

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2  
3 JOINT REEF FISH/MACKEREL COMMITTEES

4  
5 Palace Hotel

Biloxi, Mississippi

6  
7 May 10, 2005

8  
9 - - -

10 **Reef Fish Committee:**

11 Vernon Minton, Chair  
12 Roy Williams, Vice Chair  
13 Karen Bell  
14 Roy Crabtree  
15 Robin Riechers  
16 Bobbi Walker  
17 Kay Williams

18  
19  
20 **Mackerel Committee:**

21 Myron Fischer, Chair  
22 Corky Perret, Vice Chair  
23 Virginia Fay  
24 Philip Horn  
25 Karen Foote

26  
27  
28 **Staff:**

29 Wayne Swingle  
30 Richard Leard  
31 Steven Atran  
32 Stu Kennedy  
33 Assane Diagne  
34 Cathy Readinger  
35 Lela Gray  
36 Kathy Conlon

37  
38  
39 **Others:**

40 Pam Baker  
41 David Pham  
42 Sal Versaggi  
43 Tom McIlwaine  
44 Donny Waters  
45 Rene Labadens  
46 Ron Dearmin  
47 Aaron Viles  
48 Gary Rouse

**Others continued:**

Julie Morris  
Walter Thomassie  
Joe Hendrix  
DeGraaf Adams  
Larry Simpson  
Maumus Claverie  
LCDR Scott Rogers  
Roy Williams  
Shepherd Grimes  
Dr. Hogarth  
George Geiger  
Julius Collins  
Martin Fisher  
Eric Schmidt  
Bob Zales, II  
Dennis O'Hern  
Bill Dekemel  
Phil Steele  
Jim Fensom  
Bonnie Dekemel  
Marianne Cufone  
Jennifer Lee  
David White  
Martin Kain  
Margaret Curole  
Bob Spaeth  
Russ Nelson  
Bob Spaeth  
Eric Schmidt  
Chris Dorsett  
Dave McKinney  
Ken Daniels  
Bill Tucker  
Wayne Werner  
Chuck Armstrong  
Ted Flowers  
Hal Robbins  
Bart Niquet

1 The Joint Reef Fish and Mackerel Committees of the Gulf of  
2 Mexico Fishery Management Council convened in the Majestic A and  
3 B Ballroom of the Palace Hotel, Biloxi, Mississippi, Tuesday  
4 afternoon, May 10, 2005, and was called to order at 1:35 o'clock  
5 p.m. by Chairman Vernon Minton.

6  
7 **MR. VERNON MINTON:** I would like to call the Reef Fish/Mackerel  
8 to order. Chairman Fischer will preside from the side table.

9  
10 **CHAIRMAN MYRON FISCHER:** Of course, this is the Joint Reef  
11 Fish/Mackerel Management Committee, which has been known as the  
12 charterboat committee as of lately. The first item we have is  
13 the Adoption of the Agenda. This can be found under Tab H,  
14 Number 1.

15  
16 **EXECUTIVE DIRECTOR WAYNE SWINGLE:** I would like to under Other  
17 Business have you all discuss a draft letter that should have  
18 been in your material and it's to Jack Dunnigan asking that the  
19 NMFS system consider making HMS stocks that we might manage  
20 under the aquaculture amendment and I put it in this committee  
21 because that would have belonged in Reef Fish/Mackerel/Red Drum  
22 Committee.

23  
24 **CHAIRMAN FISCHER:** We have an addition to discuss the draft  
25 letter of HMS being in the aquaculture, a letter to Jack  
26 Dunnigan. Any other changes to the agenda? Hearing no changes,  
27 I will entertain a motion to accept.

28  
29 **MR. PHILIP HORN:** So moved.

30  
31 **CHAIRMAN FISCHER:** Moved by Mr. Horn.

32  
33 **MS. BOBBI WALKER:** Second.

34  
35 **CHAIRMAN FISCHER:** Any opposition to accepting? Seeing no  
36 opposition, the agenda is adopted. We'll move on to the  
37 minutes. Approval of the Minutes, Tab H, Number 2, or it might  
38 have been on your CD. Any changes to the minutes?

39  
40 **MR. MINTON:** I move we approve.

41  
42 **CHAIRMAN FISCHER:** Motion to approve.

43  
44 **MS. WALKER:** Second.

45  
46 **CHAIRMAN FISCHER:** Second by Ms. Walker. Any opposition to  
47 approving the minutes? Seeing no one in opposition, the minutes  
48 are approved. Item 3, Review the Public Hearing Draft for

1 Extension of the Charter Vessel Permit Moratorium, which is Tab  
2 H, Number 3.

3  
4 All we have germane is on page 6 is a slate of four  
5 alternatives. Mr. Kennedy will go through these. We're looking  
6 to do two things, to find a preferred alternative and then to  
7 recommend to the council if we want to proceed in sending this  
8 out to public hearings. That's all we're trying to do so that  
9 we can give Mr. Minton the rest of our time.

