  
7 -- Is it a time crunch? Do you need a commitment by a certain  
8 date?  
9  
10 **MR. FRUGE:** There is somewhat of a time crunch. They're hoping  
11 that they would have all this in place by early next year so  
12 that they could advertise for filling the position. So they  
13 were hoping to have at least commitments by the end of this  
14 calendar year.  
15  
16 **MR. PERRET:** Wayne, could we afford the \$5,000?  
17  
18 **EXECUTIVE DIRECTOR SWINGLE:** Yes, we would be able to afford  
19 that. We pay more to each of the states and the commission than  
20 that now.  
21  
22 **MR. PERRET:** If I may, I would like to move that we provide  
23 \$5,000 to SARP for their efforts in hiring a coordinator and if  
24 I get a second, I would like to say a few things.  
25  
26 **CHAIRMAN MORRIS:** Is there a second?  
27  
28 **MR. HORN:** I'll second it for discussion.  
29  
30 **CHAIRMAN MORRIS:** Mr. Horn seconds.  
31  
32 **MR. PERRET:** I attended one of the SARP meetings and since that  
33 time, I've been sending a designee. What peaked my interest was  
34 dedication of a certain amount of money for marine work. Now  
35 don't get me wrong. Most of it, from what I see, is going to be  
36 fresh-water work. But still, the fresh water comes into the  
37 estuaries and so on and so forth.  
38  
39 I was contacted about what their needs were about a year ago. I  
40 went to Washington and contacted two senators trying to get a  
41 commitment for some money and came back with it and heck, I  
42 could have had the money in hand and given it to them and they  
43 wouldn't have known what to do with the money.  
44  
45 Hopefully in a year they now know what they need to do to get it  
46 started and I think overall, while they will do more work in  
47 fresh water than marine, I think it would be of benefit to our  
48 marine programs and that's why I'm supportive of it and I'm

1 going to recommend my \$5,000 from my agency for this effort.

2  
3 **MR. HORN:** Hiring a person now, \$5,000 seems fine. How long is  
4 this going to go on and what kind of commitment? Is there a  
5 long-term commitment? Are you going to have to give them a  
6 raise every year? What else is involved in this?

7  
8 **MR. FRUGE:** Somewhat in response to that, but also to provide  
9 more detail, they're asking this \$5,000 per year for a five-year  
10 commitment. Now given that, they don't see this as a really  
11 long-term solution to this need.

12  
13 The hope is that ultimately the federal government, through the  
14 Fish and Wildlife Service probably, would provide funding for a  
15 permanent full-time coordinator, similar to the way they support  
16 the Migratory Bird Joint Ventures. We see this as a similar  
17 program to the Joint Ventures.

18  
19 One thing that we're not -- If we get this funding through the  
20 agencies, we're not going to give up on applying for grants. I  
21 think having this commitment from the signatory agencies would  
22 provide us considerable leverage and make future grant  
23 applications more likely to be successful.

24  
25 If we were successful in getting those grants, I think there's a  
26 strong likelihood we would not need as much funding or it could  
27 possibly even eliminate the funding.

28  
29 **MR. HORN:** Mr. Perret, what is your intention of this motion?  
30 Is this a one-shot deal or are you committing the five years?

31  
32 **MR. PERRET:** I am committing to one year only. If this council  
33 approves it for this one year, Doug, it's for one year and if  
34 indeed you all haven't been able to get your grant or whatever  
35 you're working on a year from now, you had better be able to  
36 come back and show some real progress because I certainly  
37 wouldn't make another motion for another \$5,000. But this is  
38 for one year.

39  
40 **MR. MINTON:** Doug, can you tell us briefly why the Fish and  
41 Wildlife Service did not fund this? Typically when you get this  
42 many states together, multi-organizations, this is one of those  
43 things like Mother Goose and apple pie. It seems to get funded  
44 fairly readily. So why didn't Fish and Wildlife Service fund  
45 it?

46  
47 **MR. FRUGE:** First of all, the money comes from the Federal Aid  
48 Program, but the Fish and Wildlife Service doesn't have the

1 final -- Well, they do have the final say in what gets funded,  
2 but the screening of the proposals and the initial decision is  
3 made by a committee of the International Association of Fish and  
4 Wildlife Agencies. They, so we hear, had this sort of  
5 philosophical bias in this process against funding positions.

6  
7 **CHAIRMAN MORRIS:** That's typical of granting agencies.

8  
9 **MS. WALKER:** Madam Chairman, while I don't not support doing  
10 this, but I do agree with you that I think it needs to go to the  
11 committee and we need to see a job description and we need to  
12 see what we're going to get for the \$5,000. It may be that the  
13 committee would recommend to do it for five years, but I just  
14 feel real uncomfortable voting on this today and I speak in  
15 opposition.

16  
17 **MR. FISCHER:** In light of the recent comments, I move we table  
18 this until more information is brought forth.

19  
20 **CHAIRMAN MORRIS:** A motion to table requires a second. Is there  
21 a second to the motion to table? The motion to table dies for  
22 lack of a second.

23  
24 **DR. CLAVERIE:** Isn't this the agreement that we signed before  
25 big NMFS signed it?

26  
27 **CHAIRMAN MORRIS:** Right and the understanding was that there  
28 wouldn't be any financial obligation when we agreed to sign the  
29 MOU.

30  
31 **DR. CLAVERIE:** Along those lines, I would be afraid to pay if  
32 big NFMS doesn't want us to.

33  
34 **MR. GRIMES:** I was going to advise you that Department of  
35 Commerce General Counsel actually had problems with this, but  
36 had come around to my original line of thinking that it didn't  
37 obligate you to spend anything and so they have agreed to allow  
38 the agency to be a signatory to the agreement.

39  
40 **CHAIRMAN MORRIS:** Are we ready to vote on this motion, a one-  
41 year allocation of \$5,000 towards the SARP position?

42  
43 **MR. MINTON:** You said DOC had come around to allowing us to be a  
44 signatory because there wouldn't be any expenditure of funds.

45  
46 **MR. GRIMES:** Us as in NOAA, or National Marine Fisheries  
47 Service, but not because there wouldn't be any expenditures. It  
48 did not obligate us to any expenditure of funds or any other

1 duties under the agreement.

2  
3 **MR. MINTON:** But now this vote, if approved, would be obligating  
4 us to \$5,000.

5  
6 **MR. GRIMES:** The council would be agreeing to send money and  
7 once the money goes to you, that's a separate decision. This is  
8 just not an agreement where it's going to obligate National  
9 Marine Fisheries Service or NOAA or Department of Commerce to  
10 anything.

11  
12 **CHAIRMAN MORRIS:** Does everybody understand how they want to  
13 vote on this motion? Are you ready to vote?

14  
15 **DR. CLAVERIE:** I move we table it until the next meeting.

16  
17 **CHAIRMAN MORRIS:** There's a motion to table. Is there a second  
18 to the motion to table? Mr. Fischer. Until the next meeting  
19 makes it a different motion. **We have a motion to table. All**  
20 **those in favor of the motion to table, say aye; all those**  
21 **opposed, like sign. The motion fails.**

22  
23 Back to the main motion. Does everybody know how they want to  
24 vote? **All those in favor, say aye; all those opposed, like**  
25 **sign. Please raise your hands, those in favor; all those**  
26 **opposed. The motion passes.** Thank you for that committee  
27 report.

28  
29 I just want to say that people had strong opinions voiced on  
30 either side and we remained civil and we made decisions and I  
31 want to compliment you all on how that all went. Civility and  
32 being able to express your opinions strongly but respectfully is  
33 important skills for the council to master and I think we're  
34 there. The next committee report would be Law Enforcement, but  
35 would you like to take a break before we do Law Enforcement?  
36 We're going to take a ten-minute break.

37  
38 (Whereupon, a brief recess was taken.)

39  
40 **CHAIRMAN MORRIS:** If you would find the Law Enforcement  
41 Committee report and turn to Tab L. Mr. Minton.

42  
43 **MR. MINTON:** Bill Robinson, Chief of Fisheries Enforcement for  
44 the Texas Parks and Wildlife, stated that the Law Enforcement  
45 Committee of the Gulf States Marine Fisheries Commission met in  
46 Baton Rouge, Louisiana, on July 20 and 21, 2004, to update the  
47 Gulf of Mexico Cooperative Law Enforcement Strategic Plan and  
48 Operations Plan for 2005 to 2010.

1 Following discussion, the committee recommended, and I so move,  
2 adoption of the Gulf of Mexico Law Cooperative Enforcement  
3 Strategic Plan for 2005-2010.

4  
5 **CHAIRMAN MORRIS:** Any discussion of the committee motion? Are  
6 you ready to vote on the committee motion? **No discussion, are**  
7 **there in any in opposition to this motion? The motion passes**  
8 **without opposition.**

9  
10 **MR. MINTON:** Following discussion, the committee recommended,  
11 and I so move, adoption of the Gulf of Mexico Cooperative Law  
12 Enforcement Operations Plan for 2005-2006.

13  
14 **CHAIRMAN MORRIS:** Any discussion of the committee motion? **Any**  
15 **opposition to the committee motion? The motion passes.**

16  
17 **MR. MINTON:** Mr. Robinson also discussed the inability of  
18 fisheries enforcement to fully utilize the National Criminal  
19 Identification Center computer system and the lack of authority  
20 to enforce litter laws.

21  
22 **Following discussion, the committee recommends, and I so move,**  
23 **that a letter be sent to the DOJ and the FBI requesting that**  
24 **marine, civil, and administrative offenders, along with vessel**  
25 **identification, be tracked with the NCIC database and that**  
26 **marine enforcement have access to that data.**

27  
28 **CHAIRMAN MORRIS:** Does everybody understand the committee  
29 motion? Is there any discussion of the committee motion? **Is**  
30 **there any opposition to the committee motion? The motion**  
31 **passes.**

32  
33 **MR. MINTON:** Following discussion, the committee recommends, and  
34 I so move, that a letter be sent to Dr. Hogarth asking the  
35 agency support language in the Magnuson-Stevens Fishery  
36 Conservation Management Act reauthorization allowing state  
37 enforcement officers the authority to enforce litter violations.

38  
39 **CHAIRMAN MORRIS:** Any discussion of the committee motion?

40  
41 **MR. PERRET:** Vernon, most states have that authority in their  
42 state area of jurisdiction. Is this in the EEZ?

43  
44 **MR. MINTON:** Yes.

45  
46 **DR. CLAVERIE:** Just for the record, I would like to refer back  
47 to a couple of years ago we went extensively into flotsam and  
48 jetsam and litter is bad for fisheries and therefore it's within

1 our purview to be concerned with it.  
2  
3 **CHAIRMAN MORRIS:** Any other discussion of the motion? **Is there**  
4 **any opposition to the motion?**  
5  
6 **DR. CRABTREE:** Let the record show that I abstain on this  
7 motion.  
8  
9 **CHAIRMAN MORRIS:** **There was no opposition and there was one**  
10 **abstention by Dr. Crabtree. The motion passes.**  
11  
12 **MR. MINTON:** Madam Chair, that concludes the report.  
13  
14 **CHAIRMAN MORRIS:** Thank you, Mr. Minton. Can you make the Reef  
15 Fish Committee report be as succinct?  
16  
17 **MR. MINTON:** I will do my best if I get cooperation.  
18  
19 **MR. WILLIAMS:** Madam Chairman, before you go there, I just  
20 wonder if it wouldn't be appropriate to send a letter to  
21 Louisiana to commend them for that really good video that they  
22 supported, the public information video on outlining the  
23 strategic plan.  
24  
25 I thought they really did an excellent job and they did it on  
26 behalf of the Gulf and they did it at their own expense and I  
27 would like to offer a motion that we write the Louisiana Public  
28 Information Department and commend them for a really good job  
29 with that video.  
30  
31 **The motion would be to write the Louisiana Department of**  
32 **Wildlife and Fisheries and commend them for the public**  
33 **information video they did outlining the Law Enforcement**  
34 **Strategic Plan.**  
35  
36 **MS. WALKER:** I'll second.  
37  
38 **CHAIRMAN MORRIS:** We have a motion and a second. Is there any  
39 discussion of the motion?  
40  
41 **MR. PERRET:** A question. Karen, who should the letter go to?  
42 Dwight?  
43  
44 **MS. FOOTE:** The Secretary, Dwight Landreneau.  
45  
46 **CHAIRMAN MORRIS:** Any further discussion of the motion?  
47  
48

1 **MR. MINTON:** I certainly support the motion, but there were all  
2 the agencies that actually contributed to the development of  
3 that and so if we could send it just to the committee also that  
4 they did a good job. I know Louisiana did the bulk of it, but  
5 if you notice, there was clips from all around. So it might  
6 give the committee a --

7

8 **MR. WILLIAMS:** Who paid for it?

9

10 **MR. MINTON:** I don't know how it was paid for.

11

12 **CHAIRMAN MORRIS:** Further discussion of the motion? **Is there**  
13 **any opposition to the motion? The motion passes.** I understand  
14 that we don't have the Reef Fish Committee report in hand yet  
15 and so we're going to move on to the Joint Reef  
16 Fish/Mackerel/Red Drum Committee. Who is going to present this  
17 on behalf of the joint committees? Mr. Fischer or Ms. Foote?

18 **MS. FOOTE:** I'll do it. I have to find my tab. What tab was  
19 it?

20

21 **CHAIRMAN MORRIS:** Tab F.

22

23 **MS. FOOTE:** We met as a joint committee and I'll skip to the  
24 motion here. **The committee recommended, and I so move, that the**  
25 **aquaculture alternatives be forwarded to the IPT for development**  
26 **into an amendment.** The motion carried without objection.

27

28 **CHAIRMAN MORRIS:** We have a committee motion. Is there any  
29 discussion of the committee motion? **Is there any opposition to**  
30 **the committee motion? The committee motion passes without**  
31 **opposition.** Next we're going to take up the Mackerel Committee,  
32 Mr. Fischer. This is Tab C.

33

34 **MR. FISCHER:** It's Tab C and there are no motions from the  
35 Mackerel Committee, Madam Chair.

36

37 **CHAIRMAN MORRIS:** Do you want to report anything else, Mr.  
38 Fischer?

39

40 **MR. FISCHER:** No.

41

42 **CHAIRMAN MORRIS:** Thank you, Mr. Fischer, for a quick report and  
43 thank you, Mackerel Committee, for not bringing us any motions.  
44 Next will be Joint Artificial Reef/Reef Fish Management. Mr.  
45 Minton. It's Tab E.

46

47 **MR. MINTON:** This is a handout, Tab E.

48



1 **MR. WILLIAMS:** Which Tab E is it, Madam Chairman? There's two  
2 of them.

3

4 **MR. MINTON:** I can have it over with before you all can find it.  
5 May I proceed, Madam Chair?

6

7 **CHAIRMAN MORRIS:** Please.

8

9 **MR. MINTON:** Mr. Swingle contacted Mr. Mike Jenner, President of  
10 the Mississippi Fishing Banks Incorporated, to see if someone  
11 could represent them at this meeting. He indicated that Mr.  
12 Jenner was unable to locate a member to make a presentation and  
13 had requested the council consider their request at the Baton  
14 Rouge meeting in January.

15

16 **The committees recommend, and I so move, to defer the Joint Reef**  
17 **Fish/Artificial Reef agenda and committee action to the January**  
18 **council meeting in Baton Rouge.**

19

20 **CHAIRMAN MORRIS:** There's a committee motion. Is there any  
21 discussion? **Is there any opposition to the motion? The motion**  
22 **passes without opposition.**

23

24 **MR. MINTON:** That concludes the action of this committee.

25

26 **CHAIRMAN MORRIS:** Next we're going to move to Data Collection,  
27 Mr. Riechers.

28

29 **MR. RIECHERS:** The Data Collection Committee was convened on  
30 November 8. As most of us were present, but Dr. Susan Abbott-  
31 Jamieson provided national perspective of the legislative  
32 requirements for community level information, including NEPA,  
33 Magnuson-Stevens, the Data Quality Act, and Executive Order  
34 12898.

35

36 Ms. Palma Ingles provided the Gulf of Mexico perspective and  
37 identified two communities, Grand Isle and the  
38 Venice/Buras/Empire area of Louisiana, where preliminary surveys  
39 have been conducted.

40

41 The council basically heard these reports and did request that  
42 the researchers use the resources and knowledge of the Gulf  
43 States as these studies progress.

44

45 Council members emphasized that recreational fishing communities  
46 must also be identified and studied and we also asked that given  
47 the importance of these studies that the results of these  
48 studies be reviewed by our socioeconomic panel before they're

1 widely distributed within the Gulf States. That concludes my  
2 report, Madam Chair.

3  
4 **CHAIRMAN MORRIS:** Any questions for Mr. Riechers? Thank you,  
5 Mr. Riechers. The next committee is Administrative Policy, Mr.  
6 Fensom.

7  
8 **MR. FENSOM:** The committee was convened to consider  
9 consolidation of council committees. The committee agenda was  
10 approved with the following additions under Other Business:  
11 discussion of the briefing books, discussion of staff travel for  
12 public hearings, and council procedure for appointment of  
13 committee members.

14  
15 Mr. Hendrix indicated that it should be more efficient in staff  
16 council time if certain committees were consolidated. After  
17 additional discussion, he moved to combine the Sustainable  
18 Fisheries Committee, Habitat Protection Committee, and the  
19 Ecosystem Committee.

20  
21 Ms. Morris indicated that the function of the Habitat Protection  
22 Committee was different from the other committees and she moved  
23 to amend the motion to strike Habitat Protection Committee from  
24 the motion. The amendment carried by a voice vote.

25  
26 **The motion was amended and carried by a vote of 4 to 2 and I so**  
27 **move to combine the Sustainable Fisheries Committee and the**  
28 **Ecosystem Committee.**

29  
30 **CHAIRMAN MORRIS:** We have a committee motion. Is there any  
31 discussion of the motion?

32  
33 **MR. HORN:** Not having been around when the Sustainable Fisheries  
34 Committee was established, what exactly is the function of that  
35 committee and what does it have to do with ecosystem management?

36  
37 **CHAIRMAN MORRIS:** I'll try answering that. The Sustainable  
38 Fisheries was an ad hoc committee established after the late-  
39 1990's reauthorization of the Magnuson-Stevens Act, which was  
40 emphasizing sustainable fisheries at the time.

41  
42 The work that they've done in my time on the council, most  
43 recently NOAA Fisheries was asking for public comment on  
44 revisions to National Standard 1 and so the Sustainable  
45 Fisheries Committee met and developed a response to that. Did  
46 you also ask about the Ecosystem Committee?

1 **MR. HORN:** I asked what does that have to do with the Ecosystem  
2 Management Committee and what's the relationship?

3  
4 **CHAIRMAN MORRIS:** I think the thinking of the Administrative  
5 Policy Committee is that the next reauthorization of the MSA and  
6 the new emphasis of NOAA Fisheries for how fisheries management  
7 will evolve from here on out is under this ecosystem-based  
8 initiative.

9  
10 So it seemed like the work of commenting on MSA, changes in  
11 Congress, and the work of changing how we manage fisheries to be  
12 more ecosystem-based, we're going to be flowing together and  
13 that one committee could handle it. Does anyone else on the  
14 Administrative Policy want to add to that explanation?

15  
16 **MR. ADAMS:** I had a different question.

17  
18 **CHAIRMAN MORRIS:** Mr. Horn, does that answer your question?

19  
20 **MR. HORN:** Well, it's an answer, but I fail to see the  
21 relationship. Since the council can't lobby and that sort of  
22 thing, we can comment and look and understand on our own. **I**  
23 **would make a substitute motion to just do away with the**  
24 **Sustainable Fisheries Committee.**

25  
26 **CHAIRMAN MORRIS:** We have a substitute motion. Do we have a  
27 second?

28  
29 **MR. PERRET:** I'll second that and I would like to discuss it. I  
30 prefer doing away with that committee rather than adding it to  
31 Ecosystem because a major thrust is going to be a large marine  
32 ecosystem management approach.

33  
34 One of our guest speaker's at Larry's last Gulf States Marine  
35 Fisheries Commission meeting was on that topic. I attended the  
36 first Large Marine Ecosystem Workshop in Charleston a few months  
37 ago and there will be others held across the country and I would  
38 hate to combine any committees and take away from the ecosystem  
39 effort because I think this is indeed going to be one of the  
40 major emphases in the future.

41  
42 If we need another Sustainable Fisheries Ad Hoc Committee,  
43 because I assume Magnuson may be coming up for reauthorization  
44 this coming year, so be it. But I just don't want to see  
45 anything taken away from the Ecosystem Committee.

46  
47 **MR. SIMPSON:** Corky's last comment addressed what I was going to  
48 say, that the Magnuson Act will be up for reauthorization next

1 year. If it's not the Sustainable Fisheries Committee, then  
2 some group, some working group, within this council is going to  
3 be spending a lot of time on all of the various aspects of  
4 amending the Magnuson Act.

5  
6 So I'm not going to speak one way or the other about getting rid  
7 of the committee, but somebody needs to be designated to  
8 shepherd that work because it's going to be a pretty large  
9 effort at least for six or nine months.

10  
11 **CHAIRMAN MORRIS:** Further discussion on the substitute motion?  
12 Are you ready to vote on the substitute motion? All those in  
13 favor of the substitute motion, say aye; all those opposed, like  
14 sign. A show of hands, please. **All those in favor of the**  
15 **substitute motion, please raise your hands; all those opposed,**  
16 **please raise your hand. The motion fails.** Back to the main  
17 motion. Are you ready to vote on the main motion?

18  
19 **MR. ADAMS:** Just a general question. If you do combine those  
20 two committees, then you're going to have the people from the  
21 handout yesterday combined in a thirteen-member committee?

22  
23 **CHAIRMAN MORRIS:** No, we will make an adjustment and have just a  
24 seven-member committee. Ready to vote on the motion?

25  
26 **MS. WILLIAMS:** I would like to make a substitute motion and that  
27 is to retain the Sustainable Fisheries and the Ecosystem  
28 Committees as separate committees.

29  
30 **CHAIRMAN MORRIS:** If you vote against the motion, that will have  
31 the same effect. So you know how you want to vote on the main  
32 motion? Did you want to give some rationale there, Ms.  
33 Williams?

34  
35 **MS. WILLIAMS:** The rationale is because I think both committees,  
36 while they may have some substance working together, I still  
37 think we need two separate committees because the  
38 reauthorization is going to take place this year and we're  
39 probably going to be asked, either by NMFS or Congress, in order  
40 for that committee or a committee to give our recommendations on  
41 the reauthorization of the Magnuson-Stevens Act.

42  
43 Then the other committee will be given, I'm sure, some guidance  
44 and would possibly need different information provided as far as  
45 the ecosystem and that's why I think they need to remain  
46 separate.

1 **MR. WILLIAMS:** I think Kay is right. Although I voted for  
2 combining them yesterday, I've given it more thought and I think  
3 I'm going to vote to maintain each committee.  
4

5 **CHAIRMAN MORRIS:** Further discussion on the motion from the  
6 committee? Are you ready to vote? **All those in favor of the**  
7 **motion, please raise your hands; all those opposed. The motion**  
8 **passes.**  
9

10 **MR. FENSOM:** The committee recommended, and I so move, to  
11 combine the Stone Crab Committee and the Spiny Lobster  
12 Committee.  
13

14 **CHAIRMAN MORRIS:** Any discussion?  
15

16 **DR. CLAVERIE:** I would like to offer a substitute motion that  
17 they meet jointly instead of be combined.  
18

19 **CHAIRMAN MORRIS:** Is there a second for the substitute motion?  
20 The substitute motion fails for lack of a second. Back to the  
21 main motion.  
22

23 **MR. HORN:** Again, these are two separate fisheries and I just  
24 fail to see the convenience of combining spiny lobster  
25 fishermen. It doesn't make sense to me.  
26

27 If you're going to deal with spiny lobster, you're dealing with  
28 lobsters. If you're dealing with stone crabs, you're dealing  
29 with crabbers and they may be some of the same people and I  
30 understand that, but they're two separate totally different  
31 fisheries.  
32

33 **MR. MINTON:** I guess a question. If this were to pass, would we  
34 then combine the APs or just have a single AP per fishery? So  
35 you would have a single AP per fishery? I think that should  
36 address Mr. Horn's concern.  
37

38 **MR. FISCHER:** Was that if we combine them we would combine the  
39 APs? I didn't hear.  
40

41 **CHAIRMAN MORRIS:** The discussion clarifies that we would still  
42 have individuals APs, one for stone crab and one for spiny  
43 lobster. Any further discussion on this motion? **All those in**  
44 **favor, say aye; all those opposed, like sign. The motion**  
45 **passes.**  
46

47 **MR. FENSOM:** A motion to combine the Operator Permit Committee  
48 and the Vessel Monitoring Committee was withdrawn. **The**

1 committee recommended, and I so move, to delete the Vessel  
2 Monitoring Committee.

3 **CHAIRMAN MORRIS:** We have a committee motion. Is there any  
4 discussion of the committee motion? Mr. Fensom, the rationale?  
5

6 **MR. FENSOM:** It's being addressed by other committees and I  
7 think that was initially -- The Vessel Monitoring Committee was  
8 initially put together to analyze what was out there and what  
9 was in the market and how much it would cost per month, per  
10 year, and that task has pretty well been accomplished and now  
11 it's being addressed by other committees on an individual  
12 fishery basis. That was basically the rationale presented.  
13

14 **CHAIRMAN MORRIS:** Further discussion for this committee motion?  
15 **All those in favor, say aye; all those opposed, like sign. The**  
16 **motion carries.**  
17

18 **MR. FENSOM:** The committee recommended, and I so move, to delete  
19 the Deep-Water Crab Committee and the Butterfish Committee.  
20 Apparently there are two people that are in the Butterfish  
21 business that were not making any money and are now about out of  
22 it, if that's correct. Or maybe that's the deep-water crab. I  
23 think the deep-water crab there's no one in that fishery. But  
24 basically the committees are not active and there are very few,  
25 if any, people in the fisheries is what we understood.  
26

27 **CHAIRMAN MORRIS:** Discussion of the committee motion? The  
28 further rationale, Mr. Fensom, was that we're scheduled to come  
29 up with a deep-water crab FMP in 2008 and we may need to appoint  
30 a committee in 2007 in order to develop that. But at this  
31 point, there's not really anything for that committee to be  
32 doing. Any additional discussion? **All those in favor of the**  
33 **committee motion say aye; all those opposed, like sign. The**  
34 **motion passes.**  
35

36 **MR. FENSOM:** The committee recommended, and I so move, that  
37 staff investigate teleconference and video conferencing  
38 alternatives for workshops, public hearings, and scoping  
39 meetings, to do a pilot test within the next six months.  
40

41 What came up with this is the last set of public hearings I  
42 think the entire Gulf Coast was traveled and I think Myron got  
43 four or five of his buddies to show up at one hearing and at the  
44 other ones, there were zero, two, three, one person and they  
45 traveled the entire Gulf Coast and probably had ten or fifteen  
46 people attend and it takes staff a week and it's expensive.  
47  
48

1 So there was some discussion of a teleconference where you would  
2 simply call in, have a pass code and dial in, call in, and  
3 everyone would be able to hear each other. We wanted to look  
4 into that and what it costs and then the idea of video  
5 conferencing, which I think video conferencing is available in  
6 most of the larger communities, but certainly not all  
7 communities.

8  
9 But certainly to look at video conferencing so we could leave  
10 our people in the Tampa office and they're not out of the office  
11 for a week or ten days on these hearings and it would reduce the  
12 expense considerably and have better use of staff. The idea was  
13 to look into this and to see what it costs and how it would work  
14 and then to do one pilot test.

15  
16 **CHAIRMAN MORRIS:** Discussion of the committee motion?

17  
18 **MR. PERRET:** I'm all for it and I just have a question for our  
19 attorney. For the public hearings, legally can we do it that  
20 way? I fully support it if we can.

21  
22 **MR. GRIMES:** Yes. You just have to have public listening  
23 stations or whatever.

24  
25 **DR. CLAVERIE:** Remind me whether this would, as written, would  
26 include our scientific committees.

27  
28 **CHAIRMAN MORRIS:** No. Nothing is to preclude us from having  
29 telephone conference or video conferencing. This wouldn't  
30 preclude that. It's just we want to pilot situations where  
31 we're actually taking public testimony. Any further discussion  
32 of the committee motion? **All those in favor, say aye; all those**  
33 **opposed, like sign. The motion carries.**

34  
35 **MR. FENSOM:** A motion to appoint committee members at the  
36 beginning of the new chair's first meeting before convening the  
37 committees failed.

38  
39 A motion that new council members take voting seats on  
40 committees of the retired council member that they replaced  
41 beginning at the November council meeting failed as well as an  
42 amendment to the motion that the outgoing chair take the voting  
43 seat on the committee in place of the new chair. Madam  
44 Chairman, this concludes my report.

45  
46 **CHAIRMAN MORRIS:** Thank you, Mr. Fensom.

