

BLUE CRAB ADVISORY BOARD
27 OCTOBER 2005
Ocala Hilton
Ocala, Florida

Board members in attendance: James Barwick, David Capo, Dusty Chaney, Debra Creel, Ted Firestine, Robert Mostler, Frank Sewell, Russell Stewart, George Sweetman, Gary Tillis. Joe Barker, Kelly Beall, Walter Flores, and Roy Williams were not in attendance

DMFM Staff: Jasmine MacPherson, Dennis David, William Sharp, William Teehan

Bill Teehan - Opening remarks

Bill Teehan – Adoption of agenda

Board members had some general concerns about endorsement numbers. They inquired as to whether an “H” and “S” suffix on their V-number be required on trap buoys and will smaller V-numbers be available? Staff noted that they have discussed buoy-marking details with the Division of Law Enforcement (DLE) and is working with FWC’s licensing on the question regarding V-number issuance.

Re-qualifying criteria for the V-N endorsement.

At the September Commission meeting in St. Petersburg staff was directed to ask the BCAB about reducing the number of years a V-N holder will have to use his or her endorsement in order to retain it from three years to one.

David Capo and George Sweetman felt that the 3-year criterion was sufficient.

Frank Sewell: offered a motion in favor of retaining the 3-year re-qualifying period

Robert Mostler – seconded the motion

The Board voted unanimously in favor of the motion

The V-N endorsement fee.

Staff asked the Board to re-visit the V-N endorsement fee. They noted that the Board-recommended annual endorsement fee was \$ 125.00, and inquired as to whether or not this fee is too high for those

qualifying for the endorsement under the shrimp and stone crab bycatch provision, since such endorsement holders will not be using traps and will be limited by a daily bag limit

Russell Stewart- motioned to issue an “incidental take” endorsement for shrimpers and stone crabbers, and recommended an annual fee of \$25

John Chaney – seconded the motion

The Board voted unanimously in favor of the motion.

Trap-pulling provision

Staff briefed the Board on a DLE-requested provision that was presented to the Commission in September that allows a blue crab harvester to grant permission, via a written form submitted to their local DLE office, to allow another harvester to pull their traps. The language is consistent with that already existing in the spiny lobster and stone crab rules.

Russell Stewart – noted concerns with problems with convictions language, noting there could be confusion about cases that were convicted or adjudicated. Noted the language gives permission to pull traps...but says nothing about selling the crabs. The language may not be correct.

Staff noted that the rule language was drafted to be consistent with that in place in the spiny lobster and stone crab rules. The existing language has not seemed to have caused any confusion thus far.

Frank Sewell – need to put limit on how long other person can pull traps.

Staff noted that there is a five-day limit, but that the rule carries a provision to extend that longer, but only in extraordinary cases. It would be up to DLE's discretion as to the length of the extension.

Appeals

Bill Sharp – Presented a brief overview of the appeals. Reviewed the criteria the Board had agreed upon at earlier meetings: health, military, landings prior to qualifying years, persons with multiple SPLs, but had all landing on one, and therefore only qualified for one endorsement, incarceration.

Discussion of persons with multiple SPLs, all blue crab landings on one, therefore even though they had sufficient landings for multiple endorsement had they spread the landings across the licenses, did not qualify for endorsement on those licenses.

George Sweetman - fisher should have reported properly.

Frank Sewell – it's the fisher's responsibility to ensure landings are reported properly.

Dennis David – could be a case for an appeal, but must have documentation showing those SPLs were indeed used to land blue crabs.

George Sweetman – can we request tax forms for the appeals process?

Staff notes that letters to appellants should include a statement to bring documentation: crew share, taxes, dock receipts.

Russell Stewart – beware of amended tax returns.

Frank Sewell – false documentation will result in fraud.

David Capo – can we issue fewer trap tags depending upon excuse?

David Capo – can we adjust the number of endorsements issued?

Dennis David – not the same as stone crab because this is an in or out situation; if they can demonstrate that they are/were real crabbers, then they should be allowed in.

Dennis David – need to send all notices at same time.

Dennis David – can we cull through the appellants? Need legal opinion.

Frank Sewell – need to do appeals.

Dennis David – can we dispense with the V-N from appeal?

Russell Stewart – notify by mail.

David Capo – netter has V# but no landings, but someone else has used his endorsement; when V-N is issued they continue to lease

Frank Sewell – what if identify of endorsement holder is not on license.

David Capo – that constitutes fraud.

Russell Stewart – why can't licensing print name on license.

David Capo – just for blue crab.

Break – Debra Creel left

Russell Stewart – burden is on the appellant to provide appropriate documentation, tax forms, crew share in conjunction with tax return to prove boat worked, dock slips.

David Capo – must give endorsement to anyone who qualifies, no matter where crabs were caught.

Dennis David – only criteria needed are #3 and 4.

Dennis David – what are significant landings; at least 3 years prior with landings of at least 500 pounds.

Stewart – need to leave it at 500 pounds.

David Capo – don't tie up with numbers, board will know what is significant and targeted fishery landings are.

Dennis David – can we provide landings data to board?

The following circumstances were identified and agreed upon by the *ad hoc* BCAB as criteria to award a Blue Crab Limited Entry Endorsement to an appellant lacking qualifying landings as defined in 68B-007:

- ✓ Health Considerations
- ✓ Military Service During Qualifying Landings Years
- ✓ Blue Crab Landings Prior to & After Qualifying Landings Years; Those landings should show clear directed effort in the blue crab fishery;
- ✓ All Qualifying Landings Recorded on One SPL, but could have qualified for more had they been spread across other SPLs that appellant owned – Burden on Appellant to provide appropriate documentation (tax returns/crew shares in conjunction shows other vessel fished; dock slips
- ✓ Incarceration During Qualifying Landings Years with landings prior to and after; exception of fishery violations
- ✓ Other hardships during qualifying years

Frank Sewell made motion to accept.

Ted Firestine seconded the motion.

Vote was unanimous

Appeals locations

Staff suggested 10 locations: Panama Ciy, Apalachicola, Tallahassee, Crystal River, St. Petersburg, Ft. Myers, Homestead, Palm Beach, Titusville, and Jacksonville.

Frank Sewell – combine Homestead and Palm Beach; combine Jacksonville and Titusville and hold it in Daytona; combine Apalachicola, Tallahassee, Panama City in Apalachicola.

Spread out appeals into: Ft myers, Ft Lauderdale, Ocala, Apalach

Election of Chair and Co-Chair

Blue Crab Appeals Board Chair and Co-Chair

Chairman: George Sweetman

Co-Chairman: Frank Sewell

Quorum: at least four board member present, a simple majority vote will decide cases.

Blue Crab Appeals Board Members

Kelly Beall

Walter Flores

Robert Mostler

Frank Sewell – Co-chair

George Sweetman - Chair

Gary Tillis

Dennis David (FWC)

Final Comments

David Capo – board needs to address trap cleanup; needs to be industry based; need to do for public relations; may have to close for a week; flag buoys allows traps to stay in water

Frank Sewell – need cleanup

Dennis David gives examples of difficulty of regional closures; low water in some areas, no market in some areas.

Frank Sewell – motion to adjourn.

There was no public testimony.

Meeting was adjourned.