10  
11 **MR. STU KENNEDY:** I think everything has really been said. This  
12 is the last time you get to see this before the public hearings.  
13 Everything is the way it was before. The document is complete  
14 except for a few things like acronyms need to be done and the  
15 executive summary and the fishery impact statement need to be  
16 done once you pick a preferred alternative.

17  
18 Otherwise, this document is complete and ready to go. You have  
19 the four alternatives. You've read them before. Alternative 1  
20 is no action, do not extend the moratorium. Alternative 2 is to  
21 extend the moratorium for five years. Alternative 3 is to  
22 extend it for ten years and Alternative 4 is to extend it  
23 indefinitely, make it a limited access system.

24  
25 **CHAIRMAN FISCHER:** We've seen these alternatives before. Do we  
26 have any discussion toward choosing a preferred?

27  
28 **MR. ROY WILLIAMS:** My only discussion is I don't like  
29 Alternative 2 only because there's so much going on right now  
30 that I think five years will go by in nothing flat and I think  
31 the council ought to look at either Alternative 3 or Alternative  
32 4.

33  
34 **MS. WALKER:** I move Alternative 4 as the preferred alternative  
35 and I'll give justification if I get a second.

36  
37 **CHAIRMAN FISCHER:** Does anyone second Ms. Walker's motion?

38  
39 **MR. WILLIAMS:** Second.

40  
41 **CHAIRMAN FISCHER:** Second by Mr. Williams. Discussion on the  
42 motion?

43  
44 **MS. WALKER:** The reason I'm going to support Alternative 4 is  
45 because of what Roy talked about earlier. We get into a habit  
46 of developing these moratoriums and before we know it, we've got  
47 to start on a plan to extend them.

48

1 Right now we've got recreational fisheries that have over-  
2 harvested the shallow-water grouper. We've got a red snapper  
3 stock assessment that's fixing to come in. We don't need to  
4 allow this portion of the recreational sector to grow.

5  
6 This would not prohibit the council at a later date to come back  
7 and lift the moratorium, but also it would not force the council  
8 to go into unnecessary amendments in the future to keep it in  
9 place.

10  
11 **DR. MAUMUS CLAVERIE, JR:** I oppose it for the same reasons I  
12 opposed the original one, including Jernigan's reasons. Do I  
13 have to repeat any of it?

14  
15 **CHAIRMAN FISCHER:** No, the record has it. I would like to ask  
16 someone on staff or Mr. Swingle if we had chosen either  
17 Alternative 3 or 4, ten years or indefinite, and two or three  
18 years down the road we want to repeal this moratorium, would  
19 there be any difference in the workload to repeal a ten-year  
20 moratorium or repeal an indefinite moratorium?

21  
22 **MR. KENNEDY:** I would think not. The workload would be the same  
23 whichever way you did it.

24  
25 **CHAIRMAN FISCHER:** If we did choose Ms. Walker's motion, it  
26 would just change in the eyes of the fishermen that there's a  
27 sunset.

28  
29 **MR. WILLIAMS:** The difference though -- As long as you're using  
30 the word "moratorium" you're expecting the other shoe to fall.  
31 You know that this is not permanent and that in some point in  
32 the future something different is going to happen and so you're  
33 forewarned to be on guard that something else is going to happen  
34 sometime down the road.

35  
36 If we're not going to do that, and I'm thinking out loud here,  
37 Bobbi, I'll tell you, if we're going to go to indefinite, go for  
38 Alternative 4, then we're implying that we've settled on this  
39 and this is the way we think it ought to be done.

40  
41 I think for that reason I'm starting to think that maybe  
42 Alternative 3 is the right way to go, but there is that  
43 difference. A moratorium implies that this is not forever is  
44 the difference.

45  
46 **MS. KAY WILLIAMS:** I don't believe I could support this motion  
47 at this time because of the word "indefinite." The word  
48 "indefinite," I can see as causing problems. I see the for-hire