47  
48

1 **MS. WALKER:** I would like to make a motion to merge  
2 Administrative Policy, Personnel, and Budget into one committee  
3 titled "Personnel/Budget/Administrative Committee" and if I get  
4 a second -  
5

6 **MR. MINTON:** Second.  
7

8 **CHAIRMAN MORRIS:** Seconded by Mr. Minton.  
9

10 **MS. WALKER:** I would like to give some rationale, please. The  
11 Personnel Committee met last year and redeveloped our personnel  
12 policy. The Administrative Committee has met and redeveloped  
13 our SOPPs, which we have now forwarded to the Secretary of  
14 Commerce.  
15

16 Because Mr. Grimes, when he made the suggestion yesterday and I  
17 thought about it last night and it makes sense to me to combine  
18 these three into one because they are all administrative.  
19

20 **CHAIRMAN MORRIS:** Further discussion on the motion made by Ms.  
21 Walker?  
22

23 **MR. HORN:** I would like to hear what Mr. Swingle thinks about  
24 that and staff because they're involved in all of this and see  
25 what their comments are.  
26

27 **EXECUTIVE DIRECTOR SWINGLE:** Historically, we established these  
28 kind of one by one without any thought maybe that they could be  
29 combined. But Administrative Policy, of course, had the  
30 responsibility for any of the council operations and we also use  
31 them as a forum for amendments to the Magnuson Act and that type  
32 of thing.  
33

34 The Budget just had the single function of reviewing the  
35 council's budgets and approving those each year as we send them  
36 forward and the Personnel had a separate function, personnel.  
37

38 I don't know that it really matters one way or the other if you  
39 have separate committee membership or a joint committee  
40 membership as long as you understand that that's part of the  
41 charge of the group that's going to make its recommendations  
42 back to the council.  
43

44 **MS. WILLIAMS:** Wayne, if we were to vote and approve this  
45 motion, does that mean that our administrative handbook that  
46 we've already sent forward we've now got to go back and change  
47 those functions and merge those committees and do all of that  
48 all over again since in our administrative handbook it lists



1 what each committee's functions are for?  
2

3 **EXECUTIVE DIRECTOR SWINGLE:** Actually, our administrative  
4 handbook no longer exists. It's now the SOPPs and definitely  
5 you would have to go back and change those.  
6 I think Cathy Readinger was poised to submit that to Dr. Hogarth  
7 and all the various general counsels that will have some review  
8 function and it may have already gone. I can find out by phone.  
9 But even if it has, I guess it could be called back and you  
10 would have to alter the SOPPs.

11  
12 **MS. WILLIAMS:** Well in hearing that, I will speak in opposition  
13 to the motion then.  
14

15 **MR. ADAMS:** This is a question for Ms. Walker. You're not also  
16 combining the Pension Committee. Is that the sensitive nature  
17 of the subject that deems it separate or why wouldn't you put  
18 that in too?  
19

20 **EXECUTIVE DIRECTOR SWINGLE:** The pension trustees are a function  
21 of our 401K plan and they have the responsibility only for  
22 approving any changes in the provisions of the 401K plan. So we  
23 have made those ex-officio positions. The chair of the council,  
24 the vice chair of the council, and the chair of Administrative  
25 Policy always serve on that pension plan as trustees and so we  
26 don't really appoint members. They just automatically change as  
27 the people that hold those seats change.  
28

29 **CHAIRMAN MORRIS:** Further discussion of the motion?  
30

31 **MS. FOOTE:** I would like to amend the motion to combine  
32 **Personnel and Budget.**  
33

34 **MR. WILLIAMS:** Second.  
35

36 **CHAIRMAN MORRIS:** Seconded by Mr. Williams.  
37

38 **MS. FOOTE:** Is that a substitute motion, maybe? Yes, a  
39 substitute motion to combine Personnel and Budget. It's been  
40 seconded and a little rationale. I think if somebody gets on  
41 that, they're going to be working full-time for the council on  
42 that massive committee and I don't know that any of us can do  
43 that.  
44

45 I think Personnel and Budget have a lot more to do with each  
46 other than Administrative Policy does. I think with  
47 Administrative Policy separate you still have a group to comment  
48 on Magnuson and all that, but the other is more nuts and bolts.

1 **CHAIRMAN MORRIS:** I think our intention is that when we  
2 established the Sustainable Fisheries Ad Hoc Committee that  
3 removed that responsibility from Administrative Policy. It had  
4 been in Administrative Policy previously, but now we have that  
5 function someplace else. Further discussion on this substitute  
6 motion?

7  
8 **MR. HORN:** I think that Karen is correct that there are times  
9 that situations come up that each one of these committees may  
10 have a substantial amount of work to be done and I guess the  
11 only way I would support the original motion is if you would  
12 tell me I was not on that committee.

13  
14 **CHAIRMAN MORRIS:** Further discussion of the substitute motion?  
15 Ready to vote? **All those in favor of the substitute motion, say**  
16 **aye; all those opposed, like sign. The motion carries.** Any  
17 other business on the subject of Administrative Policy?

18  
19 **DR. CLAVERIE:** Two things, Madam Chair. One of them the  
20 committee voted down, but that's perhaps because the people that  
21 were impacted couldn't vote. But the motion was made, and I  
22 believe it was your idea and substituted from my idea that  
23 crashed, that new council members take the voting seats on  
24 committees of the retired council members they replace,  
25 beginning at the November council meeting. I would make that  
26 motion again.

27  
28 **CHAIRMAN MORRIS:** Is there a second for Mr. Claverie's motion?  
29 The motion fails for lack of a second. Any other Administrative  
30 Policy business?

31  
32 **DR. CLAVERIE:** I said I had two. Obviously the Act is coming up  
33 for redo. We had previously asked the administration to amend  
34 the conflict of interest part of the Act so that not only  
35 fishery conflicts, but also land-owning conflicts, would be  
36 included.

37  
38 In other words, we list our fishery interests and then as long  
39 as it's not a major part of our thing or of the fishery, we can  
40 vote. But that doesn't apply to habitat issues if you're a land  
41 owner and we had asked NMFS to try and include that in the  
42 conflict of interest exclusion or a different way of handling it  
43 in the Act.

44  
45 **I would like to move that we write a letter to NOAA or NMFS or**  
46 **Hogarth or whoever it would be, asking them to please be sure**  
47 **that's on their list of administrative requested changes to the**  
48 **Act.**

1 **CHAIRMAN MORRIS:** Is there a second for that motion?  
2  
3 **MR. PERRET:** I second that.  
4  
5 **CHAIRMAN MORRIS:** Mr. Perret seconds.  
6  
7 **MR. SIMPSON:** Mau, I'm not speaking one way or the other, but I  
8 think you're jumping the gun. Why don't you just wait until the  
9 council comes with a full suite of recommendations for  
10 amendments? Why now and why this one specific one when there  
11 are going to be hundreds?  
12  
13 **CHAIRMAN MORRIS:** Mau, before you answer Mr. Simpson's question,  
14 Lorna needs help getting the motion written on the board. Could  
15 you help her?  
16  
17 **DR. CLAVERIE:** Who would the letter be to, NOAA or Hogarth or  
18 who? **Reminding that we request that they include in their**  
19 **amendments language dealing with conflict of interest pertaining**  
20 **to land ownership and ecological matters.**  
21  
22 **CHAIRMAN MORRIS:** Do you want to answer Mr. Simpson's question  
23 now?  
24  
25 **DR. CLAVERIE:** Because it was supposed to be on their list and I  
26 think they've overlooked it.  
27  
28 **CHAIRMAN MORRIS:** Mr. Perret, you seconded this. Do you have  
29 something to say about it?  
30  
31 **MR. PERRET:** All I'll say is I would certainly like to get some  
32 opinion because some of us are fortunate, or unfortunate, enough  
33 to own land in the coastal zone and if indeed there are projects  
34 that this council is going to comment on relative to that  
35 geographic area, should those members abstain from any action or  
36 not? It would certainly help to get a clarification.  
37  
38 **CHAIRMAN MORRIS:** Is Mr. Grimes in the room? I guess not.  
39 Discussion of the motion, council members? Are you ready to  
40 vote on the motion? **All those in favor say aye; all those**  
41 **opposed, like sign. It passes without opposition.** Anything  
42 else for Administrative Policy, Mr. Fensom?  
43  
44 **MR. FENSOM:** In the Administrative Policy Committee we also  
45 discussed the problem that we're having with the amount of mail  
46 that we receive. The briefing books, I think last meeting I  
47 roughly estimated the pages were about 2,000 pages and this one  
48 is probably about a thousand and they're getting bigger and then

1 we get the other mail.  
2  
3 So what we ended up doing was asking staff to look at proposals  
4 to us about using CDs, a complete CD for everything, a CD that  
5 would maybe be minutes, but then you would have the other agenda  
6 item printed, and to come up with some proposal that would give  
7 us the option of using all CD, half CD, and something that would  
8 make sense and something that we could all live with and reduce  
9 the amount of paper we're all toting around. So staff is  
10 looking into that.  
11  
12 **CHAIRMAN MORRIS:** Mr. Fensom, I need to go back to Dr. Fay. She  
13 had a comment on the previous motion. Is that right?  
14  
15 **MS. FAY:** I just wanted the record to reflect that I'm  
16 abstaining from that.  
17  
18 **CHAIRMAN MORRIS:** Okay. Back to you, Mr. Fensom.  
19  
20 **MR. FENSOM:** I just wanted to let everyone know that's what  
21 we're doing and staff will make some recommendations or  
22 suggestions to us on how we can better utilize the CDs and get  
23 rid of some of this paper.  
24  
25 **MR. MINTON:** Jim, at some of the SEDAR things I've participated  
26 in, they've had a technician come there with a server and  
27 they've actually opened up a temporary website where the  
28 different committees that were formed would come in and submit  
29 their reports to this server and then everyone using this  
30 wireless internet connection at the table could then draw all  
31 those up.  
32  
33 Could the folks look at that as an opportunity also to possibly  
34 reduce some of this paperwork at the table to where we're  
35 getting these reports and the chair can amend the report and  
36 post it back there and it's there in front of everyone at one  
37 time and then whatever else we have to do with it?  
38  
39 **MR. FENSOM:** Staff was nodding and they're understanding that  
40 that will be looked into also.  
41  
42 **CHAIRMAN MORRIS:** Anything else on Administrative Policy?  
43  
44 **MR. SIMPSON:** Jim, we also wanted to not only look at CD  
45 technology, but download capability prior to the meeting.  
46  
47 **CHAIRMAN MORRIS:** Are we done with Administrative Policy? Then  
48 we decided earlier to defer Committee Assignments until after

1 Administrative Policy and so that's what we will take up next.  
2 I think there was a handout yesterday with the proposed  
3 committee assignments.  
4

5 In anticipation of the motions from the Administrative Policy  
6 Committee, I prepared a new committee that would combine  
7 Sustainable Fisheries and Ecosystem for you to consider.  
8

9 **MR. PERRET:** Julie, could I ask you a question, please? I'm  
10 just curious. Rogers and Sherlock, they're both Coast Guard, is  
11 that right?  
12

13 **CHAIRMAN MORRIS:** Right.  
14

15 **MR. PERRET:** Are they going to be interchanging at the meetings  
16 or --  
17

18 **CHAIRMAN MORRIS:** Sherlock represents the Western Gulf and  
19 Rogers represents the Eastern Gulf. Do I have that correct? 8<sup>th</sup>  
20 District and 7<sup>th</sup> District.  
21

22 **MR. PERRET:** You know Sherlock is retired.  
23

24 **MS. BELL:** That's what I was going to say. He retired, right?  
25

26 **CHAIRMAN MORRIS:** So do you have a suggestion? Which committee  
27 are you looking at, Mr. Perret?  
28

29 **MR. PERRET:** It's not an objection. I was just curious why we  
30 had two different Coast Guard people. But if it's because of  
31 the district thing -- I'm not objecting. I was just asking the  
32 question.  
33

34 **CHAIRMAN MORRIS:** But you raised the point if Sherlock is going  
35 to retire we may not want him to be a chair or a vice chair of a  
36 committee. So let's try to identify where that has taken place.  
37 We've got him as the Vice Chair of Law Enforcement and where  
38 else does he appear in a chairman position or vice chair? Is  
39 that the only place?  
40

41 Does anyone else want to volunteer to be Vice Chair of Law  
42 Enforcement who is on that list? Did you say you'll do it, Mr.  
43 Minton? So we'll shift Minton for Vice Chair of Law Enforcement  
44 and we'll leave Sherlock on and whoever replaces him from the  
45 Coast Guard can take that seat.  
46

47 Then if you look at the board, Riechers and Walker have  
48 engineered a switch. Riechers is going to move to Mackerel and

1 Walker is going to move to Reef Fish. So I guess the motion  
2 needs to incorporate these changes and also the rest of the  
3 proposed committee assignments.

4  
5 **MR. FRUGE:** Just a question, Madam Chairman. I assume where you  
6 have "Brown" as committee membership that it would be  
7 "Brown/Frugé" except where Brown is Chair of the Habitat  
8 Committee.

9  
10 **CHAIRMAN MORRIS:** Right.

11  
12 **MR. WILLIAMS:** I don't like putting myself in the middle of  
13 something here, but I'll just point out that one of the more  
14 important things that Reef Fish is going to be doing in this  
15 coming year is red snapper IFQs and that leaves Texas without  
16 any representation and they've got a heck of a hunk of the  
17 potential recipients and they've been some of the most -- In the  
18 past, Felix Cox was one of the most vocal in favor of it. So  
19 are you sure you want to do that?

20  
21 **MR. SIMPSON:** You can answer your own question there, but, Madam  
22 Chairman, could I ask that we do each -- Since there's been so  
23 many changes, can I ask that you approve each committee  
24 separately and put it on the board?

25  
26 I can't follow it from all of my notes and I was involved in all  
27 the discussion. So if that's not too onerous, could you just do  
28 each committee separately so that we see the membership and what  
29 the committee is going to be?

30  
31 **MR. MINTON:** Don't you have handouts?

32  
33 **MR. SIMPSON:** I had three handouts and I've marked them all up  
34 and I'm down to this one. The Administrative Policy has  
35 combined some committees and she's going to have to then  
36 determine a seven-person committee out of about fourteen people  
37 and I can't follow it. That's my point and you do what you  
38 would like.

39  
40 **CHAIRMAN MORRIS:** I'm not prepared with a proposed combined  
41 Budget and Personnel Committee at this time. But that's the  
42 only one that we're not prepared with a substitute for. We're  
43 kind of getting a little lost and disoriented here. Do you want  
44 to take a break? Mr. Riechers, what's your suggestion?

45  
46 **MR. RIECHERS:** To follow Mr. Simpson's line of thinking, maybe  
47 you could do that and it would allow staff to possibly help get  
48 it typed in and reduce the confusion.

1 **CHAIRMAN MORRIS:** We're going to take a fifteen-minute break.  
2  
3 (Whereupon, a brief recess was taken.)  
4  
5 **CHAIRMAN MORRIS:** Council, we are waiting for the revised  
6 committee assignment list to be copied and so we're going to  
7 move on to -- We can either move on to Reef Fish, which may take  
8 either hours or a short period of time, or we could move on to  
9 the ICCAT Advisory Committee Report and some of the reports  
10 while we're waiting for the committee list to be assigned.  
11  
12 **MS. WALKER:** Madam Chairman, on the ICCAT Advisory Committee, I  
13 turned in a written report at the last meeting and most of the  
14 meeting was in closed session and so my written report from the  
15 last meeting was the same thing that was discussed in open  
16 session at the last meeting.  
17  
18 **CHAIRMAN MORRIS:** Any questions for Ms. Walker? Do we have  
19 Enforcement Reports or are any of the enforcement  
20 representatives here? McKinney, do you have an enforcement  
21 report?  
22  
23 **MR. DAVE MCKINNEY:** Madam Chair, we've submitted that report in  
24 writing electronically earlier and it should be out for  
25 distribution here shortly.  
26  
27 **CHAIRMAN MORRIS:** Do you want to give us an oral summary or do  
28 you need your written report to --  
29  
30 **MR. MCKINNEY:** We have been very, very busy doing many, many  
31 important things.  
32  
33 **MR. MINTON:** What about understaffed and underpaid?  
34  
35 **MR. MCKINNEY:** Yes, sir, that too.  
36  
37 **CHAIRMAN MORRIS:** Thank you, Mr. McKinney. Is Lieutenant  
38 Montoro in the audience? Regional Administrator's Report, Dr.  
39 Crabtree.  
40  
41 **DR. CRABTREE:** As of October the 8<sup>th</sup>, there were 2,524 vessels  
42 that have been issued Federal Gulf Shrimp Permits. These are  
43 the number of active permits. 1,612 Coastal Pelagic Moratorium  
44 Charterboat Permits were issued. This is as of May 5<sup>th</sup> and 1,537  
45 Gulf Reef Fish Moratorium Permits issued.  
46  
47 Amendment 22, which is the red snapper rebuilding plan, was  
48 approved by NOAA Fisheries on October 29<sup>th</sup> of this year. The

1 proposed rule, however, has been under review at OMB since  
2 August the 17<sup>th</sup> and we sent a letter on October 29<sup>th</sup> to the  
3 council announcing the approval of the rebuilding plan.

4  
5 Everybody I guess is aware now that we filed a notice on Friday  
6 that the commercial quota of 5.31 million pounds gutted weight  
7 for red grouper will be reached at 12:01 a.m. on November 15,  
8 2004, and that fishery will be closed at that time.

9  
10 At the last October 2004 council meeting, the council voted to  
11 establish an October 15, 2004, control date for the Gulf grouper  
12 fishery. This action is intended to discourage accelerated  
13 effort to develop catch history in the grouper fishery before an  
14 IFQ program is developed.

15  
16 The Federal Register announcing the control date was sent to  
17 headquarters on November the 2<sup>nd</sup> and is currently in DOC awaiting  
18 clearance to go to the Federal Register.

19  
20 My staff is also in the process of developing an emergency rule  
21 that would reopen the application period for the charter  
22 headboat permit moratorium. Again, this is based on a request  
23 from the council developed at the last meeting. My hope is that  
24 we can get a rule published early next year that would reopen  
25 the application period then.

26  
27 Then the final bit of news I'll leave with you is that the  
28 regional office has worked out almost all the details of a new  
29 lease and it is our plan to relocate the regional office on a  
30 property adjacent to the University of South Florida in St.  
31 Petersburg and I hope that we will be down there sometime in  
32 February or March.

33  
34 This would put our office just across the small bay from the  
35 Florida Marine Research Institute and we would be just across  
36 the street from the USGS Research Institute and right next door  
37 to the Salvador Dali Museum if you know where that is.

38  
39 We would be down there also with the University of South Florida  
40 School of Marine Science. So I think it will be a good thing  
41 for the regional office and we would then become part of the  
42 Congressman Bill Young Marine Science Complex in St. Petersburg  
43 and that concludes my report.

44  
45 **CHAIRMAN MORRIS:** Questions for Dr. Crabtree? Thank you for  
46 that report.



1 **EXECUTIVE DIRECTOR SWINGLE:** Roy, did I hear you say that the  
2 Reef Fish Vessel Permits were down to 1,500 because they were  
3 reduced to a 1,200 level a year or so ago or did I misunderstand  
4 that?  
5

6 **DR. CRABTREE:** Wayne, the number that's in the report that I was  
7 given is a May 5<sup>th</sup> number and so I apologize for not having a  
8 more recent number and this is charter headboat that I gave.  
9

10 **CHAIRMAN MORRIS:** Lieutenant Montoro.  
11

12 **LT. MONTORO:** Madam Chairman, I don't have anything to present  
13 at this time.  
14

15 **CHAIRMAN MORRIS:** Any questions for Mr. McKinney based on the  
16 written report that has been distributed? Next we'll take up  
17 the Directors' Reports.  
18

19 **MR. MINTON:** All I have to report is that the state requested an  
20 exemption for the TEDs to the National Marine Fisheries Service  
21 due to debris from Hurricane Ivan.  
22

23 I again would like to compliment the National Marine Fisheries  
24 Service for the work that they did in timely processing this  
25 request and allowing our fishermen to tow under the fifty-five  
26 minute tow time as opposed to having to pull the TEDs.  
27

28 It's helped them a lot. We're having a biologist review that  
29 now to see if we need to request an extension. At this time,  
30 it's probably not going to be. We're out talking to fishermen  
31 right now.  
32

33 **CHAIRMAN MORRIS:** Thank you, Mr. Minton. Mr. Perret.  
34

35 **MR. PERRET:** Mississippi also got the TED exemption and where is  
36 Dr. Crabtree? I sent him a complimentary letter complimenting  
37 the Service on what an excellent job they did working with the  
38 states on that.  
39

40 We opened our oyster season in Mississippi and then had to close  
41 it fairly quickly due to Hurricane Ivan and following some  
42 extensive water samples, we did reopen the Mississippi/Alabama  
43 oyster season since we now have sixty-one Alabama fishermen,  
44 licensed Alabama fishermen, fishing on our reefs now.  
45

46 Alabama, Florida, Louisiana, and Mississippi worked together on  
47 an effort for some oyster disaster money, which we will be  
48 receiving a total of \$9 million for oyster rehab work.

1 One other thing from Hurricane Ivan, all the states have a very  
2 active artificial reef program and we put a 185-foot vessel down  
3 over a year ago, the Gwen Tide, and following Hurricane Ivan we  
4 were contacted by one of the oil companies and it seems like  
5 that ship shifted somewhat and unfortunately was on top of a  
6 pressurized pipeline. So we're working that out at this time.

7  
8 We also had a 135-foot barge that moved some twenty-plus meters  
9 following that storm and so it was indeed, as we all know, an  
10 extremely powerful hurricane and I think I'll stop with that.  
11 Thank you.

12  
13 **CHAIRMAN MORRIS:** Thank you, Mr. Perret. Ms. Foote.

14  
15 **MS. FOOTE:** Louisiana would like to echo the compliments to the  
16 NOAA/NMFS for the TED exemption, the quick action. We also  
17 applied and got a TED exemption in appropriate areas of the  
18 state for a tow-time restriction.

19  
20 After the hurricane, we've been getting several calls from  
21 offshore platforms that went down to inquire about possibilities  
22 of joining the reef program. Some of them look possible and  
23 some of them don't look possible at all and that's all.

24  
25 **CHAIRMAN MORRIS:** Thank you, Ms. Foote. Mr. Riechers.

26  
27 **MR. RIECHERS:** No report at this time, Madam Chair.

28  
29 **CHAIRMAN MORRIS:** Mr. Simpson.

30  
31 **MR. SIMPSON:** It's been a while since I've given a detailed  
32 report and I think I'll go through a few things for you that  
33 might be of interest to the council and the members.

34  
35 Let me talk about IJF, Interjurisdictional Fisheries Act. This  
36 is a program that is parallel to the council activities, but for  
37 state-type species. The IJF FMP Development and Review Program  
38 of the commission continues to provide Gulf States with quality  
39 information and recommendations for interstate management of  
40 fisheries.

41  
42 Additionally, this information is continually being used by  
43 states in their respective programs and the staff reviewed  
44 previously-developed FMPs to monitor each state's progress in  
45 implementing management recommendations. This is accomplished  
46 through the activities that I'll mention here and for individual  
47 fisheries under the IJF program.

48

1 For sheepshead, we've had one technical task force meeting  
2 during the report period and a number of sections are completed  
3 for the sheepshead profile.

4  
5 The way we do it is we develop a profile and then we take a  
6 breath and stop and then have the State Federal Fisheries  
7 Management Committee to determine whether or not enough  
8 information or need is there to complete a stock assessment and  
9 make management recommendations for the fishery in a full FMP.

10  
11 Striped bass, under the able leadership of Chairman Doug Frugé,  
12 has been reviewing the final draft of the FMP and there are  
13 plans to meet to finalize in a couple more months.

14  
15 The staff continues to work on format and final wrap-up of the  
16 plan for the technical task force's operation and we expect the  
17 FMP will be presented to the commission's Technical Coordinating  
18 Committee after the October meeting for their review in early  
19 2005.

20  
21 The Crab Subcommittee continues to work with the Office of  
22 Protected Resources and Sea Grant to provide outreach to  
23 commercial crab fishermen regarding gear interactions with  
24 dolphins.

25  
26 You might remember the Office of Protected Resources proposed  
27 reclassification of the Gulf of Mexico crab pot fishery from a  
28 Category 3 to a 2 based on interactions with marine mammals in  
29 2002. The fishery has not been reclassified under the condition  
30 that the states, Sea Grant, and the commission work with NOAA to  
31 educate fishery participants about those interactions.

32  
33 With regard to otoliths, the Otolith Manual, which was approved  
34 by the commission last year, was presented at a third  
35 international symposium on fish, otolith research, and  
36 application held in July of 2004.

37  
38 Two hundred CDs and twenty hard copies of that were distributed.  
39 It's a manual that's available on the commission website in PDF  
40 format or by request. We continue on revisions to the manual  
41 and add new species and techniques as well as the Atlantic has  
42 shown interest in that activity and is beginning to work with us  
43 and use ours as a model for theirs.

44  
45 The Law Enforcement Committee, you've basically talked about.  
46 But we support and convene monthly conference calls to discuss  
47 regional management and subsequent enforcement activities,  
48 including high-contact events, joint enforcement agreements, and

1 regional training opportunities.  
2  
3 So some of the things they have been talking about lately are  
4 enforcement coordination, homeland security, and funding. The  
5 conference call also allows for opportunistic discussion of  
6 regional issues, including communications, protocols, impacts of  
7 imports on domestic fisheries, and the sale of recreationally-  
8 caught fish.  
9  
10 Again, we also are going to seek by letter the ability of the  
11 state law enforcement agencies to be able to enforce marine  
12 litter laws in the EEZ.  
13  
14 The Commercial and Recreational Fisheries Advisory Panel,  
15 they've been talking about bycatch issues, state legislation,  
16 artificial reefs, underutilized food-fish species in the Gulf of  
17 Mexico. I would note that from that committee you have two  
18 members that sit now on the council, Degraaf Adams, who is a  
19 previous member, and Philip Horn, who is still a current member.  
20  
21 Captain's Daily Fishing Reports, the IJF Program has completed  
22 the daily entry of the NMFS historical menhaden logs. That's  
23 the Captain's Daily Fishing Reports for the Gulf of Mexico.  
24  
25 This effort has been conducted as time and money permitted using  
26 temporary personnel to actually key enter into electronic format  
27 the paper hard-copy forms, which are in jeopardy of being lost  
28 to roaches and storms and decay.  
29  
30 All CDFRs from 1982 to current have been entered and are  
31 searchable on the GSMFC website. In addition, 1979 to 1981  
32 forms have been scanned and stored electronically on DVD. They  
33 started in 1979. So the first couple of years are not  
34 applicable, but we figured we would scan them and hold them just  
35 if somebody wanted to do some look-see in the back.  
36  
37 As well as five years of early Atlantic forms were also scanned  
38 by our staff and provided to the NMFS Beaufort Lab. This took  
39 us several years to do and I think it was worth doing. We had  
40 at least twenty-three known temporaries from hired services and  
41 a total of \$74,000 in wages and 6,727 man hours to do this.  
42  
43 We had ten years entered and 87,081 forms were entered and three  
44 years were scanned in the Gulf with five years scanned for the  
45 Atlantic. Now virtually all of these CDFRs from 1982 to 2003  
46 are available on the GSMFC oracle server, although they haven't  
47 been yet released to the public. We're working on that and so  
48 that will be soon.

1 We also have a ProSite literature database. Currently there are  
2 2,073 references and abstracts which have been entered into the  
3 IJF ProSite database.

4  
5 The bibliographic collection represents all of the citations  
6 used in the last several FMPs and includes spotted sea trout,  
7 flounder, menhaden, blue crab, and numerous miscellaneous  
8 publications. The database is searchable from the GSMFC website  
9 and provides keyword and complete abstracts when available.

10  
11 As far as FIN activities, initially we were planning for the  
12 level funding and so for 2005, FIN, Fisheries Information  
13 Network, the data stuff, was planned to be around \$4.2 million.  
14 But there is a mark in the Senate which has an additional  
15 million in it, which we expect or hope will be the actual number  
16 that eventually comes out, and that will allow us to do some  
17 more things.

18  
19 But some of the things we are doing is the charterboat survey in  
20 offshore Texas. This is exceeding the quota of their samples by  
21 about 30 percent so far in 2004. At-sea headboat sampling in  
22 Alabama, a pilot survey in Alabama to test at-sea sampling  
23 methods, and we hope to expand it for the entire Gulf in the  
24 future and that's contingent on money.

25  
26 The Gulf menhaden port sampling is ongoing. We're now caught up  
27 and everything will be electronic from now on. Now this is a  
28 big one and, Robin, I don't know why he didn't mention it, but  
29 Texas is implementing trip tickets in 2005.

30  
31 They're targeting about sixty dealers to work out the details of  
32 the program and they're going to start off with electronic  
33 reporting on some of those dealers from Texas, Louisiana,  
34 Alabama, and Florida. Approximately 250 dealers are online  
35 electronically.

36  
37 As far as the sampling under the FIN Program, the states have  
38 cut just over 20,000 otoliths from January to August for about  
39 eighty different species. In 2005, we're only targeting king  
40 mackerel, greater amberjack, Gulf and southern flounder due to  
41 funding. Now if we had all the money in the world, we would go  
42 for all the species. But that's a good bit of otolith sampling.

43  
44 In the system, loaded in the system, we have trip ticket data,  
45 biological data, recreational data, including -- Bill Hogarth  
46 spoke at our meeting and he said they didn't have Texas  
47 recreational data, but we also have Texas data in our system for  
48 recreational as well as Puerto Rico.

1 Menhaden data and SEAMAP and we're working on loading vessel,  
2 fishermen, and dealer information. It says see Item 1 on the  
3 other page.

4

5 **CHAIRMAN MORRIS:** Thank you, Mr. Simpson. Any questions for Mr.  
6 Simpson?

7

8 **MR. SIMPSON:** I'm not through, ma'am. Do you want me to be  
9 through?

10

11 **CHAIRMAN MORRIS:** Council, do you want Mr. Simpson to continue  
12 with his report? Yes, please.

13

14 **MR. SIMPSON:** Thank you. NMFS and the states will compile  
15 changes to the Cooperative Statistics Program since the  
16 implementation of trip tickets. Now if you just walk away from  
17 something and you don't ever analyze it, you will never know how  
18 the new system changed and what changed about cooperative  
19 statistics. So our staff is developing a white paper from these  
20 comments and the paper will be discussed at the March meeting.

21

22 The Habitat Program, I'll just mention that the Habitat  
23 Subcommittee submitted a MARFIN proposal to map bottom habitat  
24 within the Gulf of Mexico. Had we had this, it would have been  
25 a lot easier for that discussion that you all spent most of the  
26 council's time and money on just this morning.

27

28 I have one brag. The commission and the states Derelict Trap  
29 Program won second place in the Gulf Guardian Award in the  
30 Government Category. This award is sponsored by the Gulf of  
31 Mexico Program who developed the awards as a method of  
32 recognizing and honoring the businesses, community groups, and  
33 individuals and agencies who are taking positive steps to keep  
34 the Gulf healthy, beautiful, and productive.