1 industry as a valuable industry.  
2  
3 They provide a -- It's more than a platform for recreational  
4 fishers. It's an informative, knowledgeable platform that knows  
5 where to find the fish and provides other services and so  
6 therefore, saying that I want it indefinite and no one will  
7 ever, ever, even after the stocks recover to what we hope we can  
8 rebuild them to, you're not going to get in and that would  
9 concern me a little bit. That's why I couldn't support this at  
10 this time.  
11  
12 **DR. ROY CRABTREE:** I think I would support it and I don't think  
13 that's what this means. It just means we're not putting a  
14 sunset on it. If these stocks all recover and we're in great  
15 shape a decade from now, we'll come in and amend the plan and go  
16 back to open access on this.  
17  
18 I think this is the same thing we just did with reef fish and  
19 king mackerel where we were sunsetted and we essentially said  
20 this is the controlled access program for now and I think that  
21 we have had a big workload burden on us because we've had some  
22 of these permit moratoriums all basically run out.  
23  
24 We had to do reef fish and we had to do mackerel and that  
25 involved the South Atlantic and now we're doing charterboat and  
26 headboat and it puts a big burden on the staff and takes up a  
27 lot of council time.  
28  
29 I don't think any of us really ever thought we would reopen the  
30 reef fish permits or the mackerel permits, not at this time. I  
31 think we went through a lot of work and a big exercise on all  
32 that and I'm not sure that it accomplished that much for us.  
33 Indefinite, maybe we can come up with a better word for it, but  
34 it doesn't mean forever. It just means until we decide it's no  
35 longer necessary and then we take it away.  
36  
37 **CHAIRMAN FISCHER:** I wonder if changing the word "indefinite" to  
38 "a time specific limited access system" and just not specifying  
39 the end date.  
40  
41 **DR. CRABTREE:** What if we took out "indefinite" and just said  
42 establish a limited access system for for-hire permits and the  
43 discussion makes it clear that this will continue until changed  
44 by a future plan amendment.  
45  
46 **MR. WILLIAMS:** I believe that human nature is if you don't put a  
47 date in there, it's not going to come up again. It will become  
48 more or less permanent. I really think we need a date in there

1 of when we're going to revisit this thing. That's all I have.

2  
3 **MS. JULIE MORRIS:** This is not exactly the same, but at the  
4 council chairs meeting, we were talking about whether IFQ  
5 programs or dedicated access programs should have expiration  
6 dates and the sense of that group was that we should not have  
7 sunset dates for these kinds of programs, but we should instead  
8 have them be in place and provide for periodic review, which is  
9 just a revisit or a review, but not a sunset.

10  
11 I guess I'm suggesting that as a model for this, that the  
12 program would be established and you could eliminate the word  
13 "indefinite," but you could add a sentence at the end that would  
14 say something about there would be a periodic review of the  
15 effectiveness of the program.

16  
17 **CHAIRMAN FISCHER:** Ms. Morris isn't on our committees, but it's  
18 a very good point if anyone would like to make such a motion.

19  
20 **MS. WILLIAMS:** I was going to ask Mr. Fensom to give me the  
21 definition of "indefinite." That's number one. Being an  
22 attorney, define the word "indefinite" for me. That's A and  
23 then I've got a B.

24  
25 **MR. JIM FENSOM:** It's undetermined.

26  
27 **MS. WILLIAMS:** B, even establish a limited access system, I  
28 thought we had already done that by in fact using the  
29 moratorium. I don't know how dropping the word "indefinite" is  
30 going to do anything.

31  
32 We have a moratorium and it's a limited access system for  
33 charterboat permits and so I think we already have a limited  
34 access system, but it still doesn't tell us, in my mind, what we  
35 plan or may do in the future because let's remember, if they can  
36 sell these things and they have a value, the person that's going  
37 to buy them needs to know what way we're thinking and so you've  
38 got to think back to all of those other things where we have  
39 limited access systems.

40  
41 **MS. WALKER:** Julie, and I think Roy will agree with me, my  
42 **seconder, I would like to add Julie's language to the end of**  
43 **Alternative 4, which was to have periodic reviews on the**  
44 **effectiveness of the limited access system. Julie, does that --**  
45 **Ten years will be fine.** I just don't think we want to do it any  
46 shorter than that.

47  
48 **DR. CRABTREE:** I was going to suggest some sort of language in

1 there, that we put something in there where the council will  
2 review the effectiveness and the need to continue the moratorium  
3 every ten years and that way if we get there, we'll look at it  
4 and if we decide we don't need it, we'll amend the plan to get  
5 rid of it, but we haven't put ourselves in a position where we  
6 have to amend the plan just to keep it going, if that addresses  
7 people's concerns.

8  
9 **MR. KENNEDY:** There was a question about the term moratorium and  
10 limited access system or a limited entry system and that's been  
11 discussed. This committee has discussed it a number of times  
12 and have left, at least mostly, have left it with moratorium  
13 having some definite end period, whereas limited access without  
14 the use of that, having no time certain.

15  
16 I have one other point that I forgot to mention early on. You  
17 have before you a single sheet from the National Marine Charter  
18 Association. It's the only comment that was made in relation to  
19 the notice of intent to file an EIS for this document. It's the  
20 only one we have and they were against it. They're from  
21 Alexandria, Virginia, but it's open business and that sort of  
22 thing. Just so you're aware, we have the one comment.

23  
24 **CHAIRMAN FISCHER:** I do have Mau, but before we get to Mau's  
25 comments, it seems as all of the discussion is on Alternative 3  
26 and 4 and almost by consensus we're not speaking about  
27 Alternatives 1 and 2 and we'll be voting on this rather shortly  
28 and I think that's what our choices appear to be, is a choice  
29 between ten years and indefinite. I think after Mau if we don't  
30 have any more comments, it will be time to call the question.

31  
32 **DR. CLAVERIE:** I wanted to amend the motion so that the last  
33 sentence that was added would read not more than every ten years  
34 so that if we wanted to review it earlier we could.

35  
36 **DR. CRABTREE:** I would put out to you that whether you put that  
37 in there or not, you can come in and review it at any time. You  
38 don't have to have a motion saying it. If you decide three  
39 years from now you want to review it and amend the plan and get  
40 rid of it, you can do that, regardless of what is in this  
41 motion.

42  
43 **DR. CLAVERIE:** I was thinking, if I may, Mr. Chair, that this  
44 would put people on notice who are looking to buy one that it  
45 could be evaporated at any time by the council.

46  
47 **MS. WILLIAMS:** In listening to what Julie said, and I may have  
48 missed the conversation or the intent, did they get rid of the

1 word "indefinite" and just say "establish a limited system?"  
2 Did you ever get rid of the word "indefinite?"

3  
4 **MS. MORRIS:** I thought I heard Stu say that as long as there's  
5 not a sunset time, it would be a limited access system instead  
6 of a moratorium. Isn't that what you said, Stu? I think you  
7 could lose the word "indefinite" without really changing the  
8 meaning.

9  
10 **CHAIRMAN FISCHER:** Do we have any further discussion on this so  
11 that we can prepare to vote?

12  
13 **MS. WALKER:** I think Kay would feel better if we removed the  
14 word "indefinite" and I would ask my seconder if he would agree  
15 to amend it, to remove "indefinite."

16  
17 **CHAIRMAN FISCHER:** We've hashed it out quite well. Is everyone  
18 ready to vote on this? Being we have joint committees here and  
19 I don't want to resort back to the list to see who is on one,  
20 remember that everybody is entitled to one vote, regardless of  
21 many times you're on the various committees.

22  
23 **MR. WILLIAMS:** When we take out the word "indefinite" -- Any  
24 time we talk about IFQs, there's always a provision in there  
25 that the council can take back that IFQ any time they choose and  
26 I think that's actually part of the Magnuson Act as well.

27  
28 I don't know that this has to go in the motion, but in the  
29 discussion of the amendment, I think it needs to be made clear  
30 to the public that if the council decided this wasn't working,  
31 even if they bought one from somebody, that we could make it  
32 more restrictive or get rid of it altogether. That needs to go  
33 in the discussion if it's not in there already and maybe it is.

34  
35 **MR. KENNEDY:** It's not in there, but since I have to make some  
36 statement about the ten-year review, it will be easy to put in  
37 there that it will be reviewed every ten years and if the  
38 decision is that it's no longer appropriate, it would be  
39 rescinded and it could be rescinded anytime in between. I can  
40 make that clear.

41  
42 **CHAIRMAN FISCHER:** We have the amendment to the motion, which if  
43 I'm not mistaken is Mr. Claverie's amendment -- It was accepted  
44 as a friendly, we'll accept it and move on to the main motion.  
45 We have the main motion, which I shall read:

46  
47 **To make Alternative 4 the preferred alternative: Establish a**  
48 **limited access system on for-hire permits for the Gulf of Mexico**



1 reef fish and coastal migratory fisheries. All vessels with  
2 valid moratorium permits on the date this amendment is  
3 implemented will retain a moratorium permit. Permits will be  
4 renewable and transferable in the same manner as currently  
5 prescribed for such permits. The council will have periodic  
6 reviews at least every ten years on the effectiveness of the  
7 limited access system.

8  
9 **DR. CLAVERIE:** I missed it before, but the "on a certain date"  
10 has given us trouble in the past because of one of them expiring  
11 and not being renewed or transferred or something like that and  
12 so how do we get around that problem?

13  
14 **CHAIRMAN FISCHER:** Dr. Crabtree has addressed this in other  
15 instances and we'll call on him.

16  
17 **DR. CRABTREE:** I think "valid" in this case means renewable and  
18 so the permit could be expired. Is that what you're getting at?  
19 I think that's okay. As long as the permit has not expired and  
20 then gone beyond the one-year renewal window, they'll be able to  
21 renew their permit. I think we're fine on this.