35

36 Over 750 volunteers representing a multitude of organizations  
37 came together in 2004 to remove approximately 12,000 derelict  
38 traps from the coastal waters of Alabama, Mississippi,  
39 Louisiana, and Texas. Florida's program will begin next year.  
40 Jeff needs a pat on the back for that. He did a good job.

41

42 The 23<sup>rd</sup> SEAMAP Summer Ground Fish Survey occurred from June 2<sup>nd</sup>  
43 to July 16<sup>th</sup>, 2004. 381 trawl stations were sampled. The 21<sup>st</sup>  
44 Fall Plankton Survey took place from August 31<sup>st</sup> to September  
45 30<sup>th</sup>. NMFS and Louisiana sampled 101 stations on the West  
46 Florida Shelf and the Northern Gulf of Mexico and with that,  
47 Madam Chairman, I am through.

48

1 **CHAIRMAN MORRIS:** Any questions for Mr. Simpson? Next we'll  
2 hear from Mr. Frugé.

3  
4 **MR. FRUGE:** I will prepare a written report and submit it to  
5 council staff for distribution, but I'll mention a couple of  
6 highlights, maybe three highlights. I have two personnel  
7 issues. The Southeast Region now has a new Deputy Regional  
8 Director. Her name is Cindy Dohner. She was formerly the  
9 Assistant Regional Director for our Ecological Services Program,  
10 which is our habitat protection division.

11  
12 Also the Division of Federal Assistance has a new chief, Mike  
13 Piccirilli, and also I do have and will include in my written  
14 report the final numbers on the Kemp's Ridley nesting counts and  
15 I don't remember the exact number, but the preliminary total for  
16 this year was a little bit less than what it was last year.

17  
18 Lastly, I would like to thank the council for your vote of  
19 support for the SARP and funding for a coordinator. I just want  
20 to mention if we cannot get a critical mass of the states to  
21 commit there may be no need to ask the council for anything.

22  
23 Assuming we do get a critical mass of commitment, we will work  
24 out the details with staff on how to transfer the funding and we  
25 will try to put it to the best use possible. Thank you.

26  
27 **CHAIRMAN MORRIS:** Any questions for Mr. Frugé? Thank you, Mr.  
28 Frugé. That concludes the Director's Reports. I'm inclined to  
29 move to Other Business, Mr. Minton, instead of Reef Fish. But  
30 if you would like, we can go back to Reef Fish.

31  
32 **MR. MINTON:** It's your call.

33  
34 **CHAIRMAN MORRIS:** Let's finish up with Other Business. The  
35 first item under Other Business is the SEDAR Spiny Lobster.

36  
37 **EXECUTIVE DIRECTOR SWINGLE:** That's being printed out. Let's go  
38 to the second one.

39  
40 **CHAIRMAN MORRIS:** Okay. The second one has to do with -- Mr.  
41 Swingle, would you introduce this?

42  
43 **EXECUTIVE DIRECTOR SWINGLE:** We did put under Other Business for  
44 your consideration the issue of going ahead and hiring a PR  
45 person to do our news releases and news letters and also operate  
46 the web page that we use and that would free up Steve a lot more  
47 time for his type of analyses in the biological area.

48

1 We had budgeted for that position to begin next year, in 2006.  
2 But we do have the funding available now and so we could proceed  
3 a year early if the council agrees to that and the funding came  
4 from accruing the salaries of our economist, who went to work  
5 for NMFS about three years ago.  
6

7 **MR. MINTON:** Wayne, could that person also be in charge of  
8 electronic media where we would have -- Right now, we're trying  
9 to piggyback on people putting the CDs together for the council  
10 as Steve did last time on his own outside of his normal duties.  
11

12 It would seem appropriate this person should be well versed in  
13 that kind of media and instead of adding something in -- Since  
14 more and more council members and other people are wanting this  
15 briefing book, which was stated earlier was 2,000 pages last  
16 meeting and over 1,000 this meeting, in either CD or just strict  
17 electronic form. If that person could handle this, I would  
18 certainly think it would well justify that position.  
19

20 **EXECUTIVE DIRECTOR SWINGLE:** We can certainly make that a part  
21 of the job description for that person, which would mean we  
22 would get applicants that have that ability.  
23

24 Whether or not that would change the salary level or not -- What  
25 we had done is drafted up a job description and we would need to  
26 go back and do that. We had submitted the job description to  
27 Regina James for her to give us a GS-rating number for that.  
28

29 But I agree that would be a great addition to us and also free  
30 up Steve because he's the one right now that is handling that  
31 type of electronic work.  
32

33 **CHAIRMAN MORRIS:** Council, could somebody make a motion to  
34 support the addition of a public relations staff member to the  
35 council staff? Ms. Walker, are you making that motion?  
36

37 **MS. WALKER:** Yes, ma'am. **I will make a motion to support the**  
38 **addition of a staff member to handle PR, outreach, the website,**  
39 **and also copying of our briefing books onto CDs.**  
40

41 **CHAIRMAN MORRIS:** Is there a second for that motion? Second by  
42 Mr. Williams. Discussion?  
43

44 **MR. PERRET:** Two or three meetings back before my little hiatus  
45 I asked about the display stand and so will that person develop  
46 that or has it been developed for when we go to meetings and  
47 there's another one coming up in Washington and it would be nice  
48 to promote our council.



1 **CHAIRMAN MORRIS:** It seems obvious that that person would  
2 provide leadership on that project. **Any further discussion?**  
3 **All those in favor of the motion, say aye; all those opposed,**  
4 **like sign. The motion carried.** We have in front of us the  
5 report from the SEDAR Committee just handed out and Mr. Swingle,  
6 do you want to go over this, please?

7  
8 **EXECUTIVE DIRECTOR SWINGLE:** We are going forward with a SEDAR  
9 process for spiny lobster. The Florida Marine Fishery  
10 Commission has the lead on that and are doing most of that.

11  
12 But we are a participant and our greatest participation will  
13 come later for the review panel and review workshop, but we  
14 would like your permission to approve travel for the persons  
15 listed on this sheet. It would probably be a larger group when  
16 we finally get to final review thing, but anyway, that's before  
17 you.

18  
19 **MR. PERRET:** So moved that we approve --

20  
21 **CHAIRMAN MORRIS:** Mr. Perret moves and Ms. Walker seconds that  
22 we approve this list of attendees for the Spiny Lobster SEDAR  
23 Data Workshop. Do we need to have that motion up on the board?  
24 Who made the motion?

25  
26 **MR. PERRET:** Move that the following persons be approved to  
27 attend the Spiny Lobster SEDAR Data Workshop in Marathon,  
28 Florida from January 25 to 27, 2005: Roy Williams, Stu Kennedy,  
29 Simon Stafford, Robert Gaitanis, Marianne Cufone, and Bill  
30 Herrnkind.

31  
32 **CHAIRMAN MORRIS:** The motion is on the board. We have a motion  
33 and a second. Any discussion? **All those in favor, say aye; all**  
34 **those opposed, like sign. The motion passes.**

35  
36 **MR. HORN:** You skipped over the discussion. You moved on before  
37 anybody had a chance to raise their hand.

38  
39 **CHAIRMAN MORRIS:** You have discussion on this motion?

40  
41 **MR. HORN:** I had a question, certainly.

42  
43 **CHAIRMAN MORRIS:** Is it still germane after we passed the  
44 motion?

45  
46 **MR. HORN:** Sure.

47  
48 **CHAIRMAN MORRIS:** Okay, Mr. Horn.

1 **MR. HORN:** Isn't it a common practice to send the committee  
2 chairman? I'm not questioning Roy Williams, but we have a  
3 chairman of that committee, Karen Bell, and I'm just curious.  
4

5 **CHAIRMAN MORRIS:** Mr. Horn, I spoke with both Ms. Bell and Mr.  
6 Williams about attending and they worked it out between them  
7 that Mr. Williams was the more appropriate person to attend. I  
8 think that cover Other Business. We were originally scheduled  
9 for a lunch break at 11:30 on Tuesday and it's now 11:45. We  
10 will take our lunch break now and we'll come back and do the  
11 Reef Fish Committee Report.  
12

13 **MS. WILLIAMS:** Our committee assignments?  
14

15 **CHAIRMAN MORRIS:** Yes, do you want to do committee assignments  
16 first? Thank you. I forgot about that.  
17

18 **MS. WALKER:** I move that the council accept Chairman Morris's  
19 recommendations on committee assignments.  
20

21 **MR. HENDRIX:** Second.  
22

23 **CHAIRMAN MORRIS:** Motion and a second. Any discussion? I'm  
24 sorry this has been a confusing process for the committee  
25 assignments and I'm glad we're reaching the decision point. Any  
26 further discussion? **All those in favor, say aye; all those**  
27 **opposed, like sign. The motion carries.** So lunch break and we  
28 will return at 1:15, an hour and a half from now.  
29

30 (Whereupon, the meeting recessed at 11:45 o'clock a.m., November  
31 9, 2004.)  
32

33 - - -

34  
35 TUESDAY AFTERNOON SESSION  
36

37 - - -  
38

39 The Gulf of Mexico Fishery Management Council reconvened in the  
40 Sand Dunes Ballroom of the Sheraton Hotel, South Padre Island,  
41 Texas, Tuesday afternoon, November 9, 2004, and was called to  
42 order at 1:15 o'clock p.m. by Chairman Julie Morris.  
43

44 **CHAIRMAN MORRIS:** Council members, if you will please take your  
45 seats, we're going to reconvene and begin with the Reef Fish  
46 Committee report.  
47  
48

1 **MR. MINTON:** Red Snapper IFQ Profile Options Paper, you should  
2 have Tab B in front of you. Again, on this particular paper  
3 we've been through it about two or three times in committee. It  
4 has been sent out to the Ad Hoc Red Snapper Advisory Panel and  
5 they had forwarded back to us.

6  
7 The committee went through it option by option. I think, Wayne,  
8 you may need to help me here, but after this we would go through  
9 it assuming that it would then be passed along to the IPT Team  
10 and brought back to us again and then it would go -- We would  
11 hopefully put it in the form of a public hearing document, which  
12 would then go back to the AP, which would come back to us, and  
13 so we've got about three or four more shots at this thing.

14  
15 **EXECUTIVE DIRECTOR SWINGLE:** Yes, that's correct. We would  
16 anticipate completing all of that action by mid next year and it  
17 would go initially to the IPT and they would redraft it and it  
18 would come back to you as kind of an options paper and then  
19 subsequently as a public hearing draft and as you've indicated,  
20 we would go to public hearings on it.

21  
22 **MR. MINTON:** With that in mind, Section 1.1, IFQ Units of  
23 Measure, there was discussion on gutted versus whole weight. **By**  
24 **a vote of 4 to 1, the committee recommends, and I so move, that**  
25 **the alternatives that reflect the quota share percentages be**  
26 **translated into gutted weight and that "whole weight" be**  
27 **stricken from the alternatives. The intent is to apply this**  
28 **change throughout the document.**

29  
30 **CHAIRMAN MORRIS:** We have a committee motion. Is there  
31 discussion of the committee motion?

32  
33 **MR. FISCHER:** I just want to verify that the gutted weight will  
34 be adjusted and have nothing to do with how the TAC is divided  
35 and they'll be compensated for it. Is that correct?

36  
37 **MR. MINTON:** That's correct.

38  
39 **MR. RIECHERS:** I would like to offer a substitute motion and  
40 that motion would be that we adopt all of the motions regarding  
41 the Red Snapper IFQ Profile Options Paper from page 1 through  
42 page 8 and if I get a second, I will explain.

43  
44 **CHAIRMAN MORRIS:** Is there a second to the substitute motion?

45  
46 **MS. WALKER:** Second.

47  
48 **CHAIRMAN MORRIS:** Seconded by Ms. Walker.

1 **MR. RIECHERS:** Basically we waded through these in committee  
2 because we felt like it was an important task for us to start  
3 getting this document and getting some of the options cleaned up  
4 and some of them put in the Considered but Rejected category.

5  
6 But in reality, this is a very early document. We will get  
7 several more shots at it, as Vernon just explained, and I think  
8 it would probably not really behoove the council at this time to  
9 wade through it option by option because the IPT Team is going  
10 to work on this and try to merge some of these where they make  
11 more sense and put it in a format that is a little more readable  
12 and a little more understandable with some of the justifications  
13 surrounding each alternative. At that point, I think we can  
14 then better go through the document and take a look at it.

15  
16 **CHAIRMAN MORRIS:** Discussion of the substitute motion?

17  
18 **MR. HORN:** Would you please restate where your 1 through 8 is  
19 coming from, on which document?

20  
21 **MR. RIECHERS:** The Summary of the Reef Fish Management  
22 Committee, the committee report.

23  
24 **CHAIRMAN MORRIS:** Further discussion of the motion?

25  
26 **MR. ADAMS:** I would like to support the motion in the interest  
27 of time and efficiency, but I'm afraid that there are two  
28 clauses in page 1 through 8 that I would like to discuss,  
29 Clauses 3.1(a) and 3.1(b).

30  
31 3.1(a) is an alternative being moved into Considered but  
32 Rejected and I think at the end of the committee discussion  
33 about that there may have been some confusion over what they  
34 were not deleting, but moving to CBR. The substitute  
35 alternative that was being put in 3.1(a), I would like to put  
36 that alternative back into 3.1(a).

37  
38 **CHAIRMAN MORRIS:** I'm going to make a process question and  
39 please help me here. We have a motion from the committee and we  
40 have a substitute motion and then it sounds like Mr. Adams would  
41 like to work on the substitute motion as a basis and delete some  
42 of the things or pull them out and consider them separately.

43  
44 **MR. ADAMS:** Well, further discuss two particular clauses, 3.1(a)  
45 and 3.1(b).

46  
47  
48

1 **CHAIRMAN MORRIS:** So one method to proceed would be to go  
2 through the committee report and take each motion separately.  
3 Another path would be to work the substitute motion and then  
4 make amendments to the substitute motion to delete or clarify --  
5 Like take things out that were controversial and only work on  
6 those one by one. Do you understand what I'm suggesting here?

7  
8 **MR. FENSOM:** This IFQ program we view as maybe one of the  
9 avenues to help solve our problems we have regulating fisheries  
10 and I just think it's just too important to kind of lump and do  
11 them in one group. I think we ought to go through each one  
12 separately.

13  
14 If we just lump them and don't discuss them and say we'll  
15 discuss them later, it's going to come back with Considered but  
16 Rejected in the back and the group that's doing all the work on  
17 it will not be looking at the Considered but Rejected and then  
18 we'll be trying to pull back Considered but Rejected. I don't  
19 think in the long run it will help us.

20  
21 **CHAIRMAN MORRIS:** So Mr. Adams and Mr. Fensom would prefer to do  
22 the one by one and then you would then be voting against the  
23 substitute motion. More discussion on the substitute motion?  
24 Are you ready to vote on the substitute motion? **All those in**  
25 **favor of the substitute motion, please raise your hand; all**  
26 **those opposed. The motion failed.** We're back to the main  
27 motion. Is there any discussion on this motion that Mr. Minton  
28 has already introduced?

29  
30 **DR. CLAVERIE:** If we don't adopt this motion, I assume we stick  
31 with what is there, which is describing both whole and gutted  
32 weight. Is that right, Mr. Minton?

33  
34 **MR. MINTON:** That would be correct. However, if I may, Madam  
35 Chair, it's going to be technically incorrect in that we're  
36 telling people that we're going to be using possibly one or the  
37 other when in fact the quota is going to be tracked as gutted  
38 weight. The assessments are done as gutted weight and so it's  
39 really a better way, I think, to proceed with the document.

40  
41 **DR. CLAVERIE:** I'm concerned about the comparison of gutted  
42 weight on the commercial side to whole weight on the  
43 recreational side and we hear some people saying that the  
44 recreationals are catching the majority of these fish, which  
45 we're supposed to be catching 49 percent.

46  
47 If somebody says the commercial take is so many pounds and the  
48 recreational take is so many pounds, the fact that one of them

1 is in apples and the other is in oranges I think is going to be  
2 lost.

3  
4 So I would rather it be described in both and therefore you can  
5 see that one of them has an apple description and an orange  
6 description and the other one has only an apple description and  
7 which one of the apple or the orange you use in the commercial  
8 fishery, it doesn't matter. But I think that the whole weight  
9 needs to be described so that it can be compared with the  
10 recreational take.

11  
12 **MR. MINTON:** I think it certainly can be. We were told that in  
13 the commercial sector 70 or 80 percent of the fishery when it's  
14 landed at the dock fish are already in the gutted condition. I  
15 think personally it just allows less of a potential for over  
16 landing of the commercial weights.

17  
18 If we say that they're going to bring all of their fish in on a  
19 whole weight and they bring them in gutted, then all of a sudden  
20 by NMFS standards you've got 11 percent more fish than you can  
21 add on to that sector. So it's got a potential problem with it  
22 too.

23  
24 **MR. PERRET:** I agree with Mr. Claverie. I always use heads-on  
25 weight for shrimp, yet for some reason the big government likes  
26 to use heads off and I guarantee you I'm fortunate enough to  
27 have one state record fish and that was total weight, it wasn't  
28 gutted weight. I would hope that -- Vernon, I just don't see  
29 where it would be that big of a problem to have both whole as  
30 well as gutted provided.

31  
32 **CHAIRMAN MORRIS:** More discussion on the motion?

33  
34 **MS. WALKER:** I would ask Mr. Minton. Didn't the original motion  
35 though that the AP came out with, they wanted it all in whole  
36 weight so that's what would take place unless Mr. Claverie made  
37 another motion to add both whole and gutted weight.

38  
39 **CHAIRMAN MORRIS:** The committee motion is to switch to gutted  
40 weight from whole weight, right? Further discussion? Are you  
41 ready to vote on this motion?

42  
43 **MR. MINTON:** It was the vote of the Ad Hoc to go to whole  
44 weight.

45  
46 **DR. CLAVERIE:** But if we don't pass this motion, what is in the  
47 document, whole and gutted?

48

1 **MR. MINTON:** It's going to have sections with both in it. Right  
2 now, it's inconsistent. Part sections have whole and part have  
3 gutted.

4 **CHAIRMAN MORRIS:** So, Mr. Minton, a final word on why the  
5 council should vote for this motion?  
6

7 **MR. MINTON:** It's consistency. I think this is the way NMFS is  
8 going to record the data. We've had problems throughout the  
9 grouper fishery, for example, with landings coming in, and I  
10 think Dr. Crabtree can attest to that, of part of them being  
11 reported whole and part of them being reported gutted and when  
12 they do that analysis, they would realize they've got both of  
13 them together and they would have to go back through and redo  
14 it.  
15

16 It's just an attempt to let everybody know we're going to do it  
17 one way. The other thing is those conversions. I still contend  
18 that if you're going to address it as all whole weight, a guy  
19 will gut his fish and land them at the dock and they'll be  
20 recorded as whole weight and he'll have 1,100 pounds instead of  
21 1,000 and it's going to over harvest in that sector.  
22

23 **DR. CRABTREE:** We have had confusions in the past. If a concern  
24 here is being able to compare the commercial allocation with the  
25 recreational allocation, it would be easy enough to state the  
26 total TAC in terms of whole weight and then the two allocations  
27 in terms of whole weight and then indicate that in gutted weight  
28 the commercial allocation is this and then track the whole IFQ  
29 thing based on gutted weight. It's a simple --.  
30

31 **CHAIRMAN MORRIS:** Are you speaking in favor of this motion, Dr.  
32 Crabtree?  
33

34 **DR. CRABTREE:** Yes, I'm in favor the motion. I think gutted  
35 weight, the fish are mostly landed gutted and it makes more  
36 sense to me to track it in terms of gutted weight.  
37

38 **CHAIRMAN MORRIS:** We're closing in on a vote here and if you  
39 don't have anything new to say -- But it looks like you do, Mr.  
40 Perret.  
41

42 **MR. PERRET:** Well if it's that easy for Dr. Crabtree and his  
43 agency to do, why can't it be that easy to just give gutted as  
44 well as whole weight?  
45

46 **DR. CLAVERIE:** Based on what Vernon said and that if we just  
47 defeat this motion, we're then confused because in some  
48 instances it's whole weight and some instances it's gutted

1 weight. I must offer a substitute motion, simply that we do  
2 just the opposite, that we use only whole weight and references  
3 to gutted weight be translated to whole.

4 **CHAIRMAN MORRIS:** Is there a second for Mr. Claverie's motion?  
5 The motion fails for lack of a second. We're back to the main  
6 motion. Are you ready to vote and you understand the arguments  
7 on both sides? They've been well stated. **All those in favor of**  
8 **the motion, say aye; all those opposed, like sign. The motion**  
9 **passes.**

10  
11 **MR. MINTON:** Item 1.2, Duration of IFQ Rights, the committee  
12 discussion focused on how many years after inception the IFQ  
13 program should be renewed.

14  
15 **By a vote of 5 to 0, the committee recommends, and I so move,**  
16 **adding a new preferred alternative to Section 1.2 as follows:**  
17 **Confer on IFQ share certificate holder the privilege to harvest**  
18 **a specified amount indefinitely. Five years after inception of**  
19 **the program, it will be reviewed and the program may be**  
20 **terminated or modified by council action.**

21  
22 **CHAIRMAN MORRIS:** We have a committee recommendation.  
23 Discussion?

24  
25 **MR. FENSOM:** The first question I would have I guess is for  
26 Shep. I've got two or three questions. It says based on a  
27 weighted vote based on landings by the present shareholders. Is  
28 that appropriate for us to let our vote be based on the weighted  
29 vote?

30  
31 **CHAIRMAN MORRIS:** Mr. Fensom, where are you in the document?

32  
33 **MR. FENSOM:** I think I'm on page 19 and I guess that language is  
34 not in the -- It's not in the document, but I do have a couple  
35 of other questions.

36  
37 **We've got this language of rather than "indefinitely," I think**  
38 **when we put the word "indefinitely" in there it leaves the**  
39 **impression that this is a permanent program. I would suggest**  
40 **that we have the language rather than "indefinitely" that we**  
41 **have "for five years."**

42  
43 **CHAIRMAN MORRIS:** Are you offering that as an amendment?

44  
45 **MR. FENSOM:** Yes.

46  
47 **CHAIRMAN MORRIS:** Is there a second to the amendment? Mr.  
48 Fischer seconds. Discussion on the amendment?



1 **MR. HORN:** Keep in mind that all of these commercial fishermen  
2 that this government is here to help has been told that it is  
3 the intent that this be an indefinite program. In their mind,  
4 indefinite is going to be a long time, not five years.

5  
6 If you people want these people to have this, you had better  
7 make it as simple as it can be for them. They've been told,  
8 it's your document, it's your program, it's yours, it's yours,  
9 it's yours.

10  
11 They want it forever and they've stated that through the Ad Hoc  
12 Panel and they've stated it at public hearings for the last ten  
13 years. Keep that in mind by putting all this terminology in  
14 there that sure does sound like they're going to get a screwing  
15 in about five years.

16  
17 **CHAIRMAN MORRIS:** Any more discussion?

18  
19 **MR. MINTON:** The only thing that changed in here from the  
20 preferred ad hoc to the preferred committee was the weighted  
21 vote and according to information we received that Magnuson  
22 requires a vote on the first document, period.

23  
24 After that, it does not have to go out and so we deleted that  
25 out so that they would not feel like they were going to get  
26 automatically another vote. There's one vote by the community  
27 at the start of the inception of the program. But it's my  
28 understanding after that they are not necessarily guaranteed a  
29 vote on anything.

30  
31 **MR. GRIMES:** Actually there are two votes, the one that we've  
32 already done to go ahead and prepare it and once you prepare it  
33 it goes to the fishermen and then up or down we approve it.

34  
35 But I would also caution, or not caution, but comment, that this  
36 language -- Again, this is going to transition from what is an  
37 options paper or I forget what this is. It has been a profile,  
38 an options paper, and it's going to become an amendment and as  
39 the team works on the amendment, part of their job is going to  
40 be to clean this up.

41  
42 I think Mr. Fensom raises a valid point that by suggesting  
43 indefinitely, or at least explicitly stating that, you are  
44 opening up more of an argument about conveying a long-term  
45 right, even though it is clear in the law that that is not what  
46 you would get with this.

1 But I think once the team gets with it, this sort of  
2 alternative, it's going to be to have an IFQ program and a list  
3 of sort of durational alternatives and there's not going to be a  
4 specific duration with this and so I would sort of discourage at  
5 this point arguing over whether we wanted to have indefinitely  
6 in it or for five years.

7  
8 You can give some direction, but they are going to be  
9 alternatives and you would come back later as you debate this  
10 and pick one of those as your preferred alternative.

11  
12 **CHAIRMAN MORRIS:** Mr. Grimes, I can't tell whether you were  
13 speaking in support or opposition to this amendment. Neither?  
14 Neither, okay.

15  
16 **DR. CLAVERIE:** This motion uses the word "privilege to harvest"  
17 and I object to that. But I think the proper place to object is  
18 in 3.1(a), which is on page 4, which says we should use  
19 "privileges" instead of "rights" all throughout the document and  
20 so I want to be sure my right is reserved.

21  
22 **CHAIRMAN MORRIS:** We'll talk about that when we get to that  
23 section. More discussion on this amendment?

24  
25 **MS. WILLIAMS:** I'm going to speak in favor of the original  
26 committee motion because if you look at the motion in the book,  
27 what the committee did was they just struck out "based on a  
28 weighted vote based on landings by the present shareholders if  
29 the objectives of the IFQ FMP are not met."

30  
31 I don't see the problem in saying yes, we're putting this  
32 document together and we are saying that you have the privilege  
33 to harvest a specific amount indefinitely, but then right after  
34 we say that in the committee motion, we say five years after  
35 inception of the program it will be reviewed and the program may  
36 be terminated or modified by the council action.

37  
38 So to me, indefinite doesn't have the word that Mr. Fensom is  
39 concerned about because we actually state what our intent is in  
40 the very next sentence.

41  
42 **MR. SIMPSON:** There is a difference in indefinite and until  
43 replaced or indefinite until replaced and five years and then  
44 review for the future. There is a difference and it seems to me  
45 that this is, and I've said this before, and it's nothing new,  
46 this is economics. I don't consider this fisheries management.

47  
48

1 I consider this true economics and I'm not really qualified to  
2 do that and if this is and should be, in my opinion, an  
3 industry-driven exercise, then it seems to me that if you want a  
4 buy in with them you need to kind of go with what they want.  
5 That's my opinion.

6  
7 **MR. WILLIAMS:** I speak against the amendment. We were told last  
8 time when we approved starting work on grouper IFQs that it  
9 would take three years to put that program in place.

10  
11 If we limit this to five years, we're going to have to begin  
12 reviewing it after two years and any changes we want to make  
13 will have to start at the end of two years. That's just not  
14 enough time.

15  
16 So I think we leave the "indefinite" in. We're a long way away  
17 from approving any of this and I don't think we need to debate  
18 these a whole lot because these are just directions to the IPT  
19 as to kind of the way we're thinking and we're going to get a  
20 lot of chances yet.

21  
22 **DR. CRABTREE:** I agree with Roy and I don't support putting a  
23 five-year sunset in this and I think it's clear that the word  
24 "indefinitely" means that it would take action by the council to  
25 change it.

26  
27 **CHAIRMAN MORRIS:** Any further discussion on the amendment? Are  
28 you ready to vote on the amendment? The amendment is clear to  
29 everyone? **All those in favor of the amendment, say aye; all**  
30 **those opposed, like sign. The amendment fails and we're back to**  
31 **the main motion.**

32  
33 Do we need to discuss the main motion anymore? Are you ready to  
34 vote on it? **All those in favor, say aye; all those opposed,**  
35 **like sign. The motion passes.**

36  
37 **MR. MINTON:** Under Section 1.3, Set-Aside for Non-IFQ Catches  
38 Under the Current Commercial Quota, without objection, the  
39 committee recommends, and I so move, that the council not select  
40 a preferred alternative for Section 1.3 at this time.

41  
42 Basically, Madam Chair, this was how would the program  
43 accommodate illegal catches outside of the IFQ and we preferred  
44 to go to the IPT and then find out more about it before we made  
45 a decision.

46  
47 **CHAIRMAN MORRIS:** There is a committee motion. Is there any  
48 discussion of the committee motion? **Any opposition to the**

1 committee motion? The committee motion passes.  
2

3 **MR. MINTON:** Under Section 1.4(a), Actions to be Taken in the  
4 Event that the TAC or Commercial Quota Increases, without  
5 objection, the committee recommends, and I so move, that the  
6 council change its preferred alternative for Section 1.4(a) to  
7 Alternative 1: All future increases in commercial quota set  
8 under TAC will be distributed among IFQ share certificate  
9 holders on record at the time of the increase in commercial  
10 quota. The distribution will be proportionate and based on a  
11 percentage of commercial quota by the individual shareholders.  
12

13 **CHAIRMAN MORRIS:** Mr. Minton, can you give the rationale for  
14 that?  
15

16 **MR. MINTON:** It mainly differs in whether to do it immediately  
17 or four years from now or five years from now and the committee  
18 just decided that it would go forward with the changes at the  
19 time that it was done, based on who held it, and right now it  
20 looks like we're going to be making changes every five years and  
21 so it would just kind of put it in the form of the rest of the  
22 document.  
23

24 **CHAIRMAN MORRIS:** Council discussion of the motion? Any  
25 discussion? All those in favor, say aye; opposed, like sign.  
26 The motion passes.  
27

28 **MR. MINTON:** Section 1.4(b), Actions to be Taken in the Event  
29 that TAC or the Commercial Quota Declines, by a vote of 5 to 0,  
30 the committee recommends, and I so move, that Sections 1.4(a)  
31 and 1.4(b) be combined into one section. Madam Chair, that  
32 would just be for ease. In other words, why have one if it goes  
33 up and a different if it goes down?  
34

35 **CHAIRMAN MORRIS:** Any discussion of the committee motion? Are  
36 you ready to vote? All those in favor, say aye; opposed, like  
37 sign. The motion passes.  
38

39 **MR. MINTON:** The next section, 1.5, Types of IFQ Share  
40 Certificates, the committee made no changes or no  
41 recommendations for changes to this section. I guess we would  
42 open it up there if there is anyone who would like to make  
43 changes or additions to this section to go to the IPT. Now  
44 would be the time to do that.  
45

46 **CHAIRMAN MORRIS:** Any additions or suggestions not related to  
47 committee recommendations for this section before we move on to  
48 Section 2? Hearing none, please move on to Section 2.