22  
23 **MR. GRIMES:** It was actually the "active" language that was in  
24 15 and 24 that caused the problem and so "valid" was understood  
25 to be one that's currently active or one that's renewable  
26 because it's still viable within that one year after expiration.

27  
28 **MS. WALKER:** Shep, let me ask you a question, because I know  
29 what Mau is getting at. Why can't we remove, after  
30 "moratorium," "permits on the date that this amendment is  
31 implemented" and it just state that all vessels with valid  
32 moratorium permits will retain a moratorium permit.

33  
34 **MR. GRIMES:** I think it's another way of doing it.

35  
36 **MS. WALKER:** You're saying the way it's written right now we're  
37 not going to have a problem?

38  
39 **MR. GRIMES:** Yes, that is what I said.

40  
41 **MS. KAREN BELL:** When I'm reading "retained," to me, that's  
42 where the confusion would come in. I would think it would be  
43 "granted." To retain it means you're going to have it forever,  
44 wouldn't it?

45  
46 **CHAIRMAN FISCHER:** Will be issued.

47  
48 **MS. BELL:** Or will be granted a moratorium permit.

1 **CHAIRMAN FISCHER:** It would also be a limited access permit.  
2

3 **DR. CRABTREE:** Can I make a suggestion? I'm not sure that  
4 sentence needs to be in there at all. Basically you're just  
5 saying that you're going to establish this limited access and  
6 the permits will continue to be renewable and transferable in  
7 the same manner as currently prescribed.  
8

9 I'm not sure that sentence is necessary, unless I'm missing  
10 something. We're not going to issue them automatically a new  
11 permit. They already have the permit. They'll just continue to  
12 have it and it will continue to be transferable and they'll  
13 continue to renew it in the fashion that they have. Am I  
14 correct?  
15

16 **CHAIRMAN FISCHER:** Would the creator of such motion entertain  
17 removing this as per the Regional Administrator's thoughts on  
18 it?  
19

20 **MS. WALKER:** Mr. Chairman, was he just stating to remove the  
21 sentence starting with "Permits will be renewable" and ending  
22 with "permits?"  
23

24 **DR. CRABTREE:** The permits already exist and they're already  
25 under a moratorium. They're already renewable and transferable.  
26 All we're saying is that it's not going to sunset. It's just  
27 going to continue as it currently exists. They're not going to  
28 have to apply. We aren't going to accept any new applications  
29 and their permits will expire on the same date they expire and  
30 they'll have one year to renew them. I think if you take that  
31 sentence out, you're okay.  
32

33 **MS. WALKER:** I'll accept that as a friendly amendment if my  
34 seconder will. Roy? Okay.  
35

36 **DR. CLAVERIE:** Roy, it's a good idea and it should be done, but  
37 we would have to then keep it being a moratorium permit instead  
38 of a limited access permit, wouldn't we? In other words, you're  
39 changing from a moratorium permit to a limited access permit  
40 rather than continuing a moratorium, the way the first sentence  
41 is written.  
42

43 **DR. CRABTREE:** I'm not sure that the permit on it now says  
44 moratorium permit or what it says on it, Mau. I would have to  
45 look into that. It seems to me we could administratively just  
46 as we renew permits change the word "moratorium" to "limited  
47 access" because really, a moratorium is a form of limited access  
48 and I don't think that's a substantive change.

1 Again, as I said, because we've had so many problems with  
2 application period deadlines, there won't be any need for people  
3 to apply under this. Their permits would just continue on, as  
4 reef fish permits will continue on and king mackerel.

5  
6 **DR. CLAVERIE:** Stu pointed out the difference between the two  
7 words and Roy said the psychological difference between the two  
8 words.

9  
10 **MR. WILLIAMS:** I think we're settled on this and I would call  
11 the question, if I may.

12  
13 **CHAIRMAN FISCHER:** The question has been called. Any opposition  
14 to calling the question? Seeing no opposition, we'll vote on  
15 it. Let's have a show of hands vote so we can count both ways.  
16 **All in favor of this motion, please raise your hand; all opposed**  
17 **to this motion. The motion passes.**

18  
19 The next item we have is if we choose to request the council to  
20 send this out to public hearings. I would entertain a motion or  
21 let it die here.

22  
23 **MS. WALKER:** So moved.

24  
25 **MR. WILLIAMS:** Second.

26  
27 **CHAIRMAN FISCHER:** We have a motion to request council to send  
28 this out to public hearings. **Anyone opposed to such a motion?**  
29 **Seeing no opposition but one --** He's not on the committee.

30  
31 **DR. CLAVERIE:** I'm on the Red Drum Committee.