1 **MR. MINTON:** Under Section 2, Who is Eligible to Receive an  
2 Initial Red Snapper IFQ Allocation, at the beginning of this  
3 section the committee began examining the list of alternatives  
4 in each section to recommend which alternatives could be moved  
5 to Considered but Rejected to eliminate redundancy and  
6 unrealistic alternatives while still leaving a range of  
7 alternatives to satisfy NEPA requirements.

8  
9 Following discussion, the committee felt that simpler wording in  
10 Alternative 2(a) of the Ad Hoc Red Snapper Advisory Panel was  
11 preferable.

12  
13 **By a vote of 5 to 0, the committee recommends, and I so move,**  
14 **that the council's preferred alternative for Section 2.1 be**  
15 **changed from Alternative 1 to the Ad Hoc Red Snapper Advisory**  
16 **Panel's preferred alternative, Alternative 2: A person to whom**  
17 **a current Class 1 or Class 2 license has been issued will be**  
18 **eligible for an initial allocation. Current permanent resident**  
19 **aliens who currently hold Class 1 or Class 2 licenses will be**  
20 **included in the initial allocations.**

21  
22 **CHAIRMAN MORRIS:** We have a committee motion. Under discussion,  
23 Mr. Minton, can you give us the rationale for why we -- How does  
24 this differ from our previous preferred alternative?

25  
26 **MR. MINTON:** I believe in part of it it talks about that we had  
27 in there a natural person and in that, we eliminated  
28 corporations, if I'm on the right section.

29  
30 **CHAIRMAN MORRIS:** Additional discussion of this motion?

31  
32 **MR. WILLIAMS:** The other important thing that it had was  
33 discussion of the legally binding agreements and the committee  
34 decided that it was best just to give the allocation to whoever  
35 is holding the license now.

36  
37 If that person bought it from somebody else in the past, they  
38 might have a lawsuit between themselves and they're going to  
39 have to settle out who is entitled to it. But we didn't want to  
40 be in the middle of it and didn't think NMFS wanted to be.

41  
42 **CHAIRMAN MORRIS:** Any further discussion of this committee  
43 motion?

44  
45 **MR. PERRET:** Vernon, if a person has a Class 1 or a Class 2,  
46 they're in. So what's the purpose of that last sentence  
47 relative to resident aliens? If they're a resident alien and  
48 they have the Class 1 or Class 2, they're already in.

1 **EXECUTIVE DIRECTOR SWINGLE:** Some of the bills that were in the  
2 hopper last year limited ITQ systems entirely to citizens in the  
3 United States and we do have a big Vietnamese community that  
4 probably would fall into the other category. So we tried to  
5 maintain it. Your boss, when he was working for Trent Lott up  
6 there, got that same language into the Senate version.

7  
8 **MR. PERRET:** That still doesn't answer my question. If they're  
9 currently a Class 1 or Class 2, why do you have to reiterate  
10 with the second sentence?

11  
12 **MR. MINTON:** A clarification. Corky, I would say just to make  
13 it clear that we weren't excluding them.

14  
15 **CHAIRMAN MORRIS:** Further discussion of the committee motion?  
16 Are you ready to vote? **All those in favor, say aye; all those**  
17 **opposed, like sign. The motion carries.**

18  
19 **MR. MINTON:** Madam Chair, without objection, the committee  
20 recommends, and I so move, that the following alternatives in  
21 Section 2.1 be moved to the Considered but Rejected Section:  
22 **Alternative 3(b) and 4.**

23  
24 **MR. FENSOM:** I speak in opposition to the motion and I think  
25 what I should -- I'll just speak in opposition to the motion and  
26 primarily I'll speak in opposition to the motion because of  
27 Alternative 4 on page 31, which is a provision that says some  
28 percentage of these shares shall be available by lottery. It's  
29 basically some percentage shall be available by lottery and  
30 that's open to citizens of the United States.

31  
32 I think it's important to have Alternative 4 in there so other  
33 fishermen that did not receive a red snapper 2,000-pound permit  
34 or a 200-pound permit can come in and say I want some  
35 opportunity to have a shot at this.

36  
37 One of the important issues in making this IFQ sell to the  
38 public is a sense of fairness. So I speak in opposition to  
39 striking Alternative 4 and so I speak in opposition to the  
40 committee motion.

41  
42 I think what this provision would do is it would allow a grouper  
43 fishermen to come in and say I would like to have a shot at that  
44 and you could limit it to grouper fishermen or you could limit  
45 it to other fishery permit holders so it's not just limited to  
46 the snapper people.

47  
48

1 All of these people that come up to me after every meeting in  
2 Florida particularly and say I missed getting my permit by so  
3 many pounds and I've always felt like I was not treated fairly  
4 and it's a public resource and the idea of completely locking it  
5 into the existing people and not even putting it out for debate,  
6 I just disagree with. So I speak in opposition to removing  
7 Alternative 4.

8  
9 **CHAIRMAN MORRIS:** Further discussion?

10  
11 **DR. CLAVERIE:** I forget what it's called, but I would like to  
12 **move that we separate the two and vote on 3(b) separately from**  
13 **4.** Divide the question or separate the question. I forget what  
14 it's called.

15  
16 **CHAIRMAN MORRIS:** Help me out with Robert's Rules of Order. We  
17 have a motion to separate the question. Do we have a second to  
18 that motion?

19  
20 **MR. FENSOM:** Second.

21  
22 **CHAIRMAN MORRIS:** Is the motion to separate debatable or do we  
23 just go ahead and vote on whether to separate?

24  
25 **DR. CLAVERIE:** I don't think it needs to be debated.

26  
27 **CHAIRMAN MORRIS:** We're going to vote on the motion to separate  
28 the issue into rejecting 3(b) and rejecting 4. Is that your  
29 intent? **All those in favor of separating the motion, say aye;**  
30 **all those opposed. The motion to separate passes.** So the first  
31 motion that we'll take up will be the motion to reject  
32 Alternative 3(b). Is there any discussion on that?

33  
34 **DR. CRABTREE:** I just want to point out that if you did go with  
35 the way I read Alternative 4, that means only half of the  
36 current red snapper allocation would be awarded to the  
37 participants of the IFQ program who are now catching all of the  
38 commercial allocation. So they would essentially be seeing  
39 their catch reduced by half and then that half would be awarded  
40 by a lottery, which --

41  
42 **CHAIRMAN MORRIS:** Dr. Crabtree, we're talking about 3(b) right  
43 now and not 4. If you have any comments on 3(b), we would like  
44 to hear them. Is there any discussion on rejecting 3(b)? **All**  
45 **those in favor of the split motion to move to Considered but**  
46 **Rejected 3(b), say aye; all those opposed, like sign. The**  
47 **motion passes. Now we're talking about Alternative 4 and the**  
48 **motion to reject it.**

1 **MR. FENSOM:** Anticipating Dr. Crabtree's comment, it says 50  
2 percent or other percent and that is why it needs to be out for  
3 the public. It may be 10 percent, it may be 20 percent.

4  
5 But the idea of having some of this available to the public or  
6 available to other fishermen I think is only fair and this is  
7 simply an alternative to get out in front of the public and let  
8 the public hear this issue and respond to it and see where it  
9 leads us.

10  
11 **MR. MINTON:** I should be noted that this talks about any U.S.  
12 citizen whereas prior we had talked about allowing foreign  
13 aliens to participate. This would preclude them from getting  
14 any of the lottery.

15  
16 **MS. WILLIAMS:** From what I can remember of all of the  
17 discussions, first we had the endorsement system and after the  
18 endorsement system then we had the Class 1 and Class 2 and the  
19 Class 2 came about that anybody that had even landed one pound  
20 of red snapper and could prove it got a Class 2.

21 It was also my understanding in listening to some of the  
22 discussion, and why I thought we chose the previous preferred of  
23 if you've got a Class 1 or Class 2 license you'll be in there,  
24 if the grouper fishermen want to fish red snapper, then they go  
25 out and they buy the coupons or the shares if somebody wants to  
26 sell their shares.

27  
28 When we get to the red grouper ITQ or shallow-water grouper or  
29 however we're going to do it, the same applies vice versa to the  
30 red snapper fishermen.

31  
32 If you want to harvest some red grouper, you've got to go find a  
33 grouper fisherman that's willing to sell you some of his  
34 coupons. So I don't know why we're getting bogged down in who  
35 we're going to let have a pound when they didn't land them back  
36 during the qualifying period anyway.

37  
38 **MR. SIMPSON:** Jim, getting to your comment about fairness, and  
39 to Roy's comment about 50 percent, it does say 50 percent or  
40 other percent.

41  
42 Why doesn't it say 5 percent or other percent or 10? I think  
43 the public knowing in general what the council's idea if this  
44 was to pass is important. It's important for orders of  
45 magnitude here. I don't think 50 percent is anywhere close to  
46 being fair. Maybe 5 or maybe 10 or some percent. So if you're  
47 going to work on it and keep it in, you need to work on that 50  
48 percent, I think.



1 **CHAIRMAN MORRIS:** Further discussion?  
2

3 **MS. WALKER:** I would ask Dr. Crabtree. When the IPT meets and  
4 if the council approves this as going in as an option, would you  
5 not have options then that you would present back to us in the  
6 options paper of 5 percent, 10 percent, 20 percent? You  
7 wouldn't just come out with this, would you?  
8

9 **DR. CRABTREE:** They would develop it however the council wanted  
10 to see it done.  
11

12 **CHAIRMAN MORRIS:** It seems like Mr. Fensom is supporting this  
13 just to keep the idea alive for discussion and analysis of some  
14 portion of the shares being available through lottery if I  
15 understand him correctly.  
16

17 So the question before the council in voting on this motion is  
18 do you want to consider but reject completely the idea of some  
19 portion of the shares, less than 50 percent, to be kept in the  
20 document as an alternative to be discussed and analyzed or would  
21 you like to at this point move all consideration of lottery  
22 shares into Considered but Rejected? We've had plenty of  
23 discussion. Are you ready to vote on the motion?  
24

25 **MR. FENSOM:** My last word would be I'm not pushing 50 percent,  
26 I'm not pushing 5. I think the concept of a percentage, and  
27 that would be in these minutes, that the concept that the  
28 council has discussed is some percentage being available to  
29 other fishermen, to the general public, and let's get some  
30 public testimony on how this might work.  
31

32 **CHAIRMAN MORRIS:** Ready to vote? All those in favor of the  
33 motion to move this alternative addressing lotteries to  
34 Considered but Rejected and so this is voting for moving it to  
35 Considered but Rejected, say aye --  
36

37 **MR. FENSOM:** I'm not clear. I thought we were -- It's been  
38 considered but rejected.  
39

40 **CHAIRMAN MORRIS:** No. The committee motion was to move it to  
41 CBR.  
42

43 **MR. FENSOM:** So this is to move it to Considered but Rejected.  
44

45 **CHAIRMAN MORRIS:** So if you are with Mr. Fensom, you will vote  
46 against this motion. If you are against Mr. Fensom, you will  
47 vote for it. **All those in favor of the motion, say aye; all**  
48 **those opposed, like sign. The motion failed.**

1 A hand vote is requested. All those in favor of the motion to  
2 reject this, please raise your hand; all those opposed to this  
3 motion, please raise your hand. The motion is defeated.  
4

5 **MR. MINTON:** Section 2.2, Initial Apportionment of IFQ Shares,  
6 the committee felt that the intent was to use the most ten  
7 recent years of catches, which currently would be 1994 to 2003,  
8 and modify the alternative to reflect those changes in years.  
9

10 By a vote of 5 to 0, the committee recommends, and I so move,  
11 that the council's preferred alternative for Section 2.2 be the  
12 same as the Ad Hoc Red Snapper Assessment Panel's preferred  
13 alternative, which would be Alternative 1: Among all red  
14 snapper license holders (i.e. Class 1 and Class 2) base the  
15 initial allocation on ten out of ten years and the individual  
16 chooses either 1990 through 1999 or 1994 through 2003.  
17

18 **CHAIRMAN MORRIS:** We have a committee motion. Any discussion on  
19 the committee motion? Are you ready to vote on the committee  
20 motion?  
21

22 **MR. HORN:** Refresh my memory as to why the years were changed in  
23 the second part.  
24

25 **MR. MINTON:** They were changed because they thought it should  
26 reflect the most current data. At the time the document was  
27 originally drawn up, the 2003 landings weren't there. They are  
28 available now and it should be reflective of the most current  
29 information available.  
30

31 **CHAIRMAN MORRIS:** Any further discussion on the motion? Ready  
32 to vote? All those in favor, say aye; all those opposed, like  
33 sign. The motion carried.  
34

35 **MR. MINTON:** Without objection, the committee recommends, and I  
36 so move, that the following alternatives in Section 2.2 be moved  
37 to the Considered but Rejected Section: Alternatives 3(b), 4,  
38 5(a), 5(b), 6, 7, and 12.  
39

40 **CHAIRMAN MORRIS:** Mr. Minton, these are all different time  
41 periods for basing the catch history on?  
42

43 **MR. MINTON:** Different time periods and different weightings in  
44 terms of -- For example, Alternative 4, what it does with that  
45 is if you'll read the narrative it says the council must take  
46 into consideration present participation in the fishery plus  
47 historical fishing practices.  
48

1 This one, Alternative 4, only gives minimum weighting to present  
2 participation. 5 is similar to that. 5(b), again,  
3 differentially allocating and I'm trying to look forward to the  
4 other ones and there's a lot of them here.

5  
6 6 is a statistical process should be developed to weight  
7 landings based on historical and temporal participation. 7 is  
8 based on a combination of catch history and a measure of capital  
9 investment. A lot of these we're not sure how that would even  
10 be accomplished, quite frankly.

11  
12 **CHAIRMAN MORRIS:** Discussion on this motion? Any discussion?  
13 Are you ready to vote?

14  
15 **MS. WALKER:** I was just concerned in looking at Alternative 4,  
16 and we're not going to have it as an alternative and it's not  
17 that I support it, but I'm wondering if it would be important to  
18 the Class 2 holders to have it in there because I know that  
19 their fishing practices were affected by the seasons and they're  
20 out for longer than ten days and they can only bring in two  
21 hundred pounds and so they just kept throwing them back and I'm  
22 just wondering if we should -- Was there a lot of -- I guess the  
23 question would be whoever attended the AP meeting, was there a  
24 lot of negative comments on trying to include that in the  
25 record?

26  
27 **MR. RIECHERS:** I can't really speak to it because I wasn't in  
28 attendance, but basically those same years are used in  
29 Alternative 3(a) and it deals both with Class 1 and Class 2,  
30 Bobbi. So that's why we felt we could go ahead and delete that  
31 as an option.

32  
33 **CHAIRMAN MORRIS:** Any more discussion on the motion? Are you  
34 ready to vote? **All those in favor, say aye; all those opposed,**  
35 **like sign. The motion passes.**

36  
37 **MR. MINTON:** Section 2.2.1, Minimum Harvest Requirements for  
38 Consideration in the Initial Apportionment of IFQ Shares, the  
39 committee had no recommended changes to the preferred  
40 alternative and only recommended removal of unneeded  
41 alternatives.

42  
43 **Therefore, without objection, the committee recommends, and I so**  
44 **move, that Alternative 3 in Section 2.2.1 be moved to the**  
45 **Considered but Rejected.**

46  
47 **CHAIRMAN MORRIS:** Any discussion of the committee motion? **Are**  
48 **you ready to vote on the committee motion? All those in favor,**

1 say aye; all those opposed, like sign. The motion passes.  
2  
3 **MR. FISCHER:** I'll just ask the council if they would like to  
4 look at Alternative 1 and Alternative 2 and see if we can get  
5 some type of agreement to possibly support the Ad Hoc Panel's  
6 Alternative 1. I think the only difference is gutted weight  
7 versus whole weight.  
8  
9 **MS. WALKER:** I have a question for clarification. The trip  
10 tickets, are they in gutted weight?  
11  
12 **MR. STEVEN ATRAN:** The trip tickets are in whatever weight the  
13 fishermen report the landings. Most of it is in gutted weight,  
14 but some of it is in whole weight.  
15  
16 **MS. FOOTE:** Steve is correct. But the method is recorded on the  
17 trip ticket, whether it was gutted or whether it was whole.  
18 It's not just the pounds. It has a method.  
19  
20 **CHAIRMAN MORRIS:** So are we dealing with Mr. Fischer's  
21 suggestion here or is this a new issue? Mr. Fischer, I wasn't  
22 clear on what your suggestion was.  
23  
24 **MR. FISCHER:** I was going to see if the chair was going to make  
25 a motion and if not, I was going to say the council's preferred  
26 alternative be changed to Alternative 1 to match that of the Ad  
27 Hoc Panel being we're using whole weights.  
28  
29 **MR. MINTON:** He is correct. Since the motion passed to use  
30 whole weight in the document, so --  
31  
32 **MR. WILLIAMS:** It seems to me that somewhere in here we started  
33 talking about we ought to ask the IPT to make a recommendation  
34 and in fact, the last motion in this section does ask them to  
35 make a recommendation as to what we should use in here, gutted  
36 weight or whole weight, and then we'll be consistent.  
37  
38 I don't think any of us are strongly married to one or the  
39 other. But whatever in the long run works out the best for  
40 everybody concerned is what we want to use. So I don't think we  
41 really need to make -- I think we'll ask them to tell us which  
42 one to use and just go with it. I'm not married to either one.  
43  
44 **CHAIRMAN MORRIS:** The issue on the floor, and there's not even a  
45 motion on the board, is whether we should switch the council  
46 preferred alternative to Alternative 1 in Section 2.2.1. Does  
47 anybody want to speak to that? We have the motion idea and we  
48 have the let the IPT deal with it idea.

1 **MR. FISCHER:** I'll move that we use the council's preferred as  
2 **Alternative 1 to be consistent with the motion we passed**  
3 **earlier.**  
4  
5 **CHAIRMAN MORRIS:** It's that the council's preferred alternative  
6 be Alternative 1 in Section 2.2.1. Is there a second for this  
7 motion?  
8  
9 **MS. WALKER:** I'll second.  
10  
11 **CHAIRMAN MORRIS:** We have a motion and a second. Discussion of  
12 the motion?  
13  
14 **MR. HORN:** I think you should rule this motion out of order  
15 since we've already voted to use gutted weight throughout the  
16 document.  
17  
18 **CHAIRMAN MORRIS:** I'm inexperienced at ruling motions out of  
19 order.  
20  
21 **MS. WILLIAMS:** Shepherd, in order to help us out the next time  
22 that we meet and perhaps the IPT Team -- I could go back and  
23 look through some files that I probably have at my house, but  
24 when we originally did the ITQ and the fishermen were sent what  
25 their poundage was going to be based on the quota that was  
26 there, they stated what those pounds would be, whether it was in  
27 gutted weight or whole weight.  
28  
29 Would you go back and research and see what they used back when  
30 they first did the conversion when we first started with this  
31 process?  
32  
33 **MR. GRIMES:** I can certainly check. I would wonder if any of  
34 the NMFS folks knew.  
35  
36 **CHAIRMAN MORRIS:** We have a motion on the board and I have not  
37 ruled it out of order. I'll brush up on Robert's Rules before  
38 next meeting, Mr. Horn, I promise. Are we ready to vote on the  
39 motion?  
40  
41 **MR. MINTON:** Could we ask staff to review the first motion we  
42 voted on, which was whole or gutted, please? It was my  
43 recollection that we voted as whole weight because that changed  
44 the committee recommendation.  
45  
46 **CHAIRMAN MORRIS:** It says that whole weight will be stricken  
47 from the alternatives and that percentages be translated into  
48 gutted weight.

1 **MR. MINTON:** Something is out of order.  
2  
3 **MS. WALKER:** The motion is out of order, yes.  
4  
5 **CHAIRMAN MORRIS:** **Mr. Fischer's motion finally has been declared**  
6 **by the chair to be out of order.** We're in Section 2.2.  
7  
8 **MR. MINTON:** Under Section 2.2, Initial Apportionment of IFQ --  
9 We've done that.  
10  
11 **CHAIRMAN MORRIS:** 2.3. There's no motions for 2.2 from the  
12 committee. Are there any --  
13  
14 **MR. MINTON:** And 2.2.2 is redundant at this point.  
15  
16 **MR. GRIMES:** I apologize, but to go back to this, I can actually  
17 answer Ms. Williams's question right now. The former ITQ  
18 system, which was codified and never removed from the CFR,  
19 states: Annually, as soon after November 15<sup>th</sup> as the following  
20 year's red snapper quota is established, the regional director  
21 will calculate each red snapper shareholder's ITQ in terms of  
22 eviscerated weight.  
23  
24 **MR. MINTON:** Does that mean gutted?  
25  
26 **MR. GRIMES:** That would be gutted.  
27  
28 **CHAIRMAN MORRIS:** Onto Section 2.3, Transferability.  
29  
30 **MR. MINTON:** 2.3, Transferability of Landings Records for  
31 Eligibility and Initial Apportionment, the committee felt this  
32 section was largely redundant with Section 2.1. **Without**  
33 **objection, the committee recommends, and I so move, that the**  
34 **council delete Section 2.3 and add discussion where appropriate**  
35 **to Section 2.1.** The committee recommended giving staff  
36 editorial license if this results in something missing from the  
37 range of discussion.  
38  
39 **CHAIRMAN MORRIS:** We have a committee motion. Is there  
40 discussion of the committee motion? If there is no discussion,  
41 we'll vote. **All those in favor of the committee motion, say**  
42 **aye; all those opposed, like sign. The motion passes.**  
43  
44 **MR. MINTON:** Under 3.1(a), Transferability (where rights should  
45 be transferable), Roy Crabtree felt the term "fishing  
46 privileges" rather than "fishing rights" was more accurate and  
47 should be used throughout the document.  
48

1 Without objection, the committee recommends, and I so move, that  
2 throughout the document the term "fishing privileges" be used  
3 rather than "fishing rights."  
4

5 **CHAIRMAN MORRIS:** We have a committee recommendation. Any  
6 discussion?  
7

8 **DR. CLAVERIE:** This issue goes far beyond what is in this  
9 document. It goes far beyond ITQs. The government takes a  
10 position that fishing is a privilege. Most American citizens  
11 take the position that fishing is a right.  
12

13 We went through this when I first got back on the council and  
14 the agreement was that in the Gulf Council documents we would  
15 use neither term. Remember, Wayne?  
16

17 **EXECUTIVE DIRECTOR SWINGLE:** No, I really don't.  
18

19 **DR. CLAVERIE:** Well, obviously not. I remember it well and if  
20 Wilma is here, she'll remember it. Is Wilma here? No, she's  
21 not here. Privilege is an indication that the government owns  
22 the fish and we can have the privilege to catch their fish.  
23

24 The actual law is that the fish are fair inatri and that the  
25 government has an obligation to conserve and manage the fish and  
26 they can exercise control over the fishermen for that purpose,  
27 but they don't own the fish. We actually used to shoot men in  
28 red coats around this country because that was one of the things  
29 the crown said, the crown owns the fish.  
30

31 I would suggest that unless we want to go through all of this  
32 all over again that we just leave it as the agreement was that  
33 we don't use either word, "rights" or "privileges" and so in  
34 that regard, I would request this --  
35

36 **CHAIRMAN MORRIS:** You're urging a vote against this motion?  
37

38 **DR. CLAVERIE:** Well, if we're going to do what we're supposed to  
39 do, we won't use either one.  
40

41 **MR. WILLIAMS:** I call the question.  
42

43 **CHAIRMAN MORRIS:** The question has been called. The first vote  
44 is on whether to call the question and it's non-debatable.  
45 Those in favor of calling the question, say aye; all those  
46 opposed to calling the question, say nay. The question has been  
47 called.  
48

1 We're going to vote on this motion from the committee. **All**  
2 **those in favor of the motion, say aye; all those opposed, like**  
3 **sign. The motion passes.**  
4

5 **MR. MINTON:** By a vote of 4 to 2, the committee recommends, and  
6 I so move, that Alternative 2 in Section 3.1(a) be moved to  
7 Considered but Rejected.  
8

9 **CHAIRMAN MORRIS:** We have a committee motion. Discussion of the  
10 committee motion?  
11

12 **MR. ADAMS:** I might call on some help from Roy Crabtree. Roy,  
13 the committee discussed deleting the Alternative 2 under 3.1(a)  
14 and there was discussion about leaving it in. If you -- I'm  
15 calling upon you to refresh my memory about the discussion to  
16 leave in Alternative 2.  
17

18 **MR. MINTON:** If I may, Madam Chair, most of this was deleted, if  
19 I recall correctly, because it was talking about transferability  
20 of coupons and certificates. The lease of those was where it  
21 became the problem, that we did not want to see a lease of  
22 coupons and I think Dr. Crabtree made comment to that if I'm  
23 correct.  
24

25 **DR. CRABTREE:** There was a lot of discussion about this and  
26 there was concern about -- I guess I'm talking about Alternative  
27 2 on page 43, right? There was concern about people who would  
28 just sell or lease all of their coupons every year and never  
29 fish and this seemed to be an alternative that provided some  
30 options to address that. So I would support maintaining  
31 Alternative 2 in the document.  
32

33 **MR. RIECHERS:** The reason I believe it was moved is quite  
34 frankly the previous Alternative 1 says all or any portion and  
35 so you would have the opportunity to have percentage shares,  
36 which is really what this motion is doing down here, and that's  
37 in Number 1 of that Alternative 2.  
38

39 Number 2 had some sort of more complicated fishing years out of  
40 every X years kind of notion where you basically couldn't do  
41 that for some X period of time and I believe we deal with that  
42 in a later section.  
43

44 **MR. WILLIAMS:** Degraaf, if you were in there, you'll recall this  
45 is also the section where I brought up the fact that in our  
46 spiny lobster certificate program in Florida fishermen became  
47 exasperated after a while because there were persons who were  
48 not fishing, but were simply holding certificates and they



1 refused to sell them.  
2  
3 Their business just became leasing those certificates and so  
4 eventually the fishermen went to the legislature and got leasing  
5 prohibited and the problem was that persons who -- They couldn't  
6 buy enough certificates so that they could predict from one year  
7 to the next and what they wanted to do and I supported leaving  
8 Alternative 2 in here because I thought --  
9  
10 There are some real good reasons why a person might want to  
11 lease his shares for some years. But if the person is simply  
12 going to be a leasor and never fish, then I kind of thought  
13 there ought to be some penalty for that and one of the penalties  
14 might be that every third year he wouldn't get paid and he  
15 couldn't lease them at all every third year. So I think we  
16 should leave Alternative 2 in here, myself.  
17  
18 **CHAIRMAN MORRIS:** Further discussion on the motion? Has  
19 everybody been informed by the discussion so far and know what  
20 their position is on this one? Are you ready to vote? **All**  
21 **those in favor of the motion, please say aye; all those opposed,**  
22 **like sign. The motion fails.**  
23  
24 **MR. MINTON:** That takes us to Section 3.1(b), Transferability.  
25 **By a vote of 4 to 1, the committee recommends, and I so move,**  
26 **that the preferred alternative for Section 3.1(b) be changed**  
27 **from Alternative 2 to Alternative 1 as modified by removing the**  
28 **word "natural". IFQ share certificates and/or coupons can be**  
29 **transferred only to persons in the commercial reef fish fishery**  
30 **(i.e. among those individuals/vessels maintaining a valid**  
31 **commercial reef fish permit). Transfer is implied to be limited**  
32 **to persons who are U.S. citizens or permanent resident aliens.**  
33  
34 **CHAIRMAN MORRIS:** Discussion of the committee motion?  
35  
36 **MR. ADAMS:** I don't think the change to move the preferred  
37 alternative to Alternative 1 is just deletion of the word  
38 "natural." What it is it's changing the alternative from  
39 natural persons to persons who are U.S. citizens and involved in  
40 the commercial fishery.  
41  
42 **CHAIRMAN MORRIS:** Thank you for that clarification, Mr. Adams.  
43 Discussion on the proposed committee motion? We're switching  
44 our preferred motion from just an open can be transferred to  
45 anyone who is a U.S. citizen or a permanent resident alien to  
46 only those who are commercial reef fish fishery participants.  
47  
48

1 **MR. FENSOM:** I speak in opposition to the motion. I think it  
2 should be open to whoever is available to purchase.  
3  
4 **CHAIRMAN MORRIS:** Any further discussion on the committee  
5 motion?  
6  
7 **MR. HORN:** This doesn't necessarily preclude anybody from buying  
8 one. If they want to buy a reef fish permit, they're considered  
9 in the fishery whether they ever wet a hook or not. If they've  
10 got a reef fish permit, then they can buy shares and they're  
11 legit. So anybody can still do it. It doesn't lock you into  
12 the class of people that begin with it.  
13  
14 **CHAIRMAN MORRIS:** So are you speaking in support of the motion  
15 or in opposition?  
16  
17 **MR. HORN:** I think the motion lets you do anything you want to  
18 do.  
19  
20 **MR. FISCHER:** Are reef fish permits readily available through  
21 the National Marine Fisheries Permit Office?  
22  
23 **CHAIRMAN MORRIS:** Who can answer that question?  
24  
25 **EXECUTIVE DIRECTOR SWINGLE:** There has been a moratorium on them  
26 and so you can only purchase reef fish vessel permits from  
27 persons that hold them.  
28  
29 **MR. FISCHER:** So you have to find someone willing to sell before  
30 you could buy a permit?  
31  
32 **CHAIRMAN MORRIS:** Thank you, Mr. Fischer, for that  
33 clarification.  
34  
35 **MS. WILLIAMS:** To me, what this motion did is it prevented a  
36 recreational fisherman from buying a coupon and going out there  
37 and harvesting his fish recreational and selling them or  
38 environmental groups taking it and putting it on a shelf and not  
39 using it was my understanding of what this motion meant. Maybe  
40 I need clarification.  
41  
42 **CHAIRMAN MORRIS:** So that's your reason why you would support  
43 switching to a preferred?  
44  
45 **MR. PERRET:** I kind of feel like Mr. Fensom on this one. If I'm  
46 in and have all I need to have and I'm restricted to who I can  
47 sell it to, it certainly hampers my ability to make money. If  
48 someone outside the fishery wants to pay me a lot more for it,

1 why wouldn't you want to -- If this thing is of value, why not  
2 get the most value for it?

3

4 **MR. ADAMS:** I would clarify Ms. Williams's statement. You were  
5 worried about recreational fishermen buying coupons and catching  
6 the fish and then selling them. They will not be able to sell  
7 them because they don't have a commercial reef fish permit to be  
8 able to sell the fish.

9

10 **MS. WALKER:** I concur with Mr. Perret. I also speak against the  
11 motion. I think that the commercial fishermen should have the  
12 right to get the highest dollar for his coupons.

13

14 **CHAIRMAN MORRIS:** Have you had enough discussion? Are you ready  
15 to vote? Are you still confused?

16

17 **MR. HORN:** No, I'm not confused. I would just like to ask our  
18 legal eagle a question. If I am a participant in this system  
19 and I'm the owner of a share and I have coupons, how can anyone  
20 enforce what I do with my coupons, whether I want to keep them  
21 and look at them or whether I want to take them and fish them or  
22 whether I want to sell them to Dr. Perret, who has got  
23 megabucks. Who is going to know what I do with my coupons? No  
24 one could enforce that law.

25

26 **MR. GRIMES:** National Marine Fisheries Service will know if you  
27 implement the tracking program that's required to go in here.  
28 They know where those coupons are and you have to get -- If you  
29 approve such a program, you have to let them know when you're  
30 going to transfer them, to whom will you be transferring them.

31

32 When you fish them, the fish houses will have to account for  
33 them, assuming that the tracking program goes along with it,  
34 which, as I understand, was a big element in this program.

35

36 **MR. HORN:** But if they're not executed, it won't matter.

37

38 **MR. GRIMES:** I would assume if they're never used then the  
39 agency will know the fact that they are never used. But other  
40 than that, you're correct.

41

42 **MS. WILLIAMS:** In looking at the document, it was my  
43 understanding that our AP Panel that we had put together to  
44 advise us on how they wanted their business plan to look wanted  
45 this.

46

47 I think we're sitting here today picking alternatives that they  
48 were against and we're setting this plan up for failure, which

1 is going to mean that they're going to have to go and have some  
2 kind of Congressional actions to make sure that we do the right  
3 things here. But do as you please with it.

4  
5 **MR. FISCHER:** In response to that, I wonder what percent of this  
6 advisory panel were commercial fishermen, if it was over 50  
7 percent. But my statement has to do with why I'm in favor of  
8 the council's original alternative, Alternative 2.

9  
10 As fishery managers in an overfished fishery, why would we mind  
11 if someone, a fisherman, gets money selling coupons to someone  
12 who is not going to use them? It will just help the stock.

13  
14 **CHAIRMAN MORRIS:** Are we ready to vote on this motion? **All**  
15 **those in favor of the motion to change the preferred alternative**  
16 **to the one that is Alternative 1, which has a restricted pool of**  
17 **people who can receive transfers, say aye; all those opposed,**  
18 **like sign. The motion fails.** Mr. Fischer, you had a comment?

19  
20 **MR. FISCHER:** Would it be out of order to go back to our  
21 original council Alternative 2 and try to have it as a  
22 preferred?

23  
24 **CHAIRMAN MORRIS:** It already is a preferred. It needs no  
25 action.

26  
27 **MR. MINTON:** That would be the default, Mr. Fischer. **Without**  
28 **objection, the committee recommends, and I so move, that the**  
29 **following alternatives in Section 3.1(b) be moved to the**  
30 **Considered but Rejected Section: Alternatives 3, 4, 5, and 7.**

31  
32 Most of those, Madam Chair, deal with combinations of  
33 percentages, income. Number 4 is for the first five years and  
34 Number 5 is Class 2 licenses only could be transferred and  
35 Number 7, again, has the U.S. citizen only provision in it,  
36 which makes it problematic.

37  
38 **CHAIRMAN MORRIS:** Probably similar discussion to the one we just  
39 had. If it was necessary, is there any discussion of this  
40 committee motion? **All those in favor of the committee motion,**  
41 **say aye; all those opposed, like sign. The motion passes.**

42  
43 **MR. MINTON:** Under Section 3.2, Timing of the First Transfer of  
44 IFQ Share Certificates and Annual Coupons, several alternatives  
45 in this section appeared to be duplicative with alternatives in  
46 Section 3.1. However, it was noted that 3.2 referred to the  
47 first transfer of quota only, whereas 3.1 referred to all  
48 transfers.

1 **By a vote of 5 to 0, the committee recommends, and I so move,**  
2 **that the following alternatives in Section 3.2 be moved to the**  
3 **Considered but Rejected Section: Alternatives 4, 5, 7, and 8.**

4  
5 **CHAIRMAN MORRIS:** Discussion of the committee motion? Hearing  
6 no discussion, I'll call for a vote. **All those in favor of the**  
7 **committee motion, say aye; all those opposed, like sign. The**  
8 **motion passes.**

9  
10 **DR. CLAVERIE:** Vernon, does that leave an alternative that they  
11 can start selling them right away? I'm trying to read through  
12 here and see.

13  
14 **CHAIRMAN MORRIS:** That would be Alternative 1 on page 48.

15  
16 **DR. CLAVERIE:** That one is left in, right?

17  
18 **CHAIRMAN MORRIS:** Yes.

19 **MR. MINTON:** But that would just be for annual coupons. The  
20 certificates would be six months later and it's going to be  
21 problematic for NMFS to get that into line anyway.

22  
23 Following that, Dr. Crabtree felt that Alternative 2 was  
24 unnecessary since implementation of the quota tracking system  
25 would be required upon implementation of the IFQ program. **By a**  
26 **vote of 5 to 0, the committee recommends, and I so move, that**  
27 **Alternative 2 in Section 3.2 be moved to Considered but Rejected**  
28 **and there be no preferred alternative in Section 3.2.**

29  
30 **CHAIRMAN MORRIS:** Is there any discussion of the committee  
31 motion? Are you ready to vote? **All those in favor of the**  
32 **committee motion, say aye; all those opposed, like sign. The**  
33 **motion passes.**

34  
35 **MR. MINTON:** Under Section 3.3(a), whether to have a use-it-or-  
36 lose-it clause in the IFQ program, the committee members felt  
37 that in Alternative 1 exempting inactive shares from  
38 reallocation in the case of disability would provide for too  
39 many exemptions and a judgment would be needed as to what  
40 constitutes a disability. Also, Alternatives 2 and 3 are very  
41 similar and there is no need to have both of them.

42  
43 **Therefore, by a vote of 5 to 0, the committee recommends, and I**  
44 **so move, the following changes be made to alternatives in**  
45 **Section 3.3(a): strike "or disability" from Alternative 1; move**  
46 **Alternative 2 to Considered but Rejected; and make Alternative 3**  
47 **the council's preferred alternative.**

1 **CHAIRMAN MORRIS:** We have a committee motion. Is there any  
2 discussion of the committee motion?

3  
4 **MS. WALKER:** Based on the last motion that we passed, it seems  
5 to me that the use-it-or-lose-it is no longer applicable. Does  
6 anyone else feel that way?

7  
8 **CHAIRMAN MORRIS:** We have other alternatives in the previous  
9 section. So it's just for discussion and analysis. Any other  
10 discussion on this motion?

11  
12 **MR. PERRET:** Pursuant to sanctions on rule violations, now there  
13 are a lot of potential rule violations. Vernon, first I would  
14 assume that's fisheries rule violations and not safety type  
15 things and life preservers and things like that.

16  
17 But if a rule violation of one fish over the limit or one fish  
18 by an inch too short or something like that, is it any rule  
19 violation they would lose the share certificate? Is that what  
20 we're trying to do?

21  
22 I guess my question is there's various types of violations and  
23 it seems like we should classify it some sort of way or serious  
24 violations or something of that type.

25  
26 **CHAIRMAN MORRIS:** Mr. Minton, he's talking about Alternative 2,  
27 which we are proposing moving that to Considered but Rejected.

28  
29 **MR. MINTON:** We're recommending, Corky, to move that to  
30 Considered but Rejected and so I think the committee is agreeing  
31 with you.

32  
33 **MR. RIECHERS:** We are moving that one to Considered but  
34 Rejected, but that's because it's redundant of Alternative 3.  
35 What we're assuming here, Corky, is that whatever those rule  
36 violations are, this is a case where NOAA General Counsel has at  
37 some point basically taken someone's coupons for a year or  
38 something like that. So whatever rule would be egregious enough  
39 to do that is what we would be anticipating.

40  
41 **MR. ADAMS:** I'm just trying to help. There's a separate section  
42 in the document that deals with penalties and rule violations  
43 and who determines those.

44  
45 **MR. FISCHER:** Could we simply insert "fishery rule violations"  
46 and that would clear up some of the issues relating to non-  
47 fisheries violations.

48

1 **CHAIRMAN MORRIS:** That would be only if we decided not to move  
2 it to Considered but Rejected. So you're offering a suggested  
3 change in language to the committee motion? Before we make that  
4 formal, Mr. Minton, would you --  
5

6 **MR. MINTON:** I would like to ask Shep a question. Are there any  
7 instances where you all have sanctioned a vessel's permit which  
8 was not fishery related and sanctioned that permit?  
9

10 **MR. GRIMES:** I'm not aware one way or the other at this point.  
11

12 **MR. MINTON:** Is there a possibility that a sanction could be  
13 made on fishery permit that would be in something where it was  
14 not a fishery violation?  
15

16 **MR. GRIMES:** From us, I'm not really sure. The permit -- I  
17 could foresee where if you put your permit up as collateral for  
18 something maybe the bank would foreclose on it or the IRS or  
19 those sorts of instances. But we're not in the business of  
20 sanctioning permits for non-fishery violations. We do fishery  
21 enforcement.  
22

23 **MR. MINTON:** That's the answer I thought I would get.  
24

25 **CHAIRMAN MORRIS:** Mr. Minton, are you convinced by Mr. Fischer's  
26 suggestion to change the language in Alternative 3?  
27

28 **DR. CLAVERIE:** Myron, defining fisheries violations could be a  
29 problem. If it's a Magnuson Act violation, that's one thing.  
30 But the sanctionable violations are usually where there is  
31 fleeing an officer or assault on an officer or something like  
32 that.  
33

34 Now that's not a fishery violation because he's not a fish, but  
35 it's a violation that concerns fisheries management and so if  
36 you're going to limit it to fishery violations, that introduces  
37 a confusion that we may not like.  
38

39 **MR. MINTON:** Lying to an agent is more an egregious violation  
40 than over the limit fish.  
41

42 **DR. CLAVERIE:** Well, from a sanction point of view, yes.  
43

44 **MR. HORN:** I wonder how this would work, since I'm pretty sure  
45 right now that fines and all are based not on a violation, per  
46 se, but on an individual's ability to pay. So if you have two  
47 similar violations by two fishermen and one fisherman has a  
48 hundred pounds of coupons and one has 100,000 pounds of coupons,

1 would his fines and/or sanctions be worse than the smaller owner  
2 because they're based on your ability to pay now.

3  
4 **CHAIRMAN MORRIS:** Are people ready to vote on the motion? We've  
5 had plenty of discussion about it. It's a motion that affects  
6 three different sections of 3.3(a). **All those in favor of the**  
7 **motion, say aye; all those opposed, like sign. The motion**  
8 **passes.** I'm inclined to take a break. Mr. Minton wants to do  
9 one more motion.

10  
11 **MR. MINTON:** Just this one more. I think we can get this one by  
12 and then it will be a little smoother. Committee members also  
13 questioned for on Alternative 1 placing the burden on NMFS  
14 rather than the fishermen to keep track of quota allocations  
15 that could be reallocated due to inactivity.

16  
17 **Without objection, the committee recommends, and I so move, that**  
18 **the following be stricken from Alternative 1 in Section 3.3(a):**  
19 **"Reasonable attempts will be made to determine those**  
20 **shareholders in risk of losing their IFQ share certificates by**  
21 **the end of the second year or notify them accordingly."** Also,  
22 **clarify that Alternative 3 is actually a no use-it-or-lose-it**  
23 **alternative.**

24  
25 **CHAIRMAN MORRIS:** We have a committee motion to strike that  
26 sentence and clarify Alternative 3. Any discussion of the  
27 motion? **All those in favor of the motion, say aye; all those**  
28 **opposed, like sign. The motion passes.**

29  
30 Thank you, council. We're making good progress and I think  
31 we're making good decisions and we're having good points made  
32 and understood before we make those decisions and we're going to  
33 have a fifteen-minute break and we're going to come back and  
34 finish it.

35  
36 (Whereupon, a brief recess was taken.)

37  
38 **MR. MINTON:** Under Section 3.3(b), Disposition of Unused IFQ  
39 **Shares and Coupons, by a vote of 3 to 2, the committee**  
40 **recommends, and I so move, that the following new alternative be**  
41 **added to Section 3.3(b.1) as a preferred alternative: IFQ**  
42 **shares and/or coupons that have been sanctioned by NOAA**  
43 **Fisheries shall be proportionately reissued to shareholders for**  
44 **the period of the sanction.**

45  
46 **CHAIRMAN MORRIS:** We have a committee motion. Is there  
47 discussion of the committee motion? It both adds an alternative  
48 and chooses that as a preferred alternative and it looks like it



1 was a pretty closely split vote in the committee.

2  
3 **MR. MINTON:** If I may, Madam Chair, most of the voting was along  
4 editorial lines rather than the issue itself. We debated after  
5 final adjudication, in following years, and so forth. So this  
6 language was offered and I think it just kind of clarifies what  
7 the intent was. "During the period of the sanction" was the key  
8 words.

9  
10 **CHAIRMAN MORRIS:** Discussion?

11  
12 **MR. HORN:** Would this create a problem if there was a short-term  
13 sanction or what if it's a small operator and he has only has  
14 10,000 to 20,000 pounds of coupons anyway? That would be a far  
15 stretch, I would think, to put back into the system for even a  
16 year.

17  
18 Now if it was a long-term deal, it might be. But I really don't  
19 know that that would be practical in the sense of those issues.  
20 So then there was also along the lines of discussing what to do  
21 with fish that was harvested illegally and if you left this  
22 alone and left that alone, they would probably work themselves  
23 out.

24  
25 **CHAIRMAN MORRIS:** Mr. Minton, did you have a response?

26  
27 **MR. MINTON:** Just to the first part of it where he's talking  
28 about the small operator. In terms of the system, it would  
29 probably be difficult to work out, but it sure mean a lot to  
30 that individual and I think that's where the deterrent would  
31 probably be best appropriated because if that person were to  
32 lose those shares, it would mean a lot to that individual.

33  
34 **MR. GRIMES:** I guess I would just comment in accord with Mr.  
35 Horn there that if you get your coupons sanctioned and they take  
36 them away, the coupons have already been issued for the year and  
37 it's going to be very difficult for NOAA Fisheries to go back  
38 and reissue those coupons. It's already done.

39  
40 Like you said, if it's a small share and you've got 5,000 pounds  
41 worth of coupons you're going to proportionately redistribute to  
42 the entire fishery, it's going to be pretty inconsequential in  
43 the big scheme.

44  
45 **MR. WILLIAMS:** I think Mr. Horn and Mr. Grimes both make a good  
46 point and toward that end, I'm going to move that we strike the  
47 word "shall" and replace it with "may" in that next to the last  
48 line so that it would read that "IFQ shares or coupons that have

1 been sanctioned by NOAA Fisheries may be proportionately  
2 reissued to shareholders for the period of the sanction."  
3

4 **MS. WALKER:** I'll second.  
5

6 **CHAIRMAN MORRIS:** We have an amendment and a second. Any  
7 discussion on the amendment? It's pretty straightforward. **All**  
8 **those in favor of the amendment, say aye; all those opposed,**  
9 **like sign. The amendment passes.**  
10

11 Back to the main motion then. Any further discussion on the  
12 main motion? **All those in favor of the main motion, say aye;**  
13 **all those opposed, like sign. The motion passes.**  
14

15 **MR. MINTON:** Under 3.3(b.2), Disposition of Unused IFQ Coupons  
16 by Individuals for Reasons Other Than Sanctions, the committee  
17 made no changes to Section 3.3(b.2).  
18

19 **CHAIRMAN MORRIS:** Moving on.  
20

21 **MR. MINTON:** Ownership Caps and Restrictions, Dr. Crabtree felt  
22 that the alternatives need to consider a wider range of caps  
23 other than just the 8 percent which was currently in the  
24 section.  
25

26 **By a vote of 5 to 0, the committee recommends, and I so move,**  
27 **that the council create a new alternative to allow maximum**  
28 **ownership of a)no maximum; b)8 percent maximum; or c)15 percent**  
29 **maximum of IFQ shares and also create alternatives for coupon**  
30 **shares that could be greater than the share totals.**  
31

32 **CHAIRMAN MORRIS:** Any discussion of the committee motion?  
33

34 **MR. HORN:** I briefly spoke of this in the committee, but I just  
35 feel like the numbers are arbitrary. There's no basis for those  
36 percentages and it needs to be something other than just that.  
37 I just have a problem with that, with those numbers. There's no  
38 where did they come from and why are they used because -- I just  
39 have a problem with those numbers.  
40

41 **CHAIRMAN MORRIS:** Thank you, Mr. Horn. You would probably  
42 prefer a range of choices of numbers over one number though in  
43 this area, which is what this motion would accomplish. Any  
44 further discussion on the motion?  
45

46 **MS. WALKER:** I would like to ask Mr. Horn if he would be more  
47 comfortable if the IPT could look at current harvest and what  
48 the percentages are of the fishermen and if that would satisfy

1 him.

2  
3 **MR. HORN:** I'm not so sure that I would support any of it.  
4 What's wrong with somebody buying it all up if they've got the  
5 money? But I'm not so sure which way I would really go with it  
6 anyway, but it needs to be something different than that or give  
7 some justification for it.  
8

9 **MR. ADAMS:** Just as a reminder, the subcommittee asked that  
10 question to Dr. Keithly yesterday of where they came up with 8  
11 percent and he said it was an analysis that 8 percent currently  
12 was the maximum amount of percentage that any one fisherman had  
13 in the fishery at present. So they were trying to set it at 8  
14 because that's what the current statistics were.  
15

16 **CHAIRMAN MORRIS:** Mr. Swingle agrees with Mr. Adams and is  
17 nodding his head that that's true. Are you ready to vote on the  
18 motion? **All those in favor of the motion, say aye; all those**  
19 **opposed, like sign. The motion carries.**  
20

21 **MR. MINTON:** Madam Chairman, under Section 3.5, Landing  
22 Restrictions, page 56, without objection, the committee  
23 recommends, and I so move, that Section 3.5 be moved to  
24 Considered but Rejected.  
25

26 Generally, discussion was that this section was not consistent  
27 with the council's intent to let the fishermen make their own  
28 business decisions.  
29

30 **CHAIRMAN MORRIS:** We have motion from the committee and a brief  
31 rationale. Is there any discussion of the motion? **Is there any**  
32 **opposition to the motion? The motion passes.**  
33

34 **MR. MINTON:** Under Section 4.0, Monitoring of Transfers and IFQ  
35 Shares, Certificates, and Annual Coupons, Section 4.1,  
36 Monitoring of Transfers and IFQ Share Certificates, by a vote of  
37 4 to 2, the committee recommends, and I so move, that the  
38 council delay selection of a preferred alternative for Section  
39 4.1 and have the IPT to develop a section on pros and cons of  
40 IFQ quota share leasing.  
41

42 **CHAIRMAN MORRIS:** We have a committee motion. Is there  
43 discussion of the committee motion? Is this an appropriate role  
44 for the IPT, Dr. Crabtree?  
45

46 **DR. CRABTREE:** Yes, I think they could take a look at that and  
47 give us some advice as to how it might affect things.  
48

1 **CHAIRMAN MORRIS:** Any other discussion of the motion? **All those**  
2 **in favor of the motion, say aye; all those opposed, like sign.**  
3 **The motion passes.**  
4

5 **MR. MINTON:** Following discussions where there was a  
6 requirements under the Magnuson Act to collect fees for  
7 individual fishing quota programs, the committee moved without  
8 objection to recommend, and I so move, that the council have the  
9 IPT Team develop a new section containing alternatives on  
10 collection of fees as required by the Act under Section 304(d).  
11

12 **CHAIRMAN MORRIS:** We have a committee motion. Is there  
13 discussion of the committee motion? Hearing no discussion, are  
14 we ready to vote? **All those in favor of the motion, say aye;**  
15 **all those opposed, like sign. The motion passes.**  
16

17 **MR. MINTON:** Under Section 4.2, Monitoring and Transfers of  
18 Annual Coupons, without objection, the committee recommends, and  
19 I so move, that the following alternatives in Section 4.2 be  
20 moved to Considered but Rejected: Alternatives 3, 4, and 5.  
21

22 **CHAIRMAN MORRIS:** Any discussion of the committee motion?  
23

24 **MR. MINTON:** I believe most of those came around the leasing of  
25 annual coupons and that didn't appear to be something that was  
26 going to be probable. Leasing of shares, possibly, but coupons,  
27 no.  
28

29 **CHAIRMAN MORRIS:** Thank you for the explanation, Mr. Minton. Is  
30 there any discussion? **All those in favor of the motion, say**  
31 **aye; all those opposed, like sign. The motion carries.**  
32

33 **MR. MINTON:** Without objection, the committee recommends, and I  
34 so move, that the council's preferred alternative for Section  
35 4.2 be Alternative 1: Transfer of annual coupons issued in  
36 denominations of pounds to shareholders would be registered with  
37 the agency.  
38

39 **CHAIRMAN MORRIS:** We have a committee motion saying what the  
40 council's preferred alternative would be. Is there any  
41 discussion of this motion? Are you ready to vote? **All those in**  
42 **favor, say aye; all those opposed, like sign. The motion**  
43 **carries.**  
44

45 **MR. MINTON:** On Section 4.3, Quota Tracking, without objection,  
46 the committee recommends, and I so move, that Section 4.3 the  
47 preferred Alternative 1 to remove the sentence: "The system  
48 should be implemented at federal government expense" and develop

1 this discussion under the new section about fees and expenses of  
2 implementing the IFQ system.

3  
4 **CHAIRMAN MORRIS:** Is there any discussion of the committee  
5 motion? **All those in favor, say aye; all those opposed, like**  
6 **sign. The motion carries.**

7  
8 **MR. MINTON:** Under Section 5.1, Establishment of an Appeals  
9 Process, the committee had no changes to Section 5.1, 5.2, 5.3,  
10 or 5.4.

11  
12 **Without objection, the committee recommends, and I so move, that**  
13 **the council have the IPT revise Sections 5.2, 5.3, and 5.4 to be**  
14 **inclusive of the current alternatives that are already presented**  
15 **in the document and recommend a number of panelists to serve on**  
16 **the review panel.**

17  
18 **CHAIRMAN MORRIS:** Is there any discussion of the committee  
19 motion?

20  
21 **DR. CLAVERIE:** I would like to see that we have a discussion  
22 about who is going to be on and not just how many people, but  
23 does each state need at least one and what happens if one of the  
24 members has a conflict on a particular appeal and all those  
25 kinds of things.

26  
27 The way it in the book is couched it says each state director  
28 will nominate three, but it doesn't say what we should pick or  
29 not pick of those three and I think we ought to decide whether  
30 each state gets a representative or how that's going to work.

31  
32 **MR. RIECHERS:** You're right, Mau. That was one of the options  
33 and the other option is for the state directors or designees to  
34 be on the board as well.

35  
36 That's the two options that are out there and what we were  
37 hoping to do is let the IPT panel actually look at that closer  
38 and specifically in that Option 1 where you nominate three and  
39 determine a number and like you're saying, it may be two, it may  
40 be one, there may be, in the case of an absence, to have a  
41 proxy. But I think they will have the flexibility to do that if  
42 we just let them work on that section.

43  
44 **CHAIRMAN MORRIS:** Further discussion on the motion? **All those**  
45 **in favor of the motion, say aye; all those opposed, like sign.**  
46 **The motion passes.**

1 **MR. MINTON:** Under Section 5.5(a), Appeals, it was noted on the  
2 preferred Alternative 1 to have no set aside resulting from the  
3 appeals. Roy Crabtree noted that that would have to be done.  
4 Since there was no set aside, it would be implemented in  
5 subsequent years. The committee had no changes to Section  
6 5.5(a).

7  
8 **5.5(b), Legal Disputes, without objection, the committee**  
9 **recommends, and I so move that Section 5.5(b) Alternative 1 be a**  
10 **council preferred alternative and that Alternative 4 be deleted.**  
11 **Alternative 1 is: During the first five years, all shares**  
12 **distributed by the IFQ program will be qualified by the**  
13 **condition that they may be reduced by some quantity based on the**  
14 **outcome of legal disputes at some future date.**

15  
16 **CHAIRMAN MORRIS:** The other one that you'll be deleting is  
17 Alternative 4. Is that right?

18  
19 **MR. MINTON:** Yes.

20  
21 **CHAIRMAN MORRIS:** Any discussion of the committee motion?

22  
23 **DR. CLAVERIE:** Madam Chair, I'm sorry. I missed 5.5(a) and I  
24 had a question as to what that means.

25  
26 **CHAIRMAN MORRIS:** Right now let's finish on 5.5(b) and then  
27 we'll go back. 5.5(b), any discussion? Ready to vote? **All**  
28 **those in favor of the committee motion, say aye; all those**  
29 **opposed, like sign. The motion passes.** Back to 5.5(a) and a  
30 comment from Mr. Claverie.

31  
32 **DR. CLAVERIE:** 5.5(a) has two alternatives. One of them is  
33 called CBR. Does this no changes mean that that CBR will be  
34 moved to CBR or does it mean that it will not be moved CBR?

35  
36 **MR. MINTON:** No, it will not. That was a panel recommendation  
37 and it is my understanding that unless we approve that it will  
38 remain in the document.

39  
40 **CHAIRMAN MORRIS:** Mr. Minton, what do we take next?

41  
42 **MR. MINTON:** At this point, the committee discussed reorganizing  
43 the document into a more logical progression and consolidating  
44 some of the similar alternatives.

45  
46 **Then without objection, the committee recommends, and I so move,**  
47 **the council have the IPT reorganize and consolidate the document**  
48 **as an options paper; include a consideration of whether to**

1 separate the discussion and evaluation of quota shares and  
2 coupons; and make a recommendation of whether to use whole  
3 weights or gutted weights.

4

5 **CHAIRMAN MORRIS:** We have a committee recommendation. Does  
6 everybody understand?

7

8 **MR. HORN:** Why are we discussing whole weight and gutted weight  
9 again?

10

11 **CHAIRMAN MORRIS:** Mr. Adams, do you have an answer for that  
12 question?

13

14 **MR. ADAMS:** No, I would like to make a substitute motion.

15

16 **CHAIRMAN MORRIS:** First let's get an answer to Mr. Horn's  
17 question.

18

19 **MR. ADAMS:** I think my substitute motion may answer it.

20

21 **MR. MINTON:** It's a committee recommendation. I have to read it  
22 into the record.

23

24 **MR. ADAMS:** The substitute motion would be to have the motion  
25 remain as stated, but deleting the last clause "and make a  
26 recommendation of whether to use whole or gutted weight."

27

28 **CHAIRMAN MORRIS:** Is there a second to the substitute motion?

29

30 **MR. MINTON:** Second.

31

32 **CHAIRMAN MORRIS:** The substitute motion is moved and seconded.  
33 Seconded by Mr. Minton. Any discussion of the substitute  
34 motion?

35

36 **MR. WILLIAMS:** So this is an amendment or it's a substitute  
37 motion and the substitute motion is the original motion minus  
38 "make a recommendation whether to use gutted or whole weight."  
39 Is that right? Okay.

40

41 **CHAIRMAN MORRIS:** Thanks for that clarification.

42

43 **MR. PERRET:** I tried a substitute motion earlier and lost, but  
44 the group approved the gutted weight earlier, right? I think  
45 that was the first motion made today and so I don't understand  
46 why you want to remove whole or gutted since we already approved  
47 gutted earlier.

48

1 **CHAIRMAN MORRIS:** Mr. Perret, it's to make this motion from the  
2 committee consistent with the earlier motion that the council  
3 passed at the beginning of this discussion. That's the reason  
4 to strike this sentence.

5

6 **MR. HORN:** Rule it out of order.

7

8 **CHAIRMAN MORRIS:** Rule that final clause out of order?

9

10 **MR. MINTON:** I don't think you can rule a committee motion out  
11 of order.

12

13 **CHAIRMAN MORRIS:** Does everybody understand the substitute  
14 motion? It's just housekeeping.

15

16 **MS. FOOTE:** I think it would be clearer for the record if she  
17 just copied the first motion and just deleted the last phrase.

18

19 **CHAIRMAN MORRIS:** We need the substitute motion to be the first  
20 motion copied down with substitute motion -- So we want to see  
21 the motion with that line struck. Do you understand the motion?  
22 Is there any discussion of the motion? **All those in favor, say**  
23 **aye; all those opposed, like sign. One voted in opposition.**  
24 **The motion passes.**

25

26 **MR. WILLIAMS:** Yesterday during discussion of Section 3.4, and I  
27 don't remember what it was, but there were ten different  
28 alternatives in it and it was ownership caps and restrictions  
29 and within those ten alternatives it used the term "person,"  
30 "quota holder," "shareholder," and "vessel."

31

32 I think they were all referring to the same thing and we had  
33 problems yesterday with the term "person" versus "natural  
34 person" and what is a person? It is a Social Security Number,  
35 is it an FEID Number, is it both? I would just for the record  
36 like the IPT to clarify that and bring some consistency as to  
37 what we mean in each of those cases.