32  
33 **MR. FISCHER:** This is not red drum. We'll be getting to that  
34 later. You get to vote on Wayne Swingle's -- Let the record  
35 reflect that last vote was nine to one. **The motion carries and**  
36 **this shall be sent out to the public.**

37  
38 We shall go back to the agenda. Do we have any other committee  
39 recommendations? We will now go to Other Business, in which we  
40 will discuss the draft letter about HMS and aquaculture and Mr.  
41 Swingle, will you handle this?

42  
43 **EXECUTIVE DIRECTOR SWINGLE:** That letter was in the material  
44 that you were provided in the envelope and basically what we're  
45 doing is asking Jack Dunnigan, who is the Director of the  
46 Sustainable Fisheries Division, to allow us to go ahead and list  
47 highly migratory species managed by NMFS in the Gulf EEZ as  
48 species that we can manage under our aquaculture amendment.

1 They are culturing some of those, primarily tuna, and Joe  
2 Hendrix, I think, is doing that himself in some areas.

3

4 **CHAIRMAN FISCHER:** Dr. Claverie, being that you are on Red Drum,  
5 we will allow you to vote on this phase.

6

7 **DR. CLAVERIE:** I'm also on Highly Migratory and why isn't that  
8 committee involved in this?

9

10 **EXECUTIVE DIRECTOR SWINGLE:** The aquaculture amendment is under  
11 the auspices of the Reef Fish/Mackerel/Red Drum Committees.

12

13 **CHAIRMAN FISCHER:** We're now entering in the red drum personnel  
14 that were not on the other two committees. Do we have any  
15 discussion on the letter that Mr. Swingle brought up about  
16 requesting HMS follow suit? It's a short one paragraph letter.  
17 If you choose, I'll read it real quickly.

18

19 It says: "Dear Jack, Our council is, as you know, in the process  
20 of completing a generic amendment regulating the offshore  
21 aquaculture. With the concurrence of General Counsel, we are  
22 including fishery stocks other than those we manage through our  
23 FMPs.

24

25 We would also like to include the highly migratory species  
26 managed by NMFS in the Gulf EEZ and are hereby requesting  
27 authority to include those species." That is the letter. It is  
28 so we can include tunas and other species in HMS in our  
29 aquaculture program.

30

31 **MS. WILLIAMS:** Shep, since we do not have any authority over  
32 those HMS species, can we grant the right to aquaculture those  
33 species when we don't manage them in the first place? Give us  
34 some guidance on what we should or shouldn't be doing? I really  
35 don't care one way or the other.

36

37 **MR. GRIMES:** I think "authority" is the wrong word to use  
38 because the Secretary is given authority to manage the species  
39 under the Act and he cannot delegate that authority to a council  
40 when there's a statutory requirement to the contrary.

41

42 Basically what you're asking is that the HMS Division develop a  
43 compatible -- Maybe even "compatible" is not the right word, but  
44 a system that mirrors your aquaculture program. They would have  
45 to amend their plan to acknowledge that aquaculture is going to  
46 be allowed and whatever standards you would have in your  
47 aquaculture plan would be mirrored in whatever plan HMS would  
48 develop.

1 **DR. CLAVERIE:** I think it's a bad idea. I would make a motion  
2 we not do it. Aquaculture of at least tunas is coming under  
3 ICCAT interests and it has to be a national situation in the  
4 United States to respond to that.  
5

6 **MR. JOSEPH HENDRIX:** Does Mau have a second?  
7

8 **CHAIRMAN FISCHER:** I didn't hear it as a motion. You made this  
9 as a motion?  
10

11 **DR. CLAVERIE:** I made it as a motion, but I didn't hear a  
12 second.  
13

14 **CHAIRMAN FISCHER:** Does anyone second Mau's motion? The motion  
15 dies for lack of a second.  
16

17 **MR. HENDRIX:** I would like to make a motion we recommend to full  
18 council to send this letter out to Mr. Dunnigan.  
19

20 **CHAIRMAN FISCHER:** We do have a motion by Mr. Hendrix that we do  
21 send this letter out. Any second to that?  
22

23 **MR. ROBIN RIECHERS:** I'll second the motion.  
24

25 **CHAIRMAN FISCHER:** I have a second and that's what we've been  
26 discussing, was the body of the letter and what should be done  
27 to it.  
28

29 **MR. RIECHERS:** Unfortunately, I want to try to get a little  
30 clarification. What I believe the letter is suggesting, and  
31 maybe I'm wrong, but is that we basically would be allowed to go  
32 ahead and speak to those species within the aquaculture  
33 amendment that we're creating and then, of course, we know we're  
34 in the time frame of also getting some more guidelines from big  
35 NMFS, using Mau's term, in regards to how our aquaculture  
36 amendment is going to fit into their bigger plan.  
37

38 Even after that point, there would be the permitting process  
39 that any of those facilities would have to go through and so I'm  
40 thinking there's a lot of room for discussion regarding this  
41 even after this, but this is kind of the -- Do we want to spend  
42 any time having this in our plan amendment or is NMFS going to  
43 go ahead and tell us this is off limits at this point.  
44

45 I think this is just kind of a request to them to give us a  
46 little guidance in that respect so that we don't include a lot  
47 of time in our plan amendment regarding this, but if they will  
48 allow us to go ahead and speak to it, I think it's worthwhile

1 for us sending the letter and finding that out and like I said,  
2 we still have a lot of time to discuss whether or not those  
3 species would really be viable and how they would work in that  
4 particular facility.