38

39 **CHAIRMAN MORRIS:** Thank you, Mr. Williams. The minutes of the  
40 meeting will reflect that request. Any additional discussion on  
41 this section of the Reef Fish Committee Report? If not, we'll  
42 move on.

43

44 **MR. MINTON:** The next section goes to the Red Snapper IFQ  
45 Scoping Document, Tab B, Number 3(a). Walter Keithly reviewed  
46 the red snapper vessel VMS alternatives beginning on page 2 of  
47 the IFQ Scoping Document.

48



1 Questions came up as to whether NMFS or the fishermen should pay  
2 the costs. It was suggested that leaving the VMS section  
3 without a preferred alternative and letting the IPT further  
4 develop this section. The committee took no action on the VMS  
5 alternatives.

6  
7 So I guess what we have, Madam Chair, is that the committee  
8 would suggest that we let the IPT further develop this section  
9 on cost, type of units to be used, and so forth. But we do not  
10 have a motion.

11  
12 **CHAIRMAN MORRIS:** Thank you, Mr. Minton. Anything else in your  
13 Reef Fish Committee Report?

14  
15 **MR. MINTON:** Reef Fish Amendment 18A --

16  
17 **CHAIRMAN MORRIS:** Before we go into 18A, I just want to  
18 compliment the committee on the work that they did on this part  
19 of the document and the motions that they brought and I also  
20 want to compliment the Reef Fish Ad Hoc Advisory Panel on the  
21 work that they did leading up to our council meeting.

22  
23 **MR. MINTON:** I would like to offer also compliments to the Ad  
24 Hoc Committee. If it's not inappropriate, I think it would be  
25 appreciated that the chair sends letters to these individuals  
26 showing appreciation because I sat at the last meeting and these  
27 people really worked very, very hard to try to come to  
28 consensus.

29  
30 Obviously there were differences in opinions, but there was an  
31 overriding attempt to try to come to some solution that would  
32 work best for the whole industry and so I think they really  
33 should be complimented and I would offer that, just if the staff  
34 could draft a letter for your signature.

35  
36 **CHAIRMAN MORRIS:** Happy to send a letter indicating that  
37 appreciation. On to Amendment 18.

38  
39 **MR. MINTON:** Reef Fish Amendment 18A, Steve Atran reviewed the  
40 issues remaining in 18A, which was 5.1.2, Simultaneous  
41 Commercial and Charter Vessel Permits on a Vessel. **Without**  
42 **objection, the committee recommends, and I so move, that in**  
43 **Section 5.1.2 that the council adopt Alternatives 1 and 3 as the**  
44 **preferred alternatives and remove Alternative 5.**

45  
46 **CHAIRMAN MORRIS:** This is Tab B-5, Amendment 18 and we're on  
47 page 33.

48

1 **MR. MINTON:** 29 is where it starts, Madam Chair.  
2  
3 **CHAIRMAN MORRIS:** We have a committee motion. Is there  
4 discussion of the committee motion? If there is no --  
5  
6 **DR. CLAVERIE:** This is on the top of page 30?  
7  
8 **MR. MINTON:** It starts on the bottom of page 29.  
9  
10 **DR. CLAVERIE:** Alternative 3, it's confusing to me and I think  
11 the language ought to be changed. The idea is good, but where  
12 it says persons aboard a vessel in an active commercial reef  
13 fish permit may not retain reef fish species caught under  
14 recreational size and possession limits.  
15  
16 Obviously the first four fish per person that come aboard are  
17 going to be the recreational limit and I don't know how you  
18 change this so that that -- In other words, if a commercial red  
19 snapper boat gets to where they're going to fish and they drop a  
20 line down and they come up with four red snapper and the Coast  
21 Guard arrives, that's a recreational limit.  
22  
23 **CHAIRMAN MORRIS:** Does somebody want to respond to Dr. Claverie  
24 with a microphone?  
25  
26 **MR. ADAMS:** I think there is confusion with the word "under."  
27 What they're trying to do here is say if you have a commercial  
28 permit you can't augment by retaining additional fish and  
29 claiming them as recreational bag limit fish.  
30  
31 **CHAIRMAN MORRIS:** So can we substitute the word "as" for  
32 "under?" Would that clarify it?  
33  
34 **DR. CRABTREE:** If you're out on a commercial vessel and you  
35 catch fish that you are legally entitled to have as a commercial  
36 fisherman, then they are not caught under the recreational bag  
37 or size limits.  
38  
39 It's only when you keep fish on board the boat that you would  
40 otherwise not be allowed to have as a commercial vessel but  
41 you're keeping them because the recreational limits allow you to  
42 do so.  
43  
44 As an example, when the commercial red snapper season is closed,  
45 a commercial vessel is allowed to keep the recreational bag  
46 limit of red snapper, provided the recreational season is open.  
47 Therefore, their authority to possess those fish is under the  
48 recreational bag and size limit and that's what this is intended

1 to look at.

2

3 **CHAIRMAN MORRIS:** Thank you, Dr. Crabtree. Further discussion  
4 on this motion?

5

6 **MR. HORN:** Has that become a problem of some sort, to disallow a  
7 person to have a personal stash of fish for his own use?

8

9 **DR. CRABTREE:** Yes. Enforcement has constantly brought up that  
10 this is an enforcement issue and it's a problem and it allows  
11 the fish coming in on commercial vessels under the recreational  
12 size limits to be sold illegally and I've heard that numerous  
13 times. I don't know if Dave wants to comment on that, but it  
14 has been a problem that's been brought to the council's  
15 attention by enforcement.

16

17 **MR. HORN:** Is it a perception or is it a reality? Are they  
18 writing tickets for this?

19

20 **DR. CRABTREE:** They believe it's a reality.

21 **MR. HORN:** Are they writing tickets for it?

22

23 **DR. CRABTREE:** I don't know. I would have to check and see how  
24 many tickets they've written for it. They say it's very  
25 difficult for them to stop it.

26

27 **MR. HORN:** If it's a reality, they're writing tickets. If it's  
28 a perception, they're not.

29

30 **MR. MCKINNEY:** That's not exactly accurate because there's all  
31 kinds of violations that go undetected and unreported that we  
32 don't catch. We don't have the manpower to work all of those.

33

34 We try as best we can to stop the recreational sale of fish.  
35 Sometimes we put together operations and we're fairly successful  
36 at it in a very small area and then when you're no longer there  
37 then they go back to doing the same thing. So yes, it is  
38 difficult and it's problematic for law enforcement.

39

40 **DR. CRABTREE:** One other problem that the practice results in is  
41 that when those fish are brought in, they're not reported on  
42 trip tickets because you're not allowed to sell them, but  
43 they're also not reported under the Marine Recreational  
44 Fisheries Statistical Survey, MRFSS, because when MRFSS does  
45 interviews, they only do interviews on what are recreational  
46 trips.

47

48

1 These are commercial trips that happen to have some recreational  
2 bag limits on board and so these are fish that are never  
3 accounted for anywhere.

4  
5 **MS. WILLIAMS:** I had a question for Dr. Crabtree. In our  
6 motion, it says to retain the Alternative 3, 1 and 3 as  
7 preferred, and 3 basically says if I'm out there fishing  
8 commercially like for red snapper and right now I'm allowed to  
9 retain the recreational bag limit for my own personal  
10 consumption, since this has become a perceived problem or a  
11 reality-type problem, we want to stop that from happening.

12  
13 But yet in the very next words that comes out in the motion on  
14 the board is to remove Alternative 5, which says the reef fish  
15 caught on a vessel while that vessel is operating as a charter  
16 vessel or a headboat may not be sold, even if the vessel has an  
17 active commercial reef fish permit.

18  
19 That is the present law now and I understand that. But we're  
20 also running into problems with that also we're being told is  
21 happening. So why would we want to just delete one and why  
22 would we want 1 and 3 as our preferred instead of 1, 3, and 5?

23  
24 **MS. WALKER:** Ms. Williams, and someone please correct me if I'm  
25 wrong, right now it's illegal for recreational reef fish to be  
26 sold. It is not illegal for a commercial fisherman to have a  
27 recreational bag limit on the vessel with him when he's  
28 commercial fishing. Is that correct?

29  
30 **DR. CRABTREE:** That's correct and the reason that Alternative 5  
31 was identified for removal is because it is status quo and it's  
32 also already mentioned in the last sentence of Alternative 1,  
33 which is status quo. So it was taken out because it's not  
34 logical to have an alternative to the status quo that is in fact  
35 the status quo.

36  
37 What we've gone through as a council in the past, there has been  
38 some pressure to prohibit commercially licensed vessels from  
39 having recreational bag limits on board at all.

40  
41 But the complaint I've heard from commercial fishermen is I only  
42 have one boat and now you're going to tell me I can't take my  
43 kids out recreational fishing. So Alternative 3 was a way to  
44 try to address the problem and still allow someone on a  
45 commercial vessel to go recreationally fishing on that boat if  
46 they choose to do that.

1 They just have to decide in advance whether they're going to go  
2 commercial fishing or they're going to go recreationally fishing  
3 and if they're commercial fishing, they abide by the commercial  
4 rules. If they're recreationally fishing, they abide by the  
5 recreational rules. But they're not allowed to mix and match  
6 trips all on one trip.

7  
8 **MR. HORN:** I question the depth of this perception because our  
9 fishermen keep a bag limit. They have to have licenses and all  
10 of that and if they've got license, they keep them. If they  
11 don't have a license, we don't let them keep them and the  
12 captain is in charge of that and he takes care of it.

13  
14 To forbid a guy from taking fish home to me is unforgivable and  
15 if it's a problem and if it's that big of a problem --  
16 Enforcement is always a problem. I don't care what area you're  
17 in. We hear about how hard and how difficult enforcement is.  
18 Go out there and try to make a living on a commercial vessel and  
19 find out how hard it is to make a living.

20  
21 I get tired of hearing how hard it is. Everything in this world  
22 today that's good is hard. So to tell these guys no because we  
23 just can't enforce it is terrible and it's no different than --

24  
25 It's just as difficult to enforce that charter and headboat that  
26 goes fishing and comes to the dock but has a commercial license  
27 and can go sell those fish that were caught recreationally.  
28 Heck, Florida does it every day. It's against the law, federal,  
29 but they do it.

30  
31 King mackerel, they sell them all the time down there in the  
32 Keys caught recreationally. But yet, this is not being fair to  
33 a man on a boat that has bought a recreational fishing license,  
34 even though he is commercially fishing and executing his  
35 livelihood, from having fish to take home because he is catching  
36 fish to make a living.

37  
38 If he catches something that is legal, but yet he can't sell it,  
39 why wouldn't you want him to take it home? You want him to  
40 throw it back over dead? So I oppose this option very much so  
41 because I think it's wrong and it's unfair to a small group of  
42 people.

43  
44 **CHAIRMAN MORRIS:** Mr. Horn, when we're done with this motion if  
45 you would like to introduce a motion to eliminate Alternative 3,  
46 I'll take that up. But let's vote on the motion that's on the  
47 board at this point. Is there anymore discussion needed? The  
48 motion on the board retains 3 and 1 and removes 5.

1 **DR. CRABTREE:** Maybe I'm not remembering right, but how can 1  
2 and 3 be preferred? Aren't they different? 1 is the status  
3 quo, which allows them to keep recreational bag limits on  
4 commercial trips, and 3 is different from that.

5  
6 **MR. WILLIAMS:** My recollection is that Alternative 1 is like 1  
7 versus 2. Under Alternative 1 you can be both a charterboat and  
8 a commercial boat. But you've got to decide which one it is you  
9 want to do.

10  
11 Under 2, you can't be both. You've got to either be a  
12 commercial boat or you have to be a charterboat. You can't be  
13 both. You can't have both permits assigned to you. Then 3 is  
14 simply a -- 3 is not in conflict with Alternative 1.

15  
16 They are slightly different subjects, but they were all lumped  
17 into this one particular section and so we chose both of them as  
18 preferred. They're not conflicting.

19  
20 **CHAIRMAN MORRIS:** Committee, we are only four motions away from  
21 talking about shallow-water grouper and so let's keep the faith  
22 here. Are we ready to vote on this motion? Does everybody know  
23 what they want to do and they understand the issue? **All those**  
24 **in favor of this committee motion, please say aye; all those**  
25 **opposed, like sign. The motion passes.** Mr. Horn, did you want  
26 to offer a motion regarding Alternative 3? We'll get back to  
27 that later, okay.

28  
29 **MR. MINTON:** Section 5.1.3, Maximum Crew Size on a Charter  
30 Vessel While Fishing Commercially, there was discussion of  
31 requiring all vessels to adhere to U.S. Coast Guard safety  
32 requirements.

33  
34 However, one committee member felt he did not feel the council  
35 should be in the business of regulating the U.S. Coast Guard.  
36 It was therefore suggested that the IPT review this section.  
37 Although the committee took no action, it was suggested that the  
38 IPT take a look at this.

39  
40 **CHAIRMAN MORRIS:** Please move on.

41  
42 **MR. MINTON:** Under Section 5.2.1, Use of Reef Fish for Bait --

43  
44 **CHAIRMAN MORRIS:** I'm sorry, I didn't see the hands.

45  
46 **MS. WILLIAMS:** I'm asking Roy Williams this. I believe Roy and  
47 I were supposed to get together and come up with a motion to  
48 level the playing field so that rather than having all of this

1 COI and Coast Guard language in here that we also ask the IPT  
2 Team to come together with something that says we don't really  
3 care if you're a six-pack, charterboat, whatever you have.  
4

5 If you have a commercial license and have all of the commercial  
6 requirements that you are required to have on that vessel -- Not  
7 the existing regulations, because six-packs doesn't have to have  
8 certain EPERBs and things like that, then we really didn't care  
9 how many crew members you had on there fishing commercially if  
10 you had a commercial permit.  
11

12 We never really got to that. So I hope the IPT isn't going to  
13 let that idea just kind of fall by the wayside and maybe they  
14 can address it somewhere. Roy, did you have a comment on that?  
15

16 **MR. WILLIAMS:** I thought you did it.  
17

18 **MR. FENSOM:** I don't think we voted to level the playing field.  
19 There were concerns about the possible abuses of charter trips  
20 that would be kind of under the guise of a commercial trip or a  
21 commercial trip under the guise of a charter trip. So I don't  
22 think we agreed to level the playing field.  
23

24 **DR. CLAVERIE:** I wanted to clear up and clean up three things in  
25 Alternatives 3 and 4. Alternative 4 seems fairly simple to me  
26 and it's just a question. Does the council mean to exclude  
27 headboats from Alternative 4 and have it apply only to charter  
28 permits?  
29

30 I refer you to the prior page, Alternative 5, where it says  
31 "operating as a charter vessel or headboat." So apparently  
32 there's a difference between the two and I don't know if it was  
33 intentional to omit headboats from this one or not.  
34

35 **MS. WALKER:** Mr. Grimes, help me with this. I don't think  
36 there's a difference. It's a charter/headboat permit. There is  
37 no difference between charter or headboat. It's one permit.  
38

39 **DR. CLAVERIE:** So this charter permit in Alternative 4 really is  
40 intended to cover both? All right. Then the other one is there  
41 are two things in Alternative 3. One is because of the  
42 definition of fishing in the Act, when it says no more than two  
43 persons -- The spearfishing boat can have up to four person  
44 aboard provided no more than -- They tell us they want four  
45 persons aboard because if there are two people in the water  
46 there needs to be, for safety's sake, two people back on the  
47 boat tending to things.  
48

1 It says no more than two persons are simultaneously engaged in  
2 the spearfishing activity. Well, under the fishing definition,  
3 all four people on the boat would be engaged in the spearfishing  
4 activity. So I think it ought to say --

5  
6 **CHAIRMAN MORRIS:** Mr. Claverie, I don't think we're to -- Oh, we  
7 are on 5.1.3.

8  
9 **DR. CLAVERIE:** Yes, this is 5.1.3 and it's Alternative 3. So it  
10 should say no more than two persons are in the water  
11 simultaneously engaged in the spearfishing.

12  
13 **CHAIRMAN MINTON:** Madam Chair, I believe that was agreed by  
14 consensus in committee and it was omitted in the report.

15  
16 **DR. CLAVERIE:** It was done the last time we looked at it and it  
17 wasn't done and so I want to do it by motion now.

18  
19 **CHAIRMAN MORRIS:** So, Mr. Atran, you understand that?

20  
21 **MR. ATRAN:** I have it in my notes.

22  
23 **DR. CLAVERIE:** The other thing is the last sentence says:  
24 "However, the vessel may not engage in any other forms of  
25 commercial fishing when more than three persons are aboard."  
26 Now this applies to a certificate of inspection vessel.

27  
28 So if they're out for more than twelve hours, they need four  
29 persons aboard and this precludes that. I think that this  
30 vessel, when they are engaging in other fisheries, ought to be  
31 able to have the COI minimum aboard, just like in Alternative  
32 2(b) or (a), whatever it is.

33  
34 **MR. ATRAN:** Just maybe a little clarification I should have made  
35 in committee yesterday. This Alternative 3 assumes that none of  
36 the other alternatives would be adopted and that the status quo  
37 that a commercial fishing vessel that has both licenses can only  
38 have three people on board when fishing commercially is going to  
39 continue to be in effect.

40  
41 For safety reasons, for spearfishing purposes under these  
42 conditions, the spearfishing commercial vessel could have four  
43 people on board when it's spearfishing. But aside from that, it  
44 would be the same as any other commercial vessel. Maybe it  
45 should be modified to say more than the maximum allowed under  
46 the Magnuson-Stevens Act. I don't know.

47  
48



1 **DR. CLAVERIE:** The way this is written, it does not allow them  
2 to have the same number of persons as any other vessel. Any  
3 other can have four, but this one can only have three if it's an  
4 over twelve-hour trip.  
5

6 **MR. ATRAN:** No. Right now, the regulations state that a  
7 commercial fishing vessel, if he also has a charter vessel  
8 license and a COI, can only have three, period.  
9

10 **DR. CLAVERIE:** But the other alternatives say they can have four  
11 for the COI.  
12

13 **MR. ATRAN:** That's correct. As I said, this alternative assumes  
14 that none of the other alternatives would be adopted and if you  
15 do want to adopt one of the other alternatives, you might to  
16 change the wording on this.  
17

18 **CHAIRMAN MORRIS:** Thank you, Steve. Thank you, Dr. Claverie.  
19

20 **DR. CLAVERIE:** That's what I want to point out, that that needs  
21 to be done.  
22

23 **CHAIRMAN MORRIS:** And, Steve, you make a note of that.  
24

25 **MR. WILLIAMS:** A question. When this question of the need to  
26 have four people aboard a vessel so that they could spearfish  
27 with two at a time, right, two now and then two later while two  
28 are resting or two in the water, was that particular vessel an  
29 inspected vessel? My impression is it probably wasn't. I doubt  
30 it.  
31

32 **CHAIRMAN MORRIS:** Can anybody answer Mr. Williams's question?  
33

34 **MR. WILLIAMS:** I don't recall that the issue had anything to do  
35 with a certificate of inspection. I don't remember him bringing  
36 that up.  
37

38 **CHAIRMAN MORRIS:** Is there something that needs to be changed in  
39 Alternative 3, Mr. Williams and Mr. Claverie?  
40

41 **MR. WILLIAMS:** Well, it only considers a for-hire vessel with a  
42 Coast Guard certificate of inspection may spearfish for reef  
43 fish under its commercial -- That guy was a for-hire vessel and  
44 he charter fished as well. My impression is he didn't have a  
45 certificate of inspection though. He probably had a six-pack  
46 license. That's my guess.  
47

48 **CHAIRMAN MORRIS:** So what do we need to do to --

1 **MR. WILLIAMS:** Just the IPT needs to clean it up or figure out  
2 what to do.  
3

4 **CHAIRMAN MORRIS:** Okay. IPT help in that one.  
5

6 **MR. FISCHER:** This would not be a motion, but a reminder for the  
7 IPT. Alternative 2 is our preferred alternative, but it doesn't  
8 assist six-pack boats on getting additional crew on board for  
9 safety reasons on these long extended trips.  
10

11 My question is if we were to approve Alternative 2, our  
12 preferred alternative, if six-pack boats would have to have a  
13 maximum crew of three, which is the regulation today and what I  
14 would like to remind is these last couple years of snapper  
15 season it has taken boats four and five days to catch their  
16 2,000 pounds. Three people on a boat for five days is sometimes  
17 tough.  
18

19 **MS. WALKER:** Mr. Fischer, if you remember, the reason for  
20 Alternative 2 didn't have anything to do with safety. It was  
21 just to be in compliance with Coast Guard requirements. It  
22 really didn't address safety.  
23

24 **MR. FISCHER:** That is safety and secondly, when you talk about  
25 the level playing field and now you have the multi-passenger  
26 boats can have a crew of four, but the six-pack boats can only  
27 have a crew of three.  
28

29 **CHAIRMAN MORRIS:** I'm sure we're going to see the alternative  
30 language change in 5.1.3 as we move through this document and  
31 hopefully we'll get some direction from the IPT on how to  
32 accomplish that.  
33

34 **MR. MINTON:** In 5.2.1, Use of Reef Fish for Bait, a committee  
35 member actually questioned the need for this section. It was  
36 pointed out by Mr. Atran that the discussion included addressing  
37 problems with longlines and other vessels. There was a motion  
38 to move 5.2.1 to Considered but Rejected and that failed on a  
39 vote of 2 to 4.  
40

41 **MR. WILLIAMS:** My notes indicated that the committee directed  
42 the IPT and the Law Enforcement Committee to discuss and develop  
43 a solution to this problem of use of reef fish as bait.  
44

45 **CHAIRMAN MORRIS:** I don't think anybody on the council would  
46 object to that request and so hopefully they can address it.  
47  
48

1 **MR. MINTON:** 5.2.2, Vessel Monitoring System, it was noted that  
2 this section will need to be coordinated with the VMS section in  
3 the red snapper IFQ amendment to ensure compatibility. **By a**  
4 **vote of 6 to 0, the committee recommends, and I so move, that**  
5 **the preferred alternative for Section 5.2.2 be changed from**  
6 **Alternative 2 to Alternative 3(b): Require fishing vessels**  
7 **engaged in the following fishing activities to be equipped with**  
8 **electronic vessel monitoring systems with the cost of the vessel**  
9 **equipment, installation, maintenance, and month-to-month**  
10 **communications to be paid or arranged by the owners as**  
11 **appropriate. NOAA Fisheries will maintain and will publish in**  
12 **the Federal Register a list of type-approved units and**  
13 **communications protocols. VMS systems will be required for --**  
14 They scratched fish traps because that fishery is coming to a  
15 close. They would be required to be on all commercially-  
16 permitted reef fish vessels including charter vessels with  
17 commercial reef fish permits. They scratched c and d, which had  
18 statistical grids and then Gulf-wide. **So right now it would**  
19 **read to be required for all commercially permitted reef fish**  
20 **vessels, including charter vessels with commercial reef fish**  
21 **permits.**

22  
23 **CHAIRMAN MORRIS:** Does everybody understand the committee  
24 motion?

25  
26 **DR. CRABTREE:** Is it the committee's intent that the VMS units  
27 be on at all times or on only when the vessel is engaged in  
28 commercial fishing? This is something that has come up in some  
29 other fisheries.

30  
31 **MR. MINTON:** I would feel it appropriate to deal with this  
32 motion and then come back and if we could have a motion to that  
33 effect, Dr. Crabtree. I think it would make it a lot cleaner.

34  
35 **CHAIRMAN MORRIS:** Any discussion on the motion that came from  
36 the committee? We're going to vote on the motion. **All those in**  
37 **favor, say aye; all those opposed, like sign. The motion**  
38 **carries.** Dr. Crabtree, did you have an additional motion?

39  
40 **DR. CRABTREE:** No, just a question I think needs some  
41 discussion. Is it the intent that these vessels would have the  
42 VMS units on at all times?

43  
44 **CHAIRMAN MORRIS:** Is there any committee discussion?

45  
46 **MS. WALKER:** Dr. Crabtree, if we were to not require them to  
47 have them on at all times, wouldn't that hinder enforcement's  
48 ability?

1 **DR. CRABTREE:** Yes, it would and I believe it causes problems.  
2

3 **MR. MINTON:** Roy, what if we were to ask the IPT to develop a  
4 section of alternatives which would include the gambit of on  
5 once leaving the dock, on while fishing, and whatever else they  
6 come up with and let that go out and just see what that's going  
7 to do to pricing, cost per month, and so forth and then  
8 enforceability.  
9

10 **DR. CRABTREE:** I guess they could do some of that. Here's where  
11 I am getting at. We required VMS in the rock shrimp fishery,  
12 but it's only required when the vessels are in the South  
13 Atlantic.  
14

15 So when a lot of Gulf boats go over and rock shrimp and so when  
16 they hit the South Atlantic they have to turn their VMS on. But  
17 when they come back into the Gulf, they turn them off. They do  
18 have to pay a monthly fee for the airtime and so they turn them  
19 off.  
20

21 It creates problems because when they decide they want to go to  
22 the South Atlantic they'll turn their VMS on like an hour or two  
23 before they're there and then they encounter problems and that  
24 sort of thing and then, of course, it doesn't aid enforcement at  
25 all when they're fishing in other activities.  
26

27 So a charterboat that's dual permitted, if he's going to charter  
28 fish for four to five months, my question is are we going to let  
29 him turn his VMS off for that whole period or are we going to  
30 require him to go ahead and keep it on so that we can monitor  
31 his activities if he should go into a closed area?  
32

33 I don't know how much the IPT is going to be able to give us.  
34 They could, I suppose, tell us what the monthly fees are likely  
35 to be. But I think at some point we're going to have to make a  
36 choice.  
37

38 My view is if we're going to require VMS on vessels, I think to  
39 facilitate enforcement we would want that VMS unit to be on at  
40 all times. But that's a choice that we need to make. But we  
41 will need to address what we mean in the document at some point.  
42

43 **MR. PERRET:** I just have a question. Can anyone answer what the  
44 cost of the equipment would be per vessel and then if it has to  
45 be on, as you suggest, all the time, what would the operating  
46 cost per month be?  
47  
48

1 **MS. BELL:** Ours was \$1,700, the VMS. We have three of them now  
2 and it's about \$40 a month to monitor.

3

4 **CHAIRMAN MORRIS:** Is it \$1,700 per unit or \$1,700 for all three?  
5 \$1,700 per unit?

6

7 **MS. BELL:** We bought two that are \$1,700 and then we bought the  
8 first one that we would monitor ourselves and it was about  
9 \$1,000. But that was a lot of trouble and so now we are using  
10 the other one.

11

12 **MR. MINTON:** Corky, go to page 38 and 39 and then page 40, 41 in  
13 the document. There's a lot of different variability in how you  
14 get that. It's kind of like your cell phone plan. It depends  
15 on whether you want the copper plan or the platinum plan.

16

17 But this has been researched and it's going to depend an awful  
18 lot on what the individual -- If the individual wants to upgrade  
19 from the bare bones so they can communicate with their base or  
20 just exactly how they want the operation to look like.

21

22 **CHAIRMAN MORRIS:** Council, are you ready to vote on the motion  
23 from the committee? Any further discussion on the motion from  
24 the committee? All those in favor, say aye; all those opposed,  
25 like sign. The motion carries.

26

27 **MR. MINTON:** On 5.3, Time/Area Closures, by a vote of 4 to 1,  
28 the committee recommends, and I so move, that the Section 5.3,  
29 Time/Area Closures, be moved to Considered but Rejected. There  
30 was discussion that this section had been primarily to address  
31 law enforcement problems.

32

33 It was felt also that there was important concerns such as  
34 addressing in this areas was protecting spawning aggregation  
35 sites and should remain in this. However, the committee did  
36 vote 4 to 1 to remove it.

37

38 **CHAIRMAN MORRIS:** We have a committee motion. Is there any  
39 discussion? I, of course, think you should defeat this motion,  
40 but I've fallen on my sword on it just about every meeting it  
41 comes up. Any further discussion of the committee motion? **All**  
42 **those in favor of the committee motion, say aye; all those**  
43 **opposed, like sign. The motion carries.**

44

45 **MR. MINTON:** Under other motions made, that the use of longlines  
46 in waters inside of fifty fathoms remains an important issue and  
47 that there would be economical, environmental, and resource  
48 benefits to moving that to fifty fathoms. However, following

1 committee discussion, the motion did fail on a vote of 3 to 4.

2  
3 **MR. FENSOM:** I would like to add an alternative to prohibit the  
4 use of longlines for reef fish fishing inside of fifty fathoms  
5 in the entire Gulf of Mexico.

6  
7 **CHAIRMAN MORRIS:** Is there a second for Mr. Fensom's motion?

8  
9 **MR. WILLIAMS:** Second.

10  
11 **CHAIRMAN MORRIS:** Mr. Williams seconds it. Any discussion of  
12 Mr. Fensom's motion?

13  
14 **MR. FENSOM:** I've made my comments several times. I made them  
15 in committee earlier. But just briefly, I do think this is an  
16 important issue.

17  
18 As I've stated, the first meeting that I attended in July of  
19 1999 there was the horror story of the terrible problems we were  
20 having with the grouper fishery, the gag grouper and the red  
21 grouper, and the small percentage of males in the gag grouper  
22 and the fact that it was critical and something just had to be  
23 done and it was just an emergency situation and this was in July  
24 of 1999.

25  
26 There was much debate on Amendment 18 and I think finally we  
27 split out red grouper and now we still have 18 and we had  
28 additional scientists that were hired.

29  
30 Dr. Kitchington came in and explained to us that it wasn't quite  
31 so bad and there was a decision made to not use the Cuban data  
32 that had been used for the last many, many years and several  
33 things happened and as I stated in my minority report,  
34 essentially the stock assessment improved on a fish that lives  
35 over twenty years.

36  
37 The stock assessment improved one year to the next because of  
38 dramatically different science and we were instructed to go with  
39 the best available science.

40  
41 Considering all of that, we still have a grouper problem. We've  
42 had it at each one of these meetings and we've got another  
43 emergency motion, I'm sure, coming up today. The history of it  
44 is that the longlines from the 1970's caught a tiny percentage  
45 of the grouper and now in this year they're catching over 70  
46 percent of the grouper.

1 It's the over-catching of the longlines that's filling the quota  
2 too quickly. The bandit boats have been displaced. They've  
3 essentially been pushed out of the fishery, many of them, or  
4 they've changed over to longlines.

5  
6 Other problems with the longlines is that thousand-pound  
7 mainline that tears up the bottom. We've heard testimony about  
8 that and the other thing that I've mentioned to you all that's  
9 most compelling to me is all the old-time fishermen around  
10 Panama City, this is the issue they pull me to the side and say  
11 please stop the bottom longlining. It's a terrible problem.

12  
13 One guy who has identified himself to me by name and I probably  
14 shouldn't say his name, but he has told me more than once, I  
15 make a good living longlining and you need to make us quit, but  
16 as long as you let me do it I'm going to keep bottom longlining,  
17 but it's destroying the Gulf and he fishes and makes a living at  
18 it regularly.

19  
20 So for all of those reasons, because of the current crisis we  
21 have, I think that moving the bottom longlines out beyond fifty  
22 fathoms, which they're already that way in the western Gulf and  
23 essentially just adding the eastern Gulf would resolve this  
24 grouper issue and it would allow more bandit fishermen to fish  
25 and it would reduce the mortality and it would have benefits,  
26 economical and environmental and to the resource.

27  
28 **MR. HORN:** I wish that all these people who are talking on the  
29 side but don't have gumption enough to come forward and say  
30 these things publicly -- If they really believe it, then they  
31 need to get up there and say so.

32  
33 I can tell you a hundred people that said it the other way, but  
34 they don't want to give me their names. That's not good public  
35 testimony. It's easy to do that.

36  
37 But in light of that, I thought, and correct me if I'm wrong,  
38 that at the last council meeting we put all that on the back  
39 burner because we're going to do the IFQ for red grouper and  
40 that has been voted on by the council and so this motion here  
41 would again be out of order because the council chose to do it  
42 the other way.

43  
44 **DR. CLAVERIE:** I just want to make sure that if this motion  
45 fails it doesn't mean that in the part of the Gulf where it's  
46 already fifty fathoms we're going to undo that.

47  
48 **CHAIRMAN MORRIS:** I don't think so.

1 **MR. MINTON:** Are you going to rule whether it's out of order or  
2 not?  
3

4 **CHAIRMAN MORRIS:** My ruling is that it's not out of order.  
5

6 **MR. RIECHERS:** The council can reconsider its decisions at any  
7 point in time. We can make a new motion. That was the meeting  
8 before this.  
9

10 **MS. WILLIAMS:** I'm going to have to speak in opposition to the  
11 motion. Back when we were discussing this some time back at  
12 previous council meetings, we looked, or I thought we looked, at  
13 the economic impact of moving all of the longlines out to the  
14 fifty fathoms.  
15

16 We have seen since then by recent events that the deep-water  
17 grouper, we've already shut that down. So if you were to have  
18 moved all the longlines out to fifty fathoms, that would have  
19 closed the deep-water grouper even sooner.  
20

21 I don't think we even did the proper analysis after the  
22 presentation that was given to us yesterday on profiling the  
23 fishing communities and some of the laws that they referred to.  
24 I also thought it was the will of this council to look at trip  
25 limits and also ITQs, IFQs, and perhaps that would encourage  
26 these people if they can't make a living to change their gear or  
27 use some other method.  
28

29 But right now, the analysis that we did, if we had chose this  
30 and it would have passed, it would have devastated some of the  
31 communities that are predominate longline fisheries without the  
32 proper analysis even being done in the document. So I have to  
33 speak in opposition of this motion today.  
34

35 **MS. BELL:** I just want to say that Jim keeps saying that the  
36 fishery is in trouble and the fishery is strong. In the last  
37 five years, we've had consistently good landings with less  
38 effort.  
39

40 I don't know where that comes from and to say to push them out  
41 to fifty fathoms at least in the eastern Gulf, there are no red  
42 grouper there. You would take 70 percent of the landings is the  
43 number he just used and you would wipe them out. There's  
44 nothing that would indicate that that's necessary.  
45

46 He mentioned that longliners are doing damage to the bottom and  
47 I would guess that all boats do damage to the bottom, bandit  
48 boats with their anchoring, the lines of charterboats.



1 Everything has an impact on the environment.

2  
3 I just hate to keep seeing this come up over and over again. I  
4 think it prevents us from looking at the other options that are  
5 put forth like IFQs and things will hopefully improve the  
6 fishery for all of us.

7  
8 **CHAIRMAN MORRIS:** I've got a long list of speakers and I think  
9 people know how they feel about this issue. We've talked about  
10 it a bunch and I want to encourage each of you to be succinct  
11 and try to bring up new issues if there are any.

12  
13 **MR. MINTON:** The motion speaks to development of alternatives  
14 and I talked with Mr. Spaeth and he tells me that this will  
15 happen. We don't have the damage to the bottom and we won't be  
16 able to fill the quota and the fishery will be out. I listened  
17 to someone else and I hear about damages to it and that there's  
18 alternatives for catching.

19  
20 I would vote for it at this time because I want to see that  
21 fleshed out and I want to see this once and for all up or down.  
22 I may vote against it when we see all of the information on the  
23 record, but right now all I'm hearing so far is -- The last time  
24 we needed it to hit a -- They talked about if we removed the  
25 longlines it would reduce the harvest to where we would be able  
26 to stay under the then projected required reduction.  
27 We didn't need that reduction after they redid the analysis and  
28 so we're kind of left out there of do we want longlines and are  
29 they good for the future potential of the fisheries in the Gulf.  
30 I would like to see that analysis done. Like I say, I may vote  
31 against the movement at the time, but I certainly would like to  
32 lay those alternatives on the table.

33  
34 **MR. RIECHERS:** Jim, I spoke against the motion in committee and  
35 I'm going to speak against it again and for the same reason.  
36 But it basically -- I kind of agree with Vernon that it would be  
37 nice to have a fleshed-out alternative.

38  
39 But I'm going to still speak against the motion because we did  
40 make the commitment last meeting that the council really wanted  
41 to pass forward IFQs and to do that, we in fact are going to  
42 have to cut down or slow down some of this work on these other  
43 documents if we really want those IFQs to move forward in a  
44 quicker fashion.

45  
46 So by creating documents and adding things in, we're kind of  
47 giving staff mixed messages and for that reason, I'm going to  
48 vote against it today and still encourage that we fast forward

1 IFQs.

2  
3 **DR. CRABTREE:** My only concern about it is this amendment now,  
4 since we took the time/area closures out, it really just has a  
5 few actions that are largely to clean up some enforcement  
6 issues, the maximum crew size, reef fish for bait, VMS.

7  
8 It seems to me the amendment where we're going to really look at  
9 fundamentally how are we going to manage the grouper fishery is  
10 the IFQ amendment and one of the rationales that keeps coming up  
11 with regard to longlines is maintaining year-round fisheries,  
12 which I think is directly related to IFQs.

13  
14 So if the council wants to revisit this issue, that's fine. But  
15 it just seems a more appropriate place to do it is when we get  
16 to the IFQ amendment where we're really going to look at the  
17 future of this fishery and how we want to manage it because this  
18 amendment right now just seems to be largely related to  
19 enforcement kinds of issues.

20  
21 **MR. HORN:** I agree fully with Robin. The council made a  
22 commitment when the grouper fishermen were there. They came to  
23 the council meeting and they took their time and they spent  
24 their money and the council said we're going to do this in lieu  
25 of all these other ideas.

26  
27 Now this issue is coming back and saying, no, we just kidded you  
28 and Mr. Fensom speaks of overfished and I don't think gag  
29 grouper is overfished, is it? Red grouper has got to be doing  
30 better because we just had a closure and so there's got to be  
31 more fish because they caught them quicker and that's the  
32 analogy that we always use.

33  
34 So again, the fish are in better shape and the damages that they  
35 do, I have to question that. I really do about what -- It's  
36 just like these power cords across the bottom of this carpet.  
37 It really doesn't do much. It shuffles things around a little  
38 bit. The damage, in my mind, is zero and I don't think there is  
39 any studies that can prove it one way or the other and with  
40 that, I call the question.

41  
42 **CHAIRMAN MORRIS:** I was going to let Mr. Fensom close and then  
43 vote.

44  
45 **MR. FENSOM:** Addressing the grouper issue, I've been familiar  
46 with it since 1999 and it's always been we will get it at the  
47 next meeting and we'll put it in that other document and we're  
48 going to address it then.

1 Then at the last meeting, we came up and said, okay, we're going  
2 to try an IFQ. Now we started really talking about this  
3 seriously in 1999 and so now last meeting we started talking  
4 about we'll address it in an IFQ.

5  
6 I have zero expectation that the IFQ on grouper that isn't even  
7 in print anywhere yet, that it will be finished in four or five  
8 years and when we get to the end of it, it may not pass. So I  
9 would take issue with the argument that the IFQ is the answer  
10 and it's going to be it.

11  
12 This does solve the problem. I think it's equitable because of  
13 what's happened to the fishery over the years and it's a  
14 reasonable way to go. It keeps the fishery open and I don't see  
15 any coral sticking up off the bottom or anything down there  
16 that's getting swept off by those cords and those cords aren't  
17 moving.

18  
19 We've had the public testimony of people saying that it does  
20 damage bottom and it does sweep and it does knock coral down and  
21 we've had the public testimony in Panama City of some of those  
22 old timers that said the longlining is terrible and Jerry  
23 Anderson, who has been in the business forever, the Anderson  
24 family and the Davis family, Grover Davis, both of those  
25 gentlemen by name have told me bottom longlining is a serious,  
26 serious problem. We've heard it in public testimony and not  
27 just from them.

28  
29 **CHAIRMAN MORRIS:** Council, we're clearly divided on this issue  
30 and it's time to vote on this motion. You've heard a number of  
31 reasons to support it and a number of reasons to oppose it at  
32 this time and I'm going to call for a vote. **All those in favor**  
33 **of the motion, please raise your hand; all those opposed, please**  
34 **raise your hand. The motion fails.**

35  
36 **MR. MINTON:** Recommendations of the Ad Hoc Red Snapper AP, the  
37 committee reviewed recommendations by the Ad Hoc Red Snapper AP,  
38 which was a handout that's inserted here somewhere.

39  
40 **But in any case, based on those recommendations, without**  
41 **objection, the committee recommends, and I so move, to defer the**  
42 **following motion to the Law Enforcement Advisory Panel. The**  
43 **motion by the AP was from Cape San Blas westward in the Gulf of**  
44 **Mexico that it would be illegal to possess or land red snapper**  
45 **on a vessel with longline gear on board.**

46  
47 **CHAIRMAN MORRIS:** We have a committee motion. Is there any  
48 discussion?

1 **MR. FISCHER:** We make all sorts of decisions that law  
2 enforcement says they can't enforce and why are we letting them  
3 look at this first before we decide anything?  
4

5 **MR. MINTON:** It was the recommendation to look if this would be  
6 an enforceable issue or not.  
7

8 **MR. FISCHER:** Law enforcement sat right here and told us they  
9 can't enforce half the things we approved at this meeting.  
10

11 **CHAIRMAN MORRIS:** So you are speaking in opposition to this  
12 motion, Mr. Fischer?  
13

14 **MR. FISCHER:** I think it's something the council should take up  
15 first.  
16

17 **CHAIRMAN MORRIS:** Any further discussion of the motion?  
18

19 **MR. WILLIAMS:** It's legal to longline for red snapper outside of  
20 fifty fathoms, right? So this would be overturning that  
21 decision that was made twenty years ago?  
22

23 **CHAIRMAN MORRIS:** You're also speaking in opposition to the  
24 motion, Mr. Williams?  
25

26 **MR. WILLIAMS:** I guess so. It seems inconsistent.  
27

28 **MR. MINTON:** If I may, the problem that was presented during the  
29 Ad Hoc meeting was that the majority of these fish were being  
30 caught inside the fifty fathom and brought in and that the catch  
31 of these very large fish was having a severe impact on the  
32 fishery.  
33

34 They felt like this would be a way of making it more enforceable  
35 for law enforcement to prevent the loss of these large fish in  
36 the fishery.

37 **MR. PERRET:** Murder is against the law and we still get more and  
38 more laws passed relative to certain crimes and they're still  
39 being committed. It's against the law to do what they're doing  
40 now. Law enforcement needs to do a better job is my response to  
41 it.  
42

43 **CHAIRMAN MORRIS:** And we need VMS on those boats.  
44

45 **MR. HORN:** I speak in opposition. I have to agree with Myron  
46 wholeheartedly. We're deferring to Law Enforcement, we're  
47 deferring to the IPT, we're deferring -- Are we just going to  
48 let everybody tell us what to do and then we vote on it? That's

1 what it seems.  
2  
3 Let's take the issue up and let's decide one way or the other.  
4 I would vote against the motion and everything in general  
5 because I know people that longline for grouper off of Florida  
6 and then when the snapper opens they put their longline gear up  
7 and they come up into the northern Gulf and they fish up there  
8 for snapper and they've got grouper on their boat and they have  
9 snapper on their boat and they do that.  
10  
11 I don't say that there's a lot of it, but I do know that there  
12 are -- I know of probably four or five vessels that do that and  
13 so the whole thing kind of goes against what I prefer anyway.  
14  
15 **MR. FISCHER:** The original plan when longlining was made illegal  
16 wasn't to push them out to fifty fathoms. The original thought  
17 was to push them to an area that had no more snapper and so it  
18 would still be okay to grouper longline. It wasn't that it's  
19 okay to catch snapper out there. Actually, if we knew they were  
20 catching snapper out there, we would have probably made it  
21 illegal to two-hundred miles.  
22  
23 But it was so they wouldn't be longlining on the spawning sows  
24 in that open area. So at that time, science indicated that  
25 there were no snapper beyond this point, or very few snapper  
26 beyond this point, and so it would be okay for the grouper  
27 longliners to still operate west of Cape San Blas. So they  
28 shouldn't have any snapper on board.  
29  
30 **CHAIRMAN MORRIS:** Are we ready to vote on the motion from the  
31 committee? Does everybody understand their position? Do you  
32 have any more questions about it? **All those in favor of the**  
33 **motion, say aye; all those opposed, like sign. The motion**  
34 **passes.**  
35  
36 **MR. MINTON:** On Draft Amendment 24, Reef Fish Limited Access,  
37 Dr. Leard summarized the amendment, public hearing comments, AP,  
38 and SSC recommendations. It was found that Alternative 4  
39 received virtually unanimous public support except for possibly  
40 one person at public hearings. Based on that, the committee  
41 took no action and assumed that we'll be moving forward with  
42 this draft amendment.  
43  
44 **CHAIRMAN MORRIS:** Thank you, Mr. Minton. Are we moving on to  
45 grouper then? Okay, grouper.  
46  
47 **MR. MINTON:** Under Other Business, Grouper Quota Closure Action  
48 Request. Martin Fisher, Gulf Fishermen's Association, and

1 Robert Spaeth, SOFA, were invited to make presentations to the  
2 committee.

3  
4 Mr. Fisher felt there was insufficient consideration given to  
5 the economic impacts of the quota closure announcements. The  
6 Gulf Fishermen's Association made the following request: For  
7 the 2005 season, take emergency action to limit the sale of  
8 latent permits defined as those with less than 5,000 pounds.

9  
10 Mr. Spaeth summarized SOFA and GFA's joint request proposal for  
11 2005, which would be to implement a 10,000-pound trip limit  
12 until 50 percent of the quota is reached. If 50 percent of the  
13 quota is reached between January and July the 1<sup>st</sup>, reduce the  
14 trip limit to 7,500 pounds. If 75 percent of the quota is  
15 reached before October 1, reduce the trip limit to 5,500 pounds.  
16 The trip limits in the above proposal would apply to all  
17 groupers combined. The committee listened and took no action  
18 and so I'll turn that back to you, Madam Chair.

19  
20 **CHAIRMAN MORRIS:** Mr. Williams, you had a motion?

21  
22 **MR. WILLIAMS:** I do have a motion. **The motion is to ask NMFS to**  
23 **promulgate an interim or an emergency rule to implement the**  
24 **following trip limits in the Gulf grouper fishery: 1)on January**  
25 **1, all vessels will be limited to a 10,000-pound trip limit for**  
26 **both deep-water grouper and shallow-water grouper combined; 2)if**  
27 **on or before August 1 the fishery is estimated to have caught 50**  
28 **percent of either the shallow-water grouper or the red grouper**  
29 **quota, then a 7,500-pound trip limit takes effect for all**  
30 **groupers; 3)if on or before October 1 the fishery is estimated**  
31 **to have caught 75 percent of either the shallow-water grouper or**  
32 **the red grouper quota, then a 5,500-pound trip limit takes**  
33 **effect for all groupers.**

34  
35 **CHAIRMAN MORRIS:** Mr. Williams has made a motion. Is there a  
36 second for that motion? Second by Mr. Horn. Discussion?

37  
38 **MR. RIECHERS:** Roy, answer to me why in the first portion of the  
39 motion it's deep-water grouper and shallow-water grouper and  
40 later on it's only shallow-water grouper and red grouper. Is  
41 that by design or is that --

42  
43 **MR. WILLIAMS:** It was by design. I think we kind of anticipate  
44 that deep-water will become a non-issue by August 1, given  
45 what's happened this year. What we're really concerned about  
46 after that is going to be the shallow-water grouper fishery.

47  
48 **CHAIRMAN MORRIS:** Mr. Williams, you had more of a --

1 **MR. WILLIAMS:** I wanted to offer some rationale if I might. The  
2 basis for this is that the high catch rates in the grouper  
3 fishery have created a problem with monitoring this fishery and  
4 with closing it in a timely manner.

5  
6 If we don't get them closed in a timely manner, then we're going  
7 to have more overfishing. We're going to have quota overruns  
8 and it's going to create a burden that we're going to have to  
9 solve in subsequent years and so we would like to set up a  
10 program that slows this fishery down a little bit and allows  
11 NMFS to monitor it well and to close it in a timely manner and  
12 to close it in a way that gives the fishermen more advance  
13 notice.

14  
15 This year, on shallow-water grouper, they're only getting a  
16 week's notice and as we heard, that's pretty hard on them. They  
17 buy a lot of perishables, ice, bait, groceries, that are simply  
18 going to be wasted when they only have a few days or a week's  
19 notice.

20  
21 They said they need at least two weeks notice and so we want to  
22 be able to give them plenty of advance notice and I think the  
23 quota closures, the two that have occurred this year, are almost  
24 certainly going to increase the race for the fish.

25  
26 I think any of our experience that have been in this for a while  
27 is that once you put a quota in place and you first reach that  
28 quota it changes everybody's attitude about the fishery and  
29 they've got to make sure that they get their fair share.

30  
31 Everybody has got payments they've got to make and the baby  
32 needs new shoes and so they've got to have less time at the dock  
33 and more time on the water to make sure they get their fair  
34 share of the fishery and that's going to make NMFS's problem  
35 even more difficult than it was this year.

36  
37 Once that race starts, it's going to be hard. The fish houses  
38 are going to be dragging their feet a little bit and fishermen  
39 are going to be working harder and faster and it's going to be  
40 really difficult in subsequent years to close this fishery in an  
41 orderly manner.

42  
43 As a secondary thing, and this is not why we're doing it, but as  
44 a secondary thing is we discussed in Secretarial Amendment 1  
45 that it's important for this fishery and it's important for most  
46 fisheries to have product always on the market, to have  
47 continuity of supply, and to have a year-round fishery.

48

1 The fishery needs that. The markets that they supply need that  
2 and this, even though that's not the reason for doing this, this  
3 will facilitate those year-round markets and facilitate  
4 continuity of supply and allow the fishermen to fish year-round.  
5

6 **CHAIRMAN MORRIS:** Mr. Williams, is this the proposal that Mr.  
7 Spaeth and Mr. Fisher have jointly proposed to us on behalf of  
8 their organizations?  
9

10 **MR. WILLIAMS:** Yes, they have both agreed to it.  
11

12 **MR. FENSOM:** I think the information we had earlier that a  
13 5,500-pound trip limit for the year would keep the fishery open  
14 year-round and we've got this proposal and it's my understanding  
15 that very -- Boats catch over 10,000 pounds, but very few catch  
16 over 10,000 pounds.  
17

18 I understand this has been proposed by people in the fishery,  
19 but I just question is this going to help any or is it going to  
20 help significantly because if we had that 5,500 pounds would  
21 keep it open for a year and we're talking about it's closed six  
22 weeks early, is this going to get the job done?  
23

24 **MR. ADAMS:** Roy, just as a friendly suggestion, could I suggest  
25 in Items 2 and 3 before the percentage sign we add "more than"  
26 so it's "to have caught more than 50 percent" and "to have  
27 caught more than 75 percent." I think that's what you're trying  
28 to get to.  
29

30 **MR. WILLIAMS:** Sure. That would be fine.  
31

32 **MR. ADAMS:** Then second of all, I assume that all of the weights  
33 in all of the alternatives are gutted weight. Do we need to  
34 state that or is that part of the --  
35

36 **MR. WILLIAMS:** Yes, it's gutted weight.  
37

38 **MR. HORN:** I seconded this motion, but looking at the deep-water  
39 grouper, I would really like to know -- We're assuming this is  
40 basically a Florida issue, but there are several boats that work  
41 out of this area right here, between here and central Louisiana,  
42 that longline yellowedge grouper and I know they were a  
43 substantial part of the landings on the deep-water side with  
44 yellowedge.  
45

46 Even though I think the deep-water quota is not a fair quota in  
47 relation to what is going on, I think there is a lot more  
48 product to be produced, and I would like to see something or



1 have NMFS at least look at it and whether we see it -- I don't  
2 want to know what somebody is doing, but what kind of trips are  
3 they producing?  
4

5 I know who it is and I think it's pretty substantial and I think  
6 before you do this -- I know if I were doing it and somebody  
7 snuck something like this on me, I would be ill. So I don't  
8 know that the deep-water side of it ought to be involved in this  
9 and I would like to hear some other comments.

10

11 **DR. CRABTREE:** At the last council meeting, I believe at the  
12 last council meeting, John Poffenberger presented a report on  
13 the effects of trip limits on both the deep-water and the  
14 shallow-water fishery.

15

16 Now he did not break that down into a western Gulf and eastern  
17 Gulf, but he did have an analysis of what trip limits and what  
18 impact they would have on the deep-water fishery and what number  
19 of trips would be affected by it. I don't know, Phil, if you  
20 brought that with you or not or if anyone has it. Steve may  
21 have it.

22

23 So we have some analysis that would get to that and to address  
24 Mr. Fensom's comments, I don't believe that the industry is  
25 under any expectation that this will guarantee them a year-round  
26 fishery.

27

28 But it will slow down the rate of harvest somewhat and should  
29 have the effect of extending the fishery. But I think they  
30 understand that it's not an assurance of a year-round fishery.  
31 But I think what we've heard from them this week is that just a  
32 couple of weeks added to the fishery would be very important to  
33 them.

34

35 I again want to commend the industry for coming together on this  
36 and I think this is a reasonable thing to do. But I want to  
37 point out to the council that my directives and policy is to  
38 vote against emergency and interim rules and so I'll be voting  
39 against this, but that should not be interpreted to reflect my  
40 opinions about it. That's just to allow the Secretary the  
41 discretionary review of the proposal.

42

43 **MS. WALKER:** I would like to ask Mr. Williams a question. I  
44 know when they approached the committee the first date was  
45 January to July 1 and then the trip limit would be reduced to  
46 7,500 pounds and here you've presented August 1, which is  
47 another month at a 10,000-pound trip limit before you go to a  
48 7,500-pound trip limit. Do they understand that that may end up

1 causing the fishery to close even earlier by allowing that to  
2 happen?

3  
4 **MR. WILLIAMS:** I think so and the reason it was changed was that  
5 50 percent -- You have a full month closure, the February 15<sup>th</sup>  
6 through March 15<sup>th</sup>, on shallow-water grouper. So I believe that  
7 idea was that you would actually get your first six months of  
8 fishing, of real fishing, would actually be on August 1. So  
9 that's why they modified it, but they need to speak to it  
10 themselves on this, I think.

11  
12 **MS. WALKER:** If I may, Madam Chairman, just one more question of  
13 Mr. Williams. They do understand that this will not get them a  
14 year-round fishery and they are agreeable to that?

15  
16 **MR. WILLIAMS:** They're certainly aware that there is no  
17 guarantee that the fishery will extend throughout the year. But  
18 they're hopeful that it will be better next year than it was  
19 this year and that they won't have such long closures and that  
20 they will have more advance notice on their closures than just  
21 the seven days they got this year.

22  
23 **CHAIRMAN MORRIS:** Mr. Fisher and Mr. Spaeth, a simple answer and  
24 not a speech to us, please.

25  
26 **MR. MARTIN FISHER:** Martin Fisher, Gulf Fishermen's Association.  
27 Ms. Walker, the reason we extended it to August 1 was it's very  
28 possible we may not reach 50 percent by July 1 and then we would  
29 be locked in for a 10,000-pound trip limit for the whole year.  
30 By extending it to August 1, it gives us more of an opportunity  
31 to go into the second tier.

32  
33 **MS. WILLIAMS:** First of all, I commend the industry because Mr.  
34 Fisher and Mr. Spaeth did come together and they came up with  
35 something that they thought was doable. There's been a lot of  
36 conflict and I would like to commend those two organizations for  
37 sitting down, compromising, and trying to solve the problem.

38  
39 **MR. MINTON:** Similar to what Martin was just saying, I was going  
40 to point out in the motion it says "on or before" and so that  
41 does give them a little more leeway. It could in fact hit 50  
42 percent in July, but it does give them the leeway that they  
43 might need.

44  
45 **MR. FENSOM:** Sometimes we have these discussions and then later  
46 on there's a big dispute about what the wording really meant. I  
47 read Paragraph 2 to mean that if as of June the 1<sup>st</sup> they've  
48 caught 51 percent of the shallow-water grouper than as of June

1 the 1<sup>st</sup> it immediately goes to 7,500 pounds. You don't wait  
2 until August?

3  
4 **CHAIRMAN MORRIS:** That's the intention. Thank you for  
5 clarifying.

6  
7 **MR. RIECHERS:** The other part I want to just clarify is do we go  
8 to 7,500 if we haven't reached it on August 1? You want to stay  
9 at 10,000 and then whenever we reach it after that? Then you  
10 would just go with the 10,000 until you got to October 1, at  
11 which time -- I'm asking for clarification so that we understand  
12 exactly what we're voting on.

13  
14 **CHAIRMAN MORRIS:** Mr. Fisher and we need to make sure that Mr.  
15 Williams is on the same page as Mr. Fisher.

16  
17 **MR. FISHER:** The intent is there's only an eleven-month fishing  
18 year. March and February only count as one fishing month  
19 because it's closed for both those months for two weeks. So  
20 July 1 is not actually half of a year. August 1 is a little bit  
21 more than half of the year.

22  
23 We figure that if we're not at 50 percent by August 1, then  
24 10,000 is probably the number we need to extend the whole  
25 fishing year. We don't really know. We're going to find out.  
26 This gives us the best opportunity to find out. However, if by  
27 August 1 we haven't reached 50 percent, but we do reach 75  
28 percent by October 1, then it would revert from 10,000 to 5,500.

29  
30 **CHAIRMAN MORRIS:** Mr. Williams, is that your understanding?

31  
32 **MR. WILLIAMS:** Yes.

33  
34 **MR. FISCHER:** I do want to be on record that if these triggers  
35 kick in and the quota is not filled where we are is those are  
36 just uncaught fish and they don't go to next year. They're just  
37 uncaught fish.

38  
39 **CHAIRMAN MORRIS:** Thank you, Mr. Fischer. Dr. Nelson would  
40 desperately like someone on the council to ask him a question so  
41 he could answer it. Does anyone on the council want to ask Dr.  
42 Nelson a question and ask him to comment on this? Mr. Riechers  
43 would like Dr. Nelson to comment on this.

44  
45 **DR. RUSSELL NELSON:** I don't want to rise to speak against this,  
46 but I would like to point out a process element that is going on  
47 here in that without any public hearing testimony or any pre-  
48 advance notice of this emergency request, Bob and Martin were

1 given ample time to present their position and make their  
2 request to you and that's good. That's fine.

3  
4 But you also have representatives from other constituencies out  
5 here who may have offered input or who may have had something to  
6 say and I just think the council should consider that if you go  
7 out of your way to open up a brand-new issue at this meeting  
8 that you at least offer the people who are here and also have  
9 interest in this fishery an opportunity to be involved in the  
10 discussion or make a statement.

11  
12 Having said that, I don't think they're going to get through the  
13 whole year here, but we certainly aren't going to object to  
14 this.

15  
16 **CHAIRMAN MORRIS:** Thank you, Dr. Nelson. Is there any more  
17 discussion of this motion? I think we've pretty much understood  
18 all of its nuances and its intent and Dr. Crabtree has a final  
19 comment.

20  
21 **DR. CRABTREE:** I just want to point out that an interim or an  
22 emergency rule can be put in place for only six months and then  
23 it can be extended for another six months provided there are  
24 permanent regulations coming along.

25  
26 So the council will need to be moving forward on a regulatory  
27 amendment because I don't know when this can go in effect, but  
28 if it goes in effect sometime early next year, if the Secretary  
29 implements this, then unless we're making progress on the  
30 permanent regulations we would have difficulty extending it.

31  
32 **CHAIRMAN MORRIS:** I'm going to ask for a vote on the motion.  
33 **All those in favor of the motion, say aye; all those opposed,**  
34 **like sign. The motion passes with one opposition. Let the**  
35 **record show Dr. Crabtree voted in opposition.**

36  
37 **MR. MINTON:** That concludes the Reef Fish Committee Report.