5  
6 **CHAIRMAN FISCHER:** I'll let Roy answer that.

7  
8 **DR. CRABTREE:** I'm not sure what I'm answering, but I was going  
9 to make a suggestion with the letter because I don't know how  
10 they can -- It seems to me they would have to amend the HMS plan  
11 for this to happen and just as we're amending multiple plans,  
12 they would have to do that too.

13  
14 I would suggest that the letter be phrased more that we are  
15 interested in exploring ways that we could work cooperatively  
16 with HMS as we move through the aquaculture process in the Gulf  
17 of Mexico and we would appreciate your views on how we might  
18 could come out with some compatible regulations with HMS or  
19 something along those lines.

20  
21 It's not clear to me right now how we could do this, but I don't  
22 see how they could just delegate to us the authority to write  
23 regulations for HMS species because that would have to be done  
24 through the Secretary under the HMS plan. I think the letter  
25 ought to be rephrased more as our desire to work cooperatively  
26 with HMS and explore ways that we could do this.

27  
28 **EXECUTIVE DIRECTOR SWINGLE:** It was kind of really patterned  
29 after our request we made under Madison-Swanson to HMS, allowing  
30 us to prohibit the harvest of HMS species within that marine  
31 reserve. Probably what we need is some wordsmithing by Shep on  
32 the thing.

33  
34 **MS. WILLIAMS:** I have a couple of questions. I was recently at  
35 the Gulf Coast Research Lab and I got to talk to a lot of people  
36 and they've changed my mind somewhat on aquaculture. Mr.  
37 Hendrix will be happy to know that, as long as it's done in a  
38 responsible manner.

39  
40 I was really impressed by some of the work that they've done  
41 there. In trying to further my education on aquaculture, I  
42 would like to know from Mr. Hendrix, since he is involved in the  
43 aquaculture industry, are there any HMS species that you are  
44 aware of right now that are being done in the aquaculture world?  
45 That's question one to Mr. Hendrix.

46  
47 **MR. HENDRIX:** Yes, the Japanese right now are culturing bluefin  
48 tuna and the life cycle of yellowfin tuna has also been closed

1 and there are several different groups working on trying to  
2 complete that. There's no commercial operation -- Well, that's  
3 not true. In Japan currently, there is commercial production on  
4 a very small scale of bluefin tuna. Those I know for sure and  
5 the other species, I'm not certain about.

6  
7 **MS. WILLIAMS:** The other parts to my question is okay, so this  
8 letter came from whom, Wayne?

9  
10 **CHAIRMAN FISCHER:** This letter came from Wayne.

11  
12 **MS. WILLIAMS:** This letter came from Wayne to the council asking  
13 that we send a letter to Jack Dunnigan, is that right? Okay.  
14 Somebody clear this up because we've been having side  
15 conversations and we're still unclear about where the letter  
16 came from.

17  
18 **CHAIRMAN FISCHER:** That was a question?

19  
20 **MS. WILLIAMS:** Who requested that the Gulf Council do this  
21 letter because I think while the letter may be a good idea, I  
22 kind of agree with Dr. Crabtree.

23  
24 **CHAIRMAN FISCHER:** Let's let Wayne answer that.

25  
26 **EXECUTIVE DIRECTOR SWINGLE:** We had a brief discussion of  
27 aquaculture at that meeting we went to, but I came back from  
28 that thinking that that was a kind of loose end that we had not  
29 addressed and we had not made any attempt at all to -- I guess  
30 it was in the discussion of the IPT with Mike Rubino.

31  
32 Anyway, we had not even attempted to get any information from  
33 HMS as to whether or not they would consider that and we weren't  
34 really sure how we should proceed at all, but it just seemed to  
35 make our aquaculture effort more complete because they were  
36 beginning to work on culturing some of those stocks, the tunas.

37  
38 **MS. WILLIAMS:** If I may finish responding, since I was asking  
39 these questions, it seems like it came from Wayne in trying to  
40 tie up the loose ends of what we're doing with the aquaculture.  
41 Dr. Crabtree is saying that we should reword the letter in a  
42 certain way. I might would support something like that rather  
43 than -- Because I don't know what this means.