38  
39 **CHAIRMAN MORRIS:** Ms. Williams, you had an Other Business item  
40 that you wanted to take up during Reef Fish and Dr. Crabtree has  
41 an Other Business item as well.

42  
43 **MS. WILLIAMS:** Before I actually make the motion, I would like  
44 to ask Dr. Crabtree. I have a weather report and it says that  
45 there is going to be seven to ten-foot seas from now through  
46 Saturday and that's going to impact the fishermen, both safety  
47 reasons and fishing reasons.

48

1 If we were to make an emergency action requesting that you shut  
2 down the shallow-water grouper fishery November 22, is that  
3 doable instead of the 15<sup>th</sup>?

4

5 **DR. CRABTREE:** I'm not going to say whether an emergency action  
6 is or is not doable until I've seen the request and the  
7 rationale. I can tell you that I've never seen an emergency  
8 action done that quickly.

9

10 If we realize that the quota has not been caught, then I don't  
11 think we need an emergency action. We would just reopen the  
12 fishery and then close it back down. But I do have this and I  
13 will carefully monitor the weather and the situations and I urge  
14 Martin and Bobby, when you get back, make sure the dealers get  
15 the dealer reports in quickly so that we can find out what has  
16 been caught.

17

18 If we get the reports in that the quota hasn't been caught, then  
19 we'll look at the possibility of reopening the fishery. But I  
20 was just handed this and I would need to look at this and  
21 evaluate the situation before I could make any sort of  
22 determination on that.

23

24 **CHAIRMAN MORRIS:** Ms. Williams, do you have a motion to offer?

25

26 **MS. WILLIAMS:** I'm going to leave this in Dr. Crabtree's hands  
27 rather than make the motion and hopefully he will evaluate it as  
28 quickly as possible and the dealers and fishermen will help him  
29 and he can make the right decision.

30

31 **CHAIRMAN MORRIS:** Dr. Crabtree, you had another item for Reef  
32 Fish?

33

34 **DR. CRABTREE:** Yes. I have been asked to clarify something in  
35 the Amendment 23, which was the Vermilion Snapper Amendment,  
36 with respect to council's intent. You recall in that that there  
37 is a commercial closed season which is being implemented.

38

39 The amendment is silent on whether or not the council wishes to  
40 allow commercial vessels to retain the recreational bag limit  
41 during the closed season and we have a mixed record on this.

42

43 During the red snapper commercial closed season, you do allow  
44 commercial vessels to retain the recreational bag limit, but  
45 during the gag grouper black grouper closed one month, you do  
46 not allow commercial vessels to retain the recreational bag  
47 limit. So we need to know what the council intent on this is so  
48 that we can draft the proposed rule.

1 **CHAIRMAN MORRIS:** Okay, council, new issue. Think about  
2 vermilion snapper and think about retaining the recreational  
3 catch while the commercial season is closed. Let's have some  
4 discussion before we have a motion of what would the pros and  
5 cons of allowing that or not allowing that be.  
6  
7 **MR. WILLIAMS:** And the recreational bag limit is the twenty-fish  
8 aggregate, correct?  
9  
10 **DR. CRABTREE:** Didn't we look at lowering that to ten?  
11  
12 **CHAIRMAN MORRIS:** It would be ten.  
13  
14 **DR. CRABTREE:** So if the proposed rule is implemented, the  
15 recreational bag limit will go to ten fish per person. So a  
16 commercial vessel if it has three crew on board could bring in  
17 thirty vermilion snapper per day under the recreational bag  
18 limit.  
19  
20 They would not be allowed to sell them because our regulations  
21 prohibit the sale of reef fish caught under the recreational bag  
22 limit.  
23 **MR. HORN:** I move that we allow commercial fishermen with valid  
24 license to retain the recreational bag limit of vermilion.  
25  
26 **CHAIRMAN MORRIS:** Is there a second for Mr. Horn's motion?  
27  
28 **MS. WALKER:** I'll second.  
29  
30 **CHAIRMAN MORRIS:** We've got a motion and a second. Discussion?  
31  
32 **MS. WALKER:** Dr. Crabtree, do you think by allowing this we will  
33 in essence be assisting in the bycatch mortality that they may  
34 be catching as they're commercial fishing for other species by  
35 allowing them to keep these?  
36  
37 **DR. CRABTREE:** I don't see this as a bycatch issue necessarily.  
38 I see this as an enforcement problem in terms of how enforcement  
39 can make sure that those fish aren't ultimately sold and I also  
40 see this as a tracking question because those fish aren't going  
41 to be showing up in MRFSS and in the recreational surveys.  
42  
43 So those fish are going to fall through the cracks and we're not  
44 going to ever know how many of them were caught or have any  
45 basis to know what happened there. But the main objection I've  
46 heard from this from law enforcement is that they have a very  
47 difficult time of knowing whether these fish when they come in  
48 on commercial trips are in fact or are not sold.

1 **CHAIRMAN MORRIS:** Dr. Crabtree, it sounds like you're  
2 recommending against the motion.  
3  
4 **DR. CRABTREE:** I would speak against the motion.  
5  
6 **MS. WALKER:** I want to make sure I understood. This is more for  
7 enforcement and then these fish won't fall through the crack and  
8 they won't be counted by MRFSS and nor will they be counted  
9 against the commercial sector.  
10  
11 **DR. CRABTREE:** You mean if we allow them to bring in the  
12 recreational --  
13  
14 **MS. WALKER:** If we allow them to bring them in, it's going to  
15 skew the data is what I understood you to say, the recreational  
16 harvest.  
17  
18 **DR. CRABTREE:** I don't see where those fish then are counted  
19 because if they're not sold, then they won't be reported on a  
20 trip ticket and they're not going to be captured in the MRFSS  
21 survey and so they would just be unaccounted for.  
22 **MS. WILLIAMS:** I'm going to support the motion because if we  
23 approve this today, we haven't told the public that we were even  
24 thinking about doing this. It would be more restrictive than  
25 what was in the amendment and so even by law I don't know that  
26 we can do that without notifying the public. It's not an  
27 emergency. It's just something perceived.  
28  
29 **CHAIRMAN MORRIS:** Any further discussion by the committee?  
30  
31 **MS. WALKER:** Based on Ms. Williams's comments, I would ask Mr.  
32 Grimes to comment on whether we can give an opinion as to what  
33 our thoughts were when we voted on the amendment.  
34  
35 **MR. GRIMES:** I certainly think you can. Right now it's just a  
36 void and if you don't speak to it, National Marine Fisheries  
37 Service is going to fill it in for you.  
38  
39 **MS. WALKER:** Although I seconded the motion, I am opposed to it  
40  
41 **MR. RIECHERS:** Let me ask you this, Shep. It's not a void.  
42 There's a current rule in place. Isn't that correct?  
43  
44 **DR. CRABTREE:** No, because there's no closed season for  
45 vermilion snapper right now.  
46  
47 **MR. MINTON:** Roy or Phil or Ginny, if we were to assume every  
48 commercial trip during this period were to bring in the ten fish

1 per person limit, can you tell us what the poundage or fish that  
2 would be harvested for that would be?

3

4 **DR. CRABTREE:** No, I'm sorry, I can't.

5

6 **MR. MINTON:** But that number is out there. It could be  
7 calculated, right?

8

9 **DR. CRABTREE:** I don't know because we've never had a closed  
10 season for vermilion and so we would have to make a lot of  
11 assumptions about how many trips these vessels are going to make  
12 and what are they going to fish for and --

13

14 **MR. MINTON:** But that's what you all are good at. But  
15 seriously, it could be a large number. Is that correct?

16

17 **DR. CRABTREE:** I don't know, Vernon. I wouldn't feel  
18 comfortable in trying to predict.

19

20 **MR. HORN:** Dr. Crabtree, you said that these fish would not be  
21 picked up by the MRFSS survey. Why do you say that?

22 **DR. CRABTREE:** Because when MRFSS does an interview they ask if  
23 this was a recreational fishing trip and I believe that the  
24 answer from a commercial fisherman on these trips would be no  
25 because they were on a commercial fishing trip.

26

27 **MR. HORN:** Do you speak to every recreational fisherman there  
28 is?

29

30 **DR. CRABTREE:** Do I personally?

31

32 **MR. HORN:** Does the MRFSS survey?

33

34 **DR. CRABTREE:** No. But they do a household random-digit dialing  
35 survey where they call up people and they say, have you gone  
36 recreational fishing and they ask you when did you go  
37 recreational fishing to get the effort estimates and I don't  
38 believe commercial fishermen would consider their trips  
39 recreational and I don't believe it would show up in that end of  
40 it.

41

42 Then they also go to docks where they interview recreational  
43 fishermen to look at their catch and measure fish and I don't  
44 believe they're going to intercept commercial fishermen at those  
45 either. I have spoken to the MRFSS staff in Washington about  
46 whether they believe these fish would be captured or not and  
47 they've told me, no, they don't believe they would.

48



1 **MR. HORN:** But these folks are required to have a license and if  
2 they have a license, then they've got some information and  
3 they're just as likely to be checked as anyone else and if they  
4 knew that they had fish that they caught recreationally because  
5 they were required to have a license, why would they lie to  
6 them?

7  
8 **DR. CRABTREE:** I'm not saying they would lie. Number one,  
9 they're not required to have a federal license because there is  
10 no federal recreational fishing license and number two, the  
11 MRFSS sampling and random-digit dialing is not dependent on  
12 whether you have a license or not. They call all households,  
13 period, and ask do you recreationally fish and did you go on  
14 recreational fishing trips during the last period of time.

15  
16 A commercial fisherman is not going to lie, but when you ask him  
17 about his trips I don't believe he is going to characterize them  
18 as recreational fishing trips because they weren't. They were  
19 predominantly commercial fishing trips.

20  
21 Now if a commercial fisherman on a commercially-licensed vessel  
22 went out recreationally fishing with his family or something and  
23 did that, then I think that would show up. But I suspect when  
24 he's out on a commercial fishing trip that he wouldn't consider  
25 that a recreational trip and it would not show up.

26  
27 **CHAIRMAN MORRIS:** Council, I think we've had plenty of  
28 discussion on this issue. I think everybody should be at a  
29 point where they know how they want to vote on the motion.

30  
31 The motion would allow the commercial fishermen with a valid  
32 recreational license to retain a recreational bag limit during a  
33 closed season. So if you don't support that, you should vote  
34 against it. If you do support that, you should vote for it.

35  
36 **DR. CRABTREE:** Shouldn't the motion say "during the closed  
37 season" because as it's written there is some --

38  
39 **CHAIRMAN MORRIS:** Do you view that as a friendly amendment,  
40 during the closed season? Okay. Mr. Minton, I really would  
41 like to vote on this.

42  
43 **MR. MINTON:** I know. But if you look at "with a valid  
44 recreational license," if this passes, the way it's written  
45 right now, commercial fishermen coming into Alabama would not be  
46 required to have a license to enter state waters with fish  
47 caught in the EEZ.

1 So if it's the letter of the law, a commercial fisherman  
2 entering into Alabama and trying to bring those fish home could  
3 not do it the way this is written right now. Why would they  
4 have to have a valid recreational license? It has nothing to do  
5 with it.

6  
7 **CHAIRMAN MORRIS:** Mr. Minton, do you have a suggestion to fix  
8 the problem you see?

9  
10 **MR. MINTON:** I would recommend as a friendly amendment to just  
11 scratch "with a valid recreational license."

12  
13 **CHAIRMAN MORRIS:** Mr. Horn, do you view that as a friendly  
14 amendment? And the seconder, Ms. Walker, even though you're  
15 going to oppose the motion, do you view that as a friendly  
16 amendment? Yes. Now are we ready to vote on the motion?

17  
18 **MR. PERRET:** Vernon may have fixed the problem in Alabama, but  
19 in Mississippi you can't bring a bag limit in without a  
20 Mississippi Recreational Angling License, Vernon. Where are you  
21 going to land them? If they are going to go into Mississippi,  
22 they've got to have a valid license.

23  
24 **MR. GRIMES:** I think the point is just that we don't have  
25 anything to do with state law and if you leave it this way and  
26 they come in and they have a bag limit and the state of  
27 Mississippi wants to prosecute them for having a bag limit  
28 without a fishing license, that's up to the state of  
29 Mississippi. But NOAA Fisheries doesn't care about that or at  
30 least we're not going to prosecute it.

31  
32 **CHAIRMAN MORRIS:** I am going to call for a vote on this motion.  
33 Does everybody understand that position that they want to take  
34 on this motion before I call for a vote? **All those in favor,**  
35 **raise your hand, please; all those opposed, please raise your**  
36 **hand. The motion fails.** Dr. Crabtree, is that the  
37 clarification that you required?

38  
39 **DR. CRABTREE:** Yes, that's fine.

40  
41 **CHAIRMAN MORRIS:** Is there any other business dealing with reef  
42 fish to come before the council today?

43  
44 **MR. FENSOM:** My only comment would be the emergency suggestion  
45 that we made, the 10,000 and 7,500 pounds, I certainly think it  
46 ought to be on the record that we don't want that to be  
47 precedent.

1 We've been working on this grouper problem for many, many years  
2 and the last minute bell, whistle, train leaving the station  
3 they finally come on board at the last two seconds. I think in  
4 the future we hope they'll let us know a little earlier.

5  
6 **CHAIRMAN MORRIS:** Council, before you get up and leave the  
7 table, a couple more things. We have already paid for food and  
8 coffee service in the morning. It will be here starting at  
9 eight o'clock. They will have to-go bags and Styrofoam cups so  
10 you can take it with you and we encourage you to take full  
11 advantage of that.

12  
13 Our next meeting will be in Baton Rouge at the Sheraton Hotel,  
14 January 10<sup>th</sup> through 13<sup>th</sup>. I want to again thank everybody for  
15 what I think has been a productive meeting with good, respectful  
16 disagreement and coming to decisions. I think we've made good  
17 decisions and I'm proud to be your chairman and I wish you all a  
18 safe trip home and very happy holidays. Mr. Claverie would like  
19 the last word.

20  
21 **DR. CLAVERIE:** There's a meeting in the D.C. area for the future  
22 of fisheries or something and the councils are supposed to go.  
23 Are all council members going to that or just the chair or --

24  
25 **EXECUTIVE DIRECTOR SWINGLE:** That will be in March, I think the  
26 22<sup>nd</sup> or 23<sup>rd</sup> through a three-day meeting. It will end on Friday  
27 and yes, that will be sponsored by the eight regional management  
28 councils similar to the meeting that we attended last October, a  
29 year ago. All council members can go.

30  
31 **MS. FOOTE:** I just wanted to thank the council staff for making  
32 it completely transparent to us that they were lacking their  
33 entire equipment and everything and they did a great job.

34  
35 **CHAIRMAN MORRIS:** The meeting is adjourned.

36  
37 (Whereupon, the meeting was adjourned at 5:00 o'clock p.m.,  
38 November 9, 2004.)

39  
40 - - -  
41

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4 actions in the document regarding bottom-tending gear, bottom  
5 anchoring, and the fishing weight restrictions be applied  
6 throughout the small box that's shown in Proposal in Figure 11.  
7 The motion carried on page 15.  
8  
9 PAGE 16: Motion that the public hearing draft of the EFH  
10 Amendment contain the current Pulley's Ridge HAPC boundaries and  
11 that the council list the southern one-quarter area as an  
12 alternative. The motion carried on page 18.  
13  
14 PAGE 16: Motion that we list the little area as an alternative  
15 when we go to public. The motion carried on page 17.  
16  
17 PAGE 18: Motion that the council adopt the original large area  
18 as the preferred alternative. The motion carried on page 20.  
19  
20 PAGE 20: Motion that the public hearing draft of the EFH  
21 amendment not contain a preferred fishing weight option. The  
22 motion carried on page 22.  
23  
24 PAGE 25: Motion that we provide \$5,000 to SARP for their  
25 efforts in hiring a coordinator. The motion carried on page 28.  
26  
27 PAGE 27: Motion to table it until the next meeting. The motion  
28 failed on page 28.  
29  
30 PAGE 28: Motion to adopt the Gulf of Mexico Law Cooperative  
31 Enforcement Strategic Plan for 2005 to 2010. The motion carried  
32 on page 28.  
33  
34 PAGE 28: Motion to adopt the Gulf of Mexico Cooperative Law  
35 Enforcement Operations Plan for 2005-2006. The motion carried  
36 on page 28.  
37  
38 PAGE 29: Motion that a letter be sent to the DOJ and the FBI  
39 requesting that marine, civil, and administrative offenders,  
40 along with vessel identification, be tracked with the NCIC  
41 database and that marine enforcement have access to that data.  
42 The motion carried on page 29.  
43  
44 PAGE 29: Motion that a letter be sent to Dr. Hogarth asking the  
45 agency support language in the Magnuson-Stevens Fishery  
46 Conservation Management Act reauthorization allowing state  
47 enforcement officers the authority to enforce litter violations.  
48 The motion carried on page 29.

1 PAGE 30: Motion to write the Louisiana Department of Wildlife  
2 and Fisheries and commend them for the public information video  
3 they did outlining the Law Enforcement Strategic Plan. The  
4 motion carried on page 30.  
5  
6 PAGE 30: Motion that the aquaculture alternatives be forwarded  
7 to the IPT for development into an amendment. The motion  
8 carried on page 30.  
9  
10 PAGE 31: Motion to defer the Joint Reef Fish/Artificial Reef  
11 agenda and committee action to the January council meeting in  
12 Baton Rouge. The motion carried on page 32.  
13  
14 PAGE 33: Motion to combine the Sustainable Fisheries Committee  
15 and the Ecosystem Committee. The motion carried on page 35.  
16  
17 PAGE 34: Motion to just do away with the Sustainable Fisheries  
18 Committee. The motion failed on page 34.  
19  
20 PAGE 35: Motion to combine the Stone Crab Committee and the  
21 Spiny Lobster Committee. The motion carried on page 36.  
22  
23 PAGE 36: Motion to delete the Vessel Monitoring Committee. The  
24 motion carried on page 36.  
25  
26 PAGE 36: Motion to delete the Deep-Water Crab Committee and the  
27 Butterfish Committee. The motion carried on page 37.  
28  
29 PAGE 37: Motion that staff investigate teleconference and video  
30 conferencing alternatives for workshops, public hearings, and  
31 scoping meetings, to do a pilot test within the next six months.  
32 The motion carried on page 38.  
33  
34 PAGE 40: Motion to amend the motion to combine Personnel and  
35 Budget. The motion carried on page 40.  
36  
37 PAGE 41: Motion to write a letter reminding that we request  
38 that they include in their amendments language dealing with  
39 conflict of interest pertaining to land ownership and ecological  
40 matters. The motion carried on page 42.  
41  
42 PAGE 55: Motion to support the addition of a staff member to  
43 handle PR, outreach, the website, and also copying of our  
44 briefing books onto CDs. The motion carried on page 55.  
45  
46 PAGE 55: Motion that the following persons be approved to  
47 attend the Spiny Lobster SEDAR Data Workshop in Marathon,  
48 Florida from January 25 to 27, 2005: Roy Williams, Stu Kennedy,

1 Simon Stafford, Robert Gaitanis, Marianne Cufone, and Bill  
2 Herrnkind. The motion carried on page 55.  
3  
4 PAGE 56: Motion that the council accept Chairman Morris's  
5 recommendations on committee assignments. The motion carried on  
6 page 56.  
7  
8 PAGE 58: Motion that the alternatives that reflect the quota  
9 share percentages be translated into gutted weight and that  
10 "whole weight" be stricken from the alternatives. The intent is  
11 to apply this change throughout the document. The motion  
12 carried on page 62.  
13  
14 PAGE 58: Motion that we adopt all of the motions regarding the  
15 Red Snapper IFQ Profile Options Paper from page 1 through page  
16 8. The motion failed on page 60.  
17  
18 PAGE 62: Motion to a new preferred alternative to Section 1.2  
19 as follows: Confer on IFQ share certificate holder the  
20 privilege to harvest a specified amount indefinitely. Five  
21 years after inception of the program, it will be reviewed and  
22 the program may be terminated or modified by council action.  
23 The motion carried on page 66.  
24  
25 PAGE 63: Motion that we have the language rather than  
26 "indefinitely" that we have "for five years." The motion failed  
27 on page 66.  
28  
29 PAGE 66: Motion that the council not select a preferred  
30 alternative for Section 1.3 at this time. The motion carried on  
31 page 66.  
32  
33 PAGE 66: Motion that the council change its preferred  
34 alternative for Section 1.4(a) to Alternative 1: All future  
35 increases in commercial quota set under TAC will be distributed  
36 among IFQ share certificate holders on record at the time of the  
37 increase in commercial quota. The distribution will be  
38 proportionate and based on a percentage of commercial quota by  
39 the individual shareholders. The motion carried on page 66.  
40  
41 PAGE 67: Motion that Sections 1.4(a) and 1.4(b) be combined  
42 into one section. The motion carried on page 67.  
43  
44 PAGE 67: Motion that the council's preferred alternative for  
45 Section 2.1 be changed from Alternative 1 to the Ad Hoc Red  
46 Snapper Advisory Panel's preferred alternative, Alternative 2:  
47 A person to whom a current Class 1 or Class 2 license has been  
48 issued will be eligible for an initial allocation. Current

1 permanent resident aliens who currently hold Class 1 or Class 2  
2 licenses will be included in the initial allocations. The  
3 motion carried on page 68.  
4  
5 PAGE 69: Motion that we separate the two and vote on 3(b)  
6 separately from 4. The motion carried on page 70.  
7  
8 PAGE 70: Motion to reject Alternative 3(b). The motion carried  
9 on page 70.  
10  
11 PAGE 70: Motion to reject Alternative 4. The motion failed on  
12 page 72.  
13  
14 PAGE 72: Motion that the council's preferred alternative for  
15 Section 2.2 be the same as the Ad Hoc Red Snapper Assessment  
16 Panel's preferred alternative, which would be Alternative 1:  
17 Among all red snapper license holders (i.e. Class 1 and Class 2)  
18 base the initial allocation on ten out of ten years and the  
19 individual chooses either 1990 through 1999 or 1994 through  
20 2003. The motion carried on page 73.  
21  
22 PAGE 73: Motion that the following alternatives in Section 2.2  
23 be moved to the Considered but Rejected Section: Alternatives  
24 3(b), 4, 5(a), 5(b), 6, 7, and 12. The motion carried on page  
25 74.  
26  
27 PAGE 74: Motion that Alternative 3 in Section 2.2.1 be moved to  
28 the Considered but Rejected. The motion carried on page 74.  
29  
30 PAGE 77: Motion that the council delete Section 2.3 and add  
31 discussion where appropriate to Section 2.1. The motion carried  
32 on page 77.  
33  
34 PAGE 77: Motion that throughout the document the term "fishing  
35 privileges" be used rather than "fishing rights." The motion  
36 carried on page 78.  
37  
38 PAGE 78: Motion that Alternative 2 in Section 3.1(a) be moved  
39 to Considered but Rejected. The motion failed on page 80.  
40  
41 PAGE 80: Motion that the preferred alternative for Section  
42 3.1(b) be changed from Alternative 2 to Alternative 1 as  
43 modified by removing the word "natural". IFQ share certificates  
44 and/or coupons can be transferred only to persons in the  
45 commercial reef fish fishery (i.e. among those  
46 individuals/vessels maintaining a valid commercial reef fish  
47 permit). Transfer is implied to be limited to persons who are  
48 U.S. citizens or permanent resident aliens. The motion failed



1 on page 82.  
2  
3 PAGE 83: Motion that the following alternatives in Section  
4 3.1(b) be moved to the Considered but Rejected Section:  
5 Alternatives 3, 4, 5, and 7. The motion carried on page 83.  
6  
7 PAGE 83: Motion that the following alternatives in Section 3.2  
8 be moved to the Considered but Rejected Section: Alternatives  
9 4, 5, 7, and 8. The motion carried on page 83.  
10  
11 PAGE 84: Motion that Alternative 2 in Section 3.2 be moved to  
12 Considered but Rejected and there be no preferred alternative in  
13 Section 3.2. The motion carried on page 84.  
14  
15 PAGE 84: Motion that the following changes be made to  
16 alternatives in Section 3.3(a): strike "or disability" from  
17 Alternative 1; move Alternative 2 to Considered but Rejected;  
18 and make Alternative 3 the council's preferred alternative. The  
19 motion carried on page 86.  
20  
21 PAGE 86: Motion that the following be stricken from Alternative  
22 1 in Section 3.3(a): "Reasonable attempts will be made to  
23 determine those shareholders in risk of losing their IFQ share  
24 certificates by the end of the second year or notify them  
25 accordingly." Also, clarify that Alternative 3 is actually a no  
26 use-it-or-lose-it alternative. The motion carried on page 87.  
27  
28 PAGE 87: Motion that the following new alternative be added to  
29 Section 3.3(b.1) as a preferred alternative: IFQ shares and/or  
30 coupons that have been sanctioned by NOAA Fisheries may be  
31 proportionately reissued to shareholders for the period of the  
32 sanction. The motion carried on page 88.  
33  
34 PAGE 88: Motion that we strike the word "shall" and replace it  
35 with "may" in that next to the last line so that it would read  
36 that "IFQ shares or coupons that have been sanctioned by NOAA  
37 Fisheries may be proportionately reissued to shareholders for  
38 the period of the sanction. The motion carried on page 88.  
39  
40 PAGE 89: Motion that the council create a new alternative to  
41 allow maximum ownership of a)no maximum; b)8 percent maximum; or  
42 c)15 percent maximum of IFQ shares and also create alternatives  
43 for coupon shares that could be greater than the share totals.  
44 The motion carried on page 90.  
45  
46 PAGE 90: Motion that Section 3.5 be moved to Considered but  
47 Rejected. The motion carried on page 90.  
48

1 PAGE 90: Motion that the council delay selection of a preferred  
2 alternative for Section 4.1 and have the IPT to develop a  
3 section on pros and cons of IFQ quota share leasing. The motion  
4 carried on page 90.  
5  
6 PAGE 90: Motion that the council have the IPT Team develop a  
7 new section containing alternatives on collection of fees as  
8 required by the Act under Section 304(d). The motion carried on  
9 page 90.  
10  
11 PAGE 90: Motion that the following alternatives in Section 4.2  
12 be moved to Considered but Rejected: Alternatives 3, 4, and 5.  
13 The motion carried on page 91.  
14  
15 PAGE 91: Motion that the council's preferred alternative for  
16 Section 4.2 be Alternative 1: Transfer of annual coupons issued  
17 in denominations of pounds to shareholders would be registered  
18 with the agency. The motion carried on page 91.  
19  
20 PAGE 91: Motion that Section 4.3 the preferred Alternative 1 to  
21 remove the sentence: "The system should be implemented at  
22 federal government expense" and develop this discussion under  
23 the new section about fees and expenses of implementing the IFQ  
24 system. The motion carried on page 91.  
25  
26 PAGE 91: Motion that the council have the IPT revise Sections  
27 5.2, 5.3, and 5.4 to be inclusive of the current alternatives  
28 that are already presented in the document and recommend a  
29 number of panelists to serve on the review panel. The motion  
30 carried on page 92.  
31  
32 PAGE 92: Motion that Section 5.5(b) Alternative 1 be a council  
33 preferred alternative and that Alternative 4 be deleted.  
34 Alternative 1 is: During the first five years, all shares  
35 distributed by the IFQ program will be qualified by the  
36 condition that they may be reduced by some quantity based on the  
37 outcome of legal disputes at some future date. The motion  
38 carried on page 93.  
39  
40 PAGE 94: Motion that the council have the IPT reorganize and  
41 consolidate the document as an options paper; include a  
42 consideration of whether to separate the discussion and  
43 evaluation of quota shares and coupons. The motion carried on  
44 page 95.  
45  
46 PAGE 96: Motion that in Section 5.1.2 that the council adopt  
47 Alternatives 1 and 3 as the preferred alternatives and remove  
48 Alternative 5. The motion carried on page 101.

1 PAGE 105: Motion that the preferred alternative for Section  
2 5.2.2 be changed from Alternative 2 to Alternative 3(b):  
3 Require fishing vessels engaged in the following fishing  
4 activities to be equipped with electronic vessel monitoring  
5 systems with the cost of the vessel equipment, installation,  
6 maintenance, and month-to-month communications to be paid or  
7 arranged by the owners as appropriate. NOAA Fisheries will  
8 maintain and will publish in the Federal Register a list of  
9 type-approved units and communications protocols. VMS systems  
10 will be required for all commercially permitted reef fish  
11 vessels, including charter vessels with commercial reef fish  
12 permits. The motion carried on page 106.

13  
14 PAGE 108: Motion that the Section 5.3, Time/Area Closures, be  
15 moved to Considered but Rejected. The motion carried on page  
16 108.

17  
18 PAGE 108: Motion to add an alternative to prohibit the use of  
19 longlines for reef fish fishing inside of fifty fathoms in the  
20 entire Gulf of Mexico. The motion failed on page 114.

21  
22 PAGE 114: Motion to defer the following motion to the Law  
23 Enforcement Advisory Panel. The motion by the AP was from Cape  
24 San Blas westward in the Gulf of Mexico that it would be illegal  
25 to possess or land red snapper on a vessel with longline gear on  
26 board. The motion carried on page 116.

27  
28 PAGE 116: Motion to ask NMFS to promulgate an interim or an  
29 emergency rule to implement the following trip limits in the  
30 Gulf grouper fishery: 1)on January 1, all vessels will be  
31 limited to 10,000-pound trip limit for both deep-water grouper  
32 and shallow-water grouper combined; 2)if on or before August 1  
33 the fishery is estimated to have caught more than 50 percent of  
34 either the shallow-water grouper or the red grouper quota, then  
35 a 7,500-pound trip limit takes effect for all groupers; 3)if on  
36 or before October 1 the fishery is estimated to have caught more  
37 than 75 percent of either the shallow-water grouper or the red  
38 grouper quota, then a 5,500-pound trip limit takes effect for  
39 all groupers. The motion carried on page 123.

40  
41 PAGE 125: Motion that we allow commercial fishermen to retain  
42 the recreational bag limit of vermilion during the closed  
43 season. The motion failed on page 129.

44  
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