44  
45 **MR. RIECHERS:** Mr. Chair, I'm going to suggest that what we  
46 probably should do is possibly re-craft the letter and bring it  
47 back to full council. Obviously the first letter draft, I agree  
48 with Roy.

1 Based on my comments, I believe there are those other steps and  
2 we need to understand those better and make sure we're really  
3 asking for the appropriate thing and we could probably spend  
4 some time drafting that and actually bring it to full council  
5 and have everyone comfortable with it instead of trying to draft  
6 it by committee right here.

7  
8 **CHAIRMAN FISCHER:** You're asking that we redraft this and bring  
9 it up during the next meeting during the Aquaculture Committee  
10 meeting to proceed?

11  
12 **MR. RIECHERS:** I'm suggesting we might be able to correct the  
13 wording before tomorrow. I don't know that it will be that  
14 difficult and that's really kind of up to Roy and Shep and  
15 whether they think they can help with that.

16  
17 **CHAIRMAN FISCHER:** That's a substitute motion?

18  
19 **MR. RIECHERS:** I'll make it a substitute motion.

20  
21 **MS. WILLIAMS:** Second.

22  
23 **CHAIRMAN FISCHER:** We have a substitute motion.

24  
25 **DR. CLAVERIE:** This is in further answer to Kay's question  
26 relative to international HMS mariculture. It's happening in  
27 the Atlantic, the Mediterranean specifically. ICCAT did pass  
28 recommendations this past ICCAT in November relative to the  
29 bluefin tuna netting operation and that recommendation even  
30 includes the Bill Hogarth underwater-TV requirement.

31  
32 ICCAT is actively involved in it because it is actively taking  
33 place in the Atlantic and so whatever ICCAT has said, I don't  
34 think it was specific for the Mediterranean. I don't know.  
35 Bill, is that correct or would it also include the Gulf, the  
36 ICCAT recommendation on tuna mariculture?

37  
38 In other words, the Gulf is under ICCAT jurisdiction already  
39 with their requirements and so I'm sure that we're probably  
40 wasting our time asking NMFS to let us do it instead of them  
41 doing it because they're the ones who would have to oversee to  
42 be darned sure that we're following the ICCAT provisions.

43  
44 **MR. HENDRIX:** To that point, Mau, I think we're talking about  
45 two different things here. One of the current mariculture  
46 operations, or a lot of the mariculture operations, are sea  
47 feedlot operations, essentially is what they are. That's what  
48 is going on in the Mediterranean.



1 They're not starting from larval fish to produce the fish.  
2 They're catching juvenile fish and growing and fattening them  
3 and that's quite a bit different than what we're talking about  
4 doing here in the Gulf of Mexico where we're not talking about  
5 impacting the resource, but we're talking about going from the  
6 egg to a finished product and I think that's what we're  
7 addressing here. I don't think we're talking about the ranching  
8 operations.

9  
10 **DR. CLAVERIE:** It is called mariculture legally, whether you're  
11 growing them from babies or grabbing them half done and  
12 finishing them up or grabbing them and just selling them when  
13 the market is right.

14  
15 Whether you do it any one of those ways, growing them from  
16 babies or what, it does impact the wild stocks because of the  
17 food and the diseases and the concentration and so forth and so  
18 on and so it is an HMS international situation.

19  
20 **MR. LARRY SIMPSON:** I think the federal aquaculture legislation  
21 should be available sometime in the very short near future. I  
22 would think they would probably address the type of species and  
23 the role of the councils, if any, in that process.

24  
25 I kind of like what Robin had to say. Basically the tone of the  
26 letter should be Jack, how do we involve ourselves with this.  
27 Maybe we could just call Jack and ask him what role, if any, is  
28 there for the councils and we're interested.

29  
30 If it's in our area, we want to be involved and then deal with  
31 the letter afterwards. I think there will be some actions with  
32 regard to aquaculture in the least at proposed legislation and  
33 we can address it in that forum, if you would like, in the  
34 future.

35  
36 **CHAIRMAN FISCHER:** We've heard a lot of different views on the  
37 substitute motion. What we're asking is just to redraft this  
38 simple, one-paragraph letter and forward it. It's time to vote.  
39 **All in favor of the substitute motion to redraft this letter and**  
40 **bring it back up at council, either tomorrow or Thursday, by**  
41 **voice vote say aye; all opposed. The substitute motion carries.**

42  
43 Does anyone else have anything pertaining to this issue? Seeing  
44 no other items, we go back to the agenda and our Other Business  
45 is concluded and that concludes the Joint Reef Fish/Mackerel/Red  
46 Drum Committee.

47

1 (Whereupon, the meeting was adjourned at 2:20 o'clock p.m., May  
2 10, 2005.)

3

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