

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

**JOINT SNAPPER GROUPEE COMMITTEE &  
WRECKFISH ADVISORY PANEL**

**Jekyll Island Club Hotel, Jekyll Island, Georgia**

**March 6, 2001**

**Summary of Minutes**

**Snapper/Grouper Committee**

Jodie Gay, Chairman

Bill Cole

Dr. Louis Daniel

Ebbie LeMaster

Susan Shipman, Vice Chairman

David Cupka

Dr. Ken Haddad

Dr. Joe Powers

**Wreckfish Advisory Panel**

Paul Reiss, Chairman

Samuel Ray, III

**Council Members:**

Fulton Love

Dr. John Dean

Anthony Iarocci

Charles Stone

LTCDR Dave Cinalli

Glenn Durden

Wayne Lee

**Council Staff:**

Bob Mahood

Roger Pugliese

Dr. Vishwanie Maharaj

Kim Iverson

Julie O'Dell

Gregg Waugh

Kerry O'Malley

Dr. Kathi Kitner

Cindy Chaya

**Observers/Participants:**

Dr. John Merriner

Ronal Smith

Kay Williams

Fred Kinard

Michelle DuVal

Allen Sprouse

Craig Witfield

Monica Smit-Brunello

Dr. Jim Weaver

Columbus Brown

Marianne Cufone

Hubert Weber

Terry Gay

The Joint Snapper Grouper Committee and Wreckfish Advisory Panel of the South Atlantic Fishery Management Council reconvened in the Club Ballroom of the Jekyll Island Club Hotel, March 6, 2001, and was called to order at 8:30 o'clock a.m. by Chairman Jodie Gay.

Mr. Gay: I'd like to get the Committee to the table, please. I'll note for the record we have seven of eight members present so we do have a quorum. We also have with us two members of the Advisory Panel.

I'd like to reconvene the meeting at this time. We do not have a lot to do today with the exception of the wreckfish actions. Maybe we can finish early and hand it over to someone else here. I think Gregg is going to lead us into this, so I'll just turn it over to him.

Mr. Waugh: Thank you. Everybody should have a copy of the Snapper Grouper Assessment Group report. We went through portions of this yesterday. We do have some additional copies over on the table for any that don't have it.

The wreckfish material is towards the back. It has a Number 4 in the top right-hand corner of the material. The first item that I'll go over is the report that was in the briefing book. It's prepared by Linda Hardy at the National Marine Fisheries Service Beaufort Lab and I'll go through that very briefly.

If you look at that, on Page 1 is where they review some of the background of the fishery. They point out that currently there are only eight permitted vessels in the fishery, which is down from '91, back in the 91-92 fishing season.

Three vessels actually reported landings of wreckfish this season. Landings, effort and participation data are collected primarily through the wreckfish logbook. We also have a monthly wreckfish dealer reporting system and there's a two-part coupon system.

The sale or transfer of wreckfish fishery shares is also recorded within the region. At the bottom of Page 2 is where they go through some of the landings, size and effort comparisons. The landings for the 2000-2001 fishing season were updated slightly after Linda did this report.

The totals are 168,091 pounds. There were 26 trips, three individual vessels reporting, compared to 33 trips and 36 trips by 3 vessels in the previous two years. This information is laid out in Table 1 of that material that you have in front of you.

The three vessels that were active in this season are the same three vessels which were active the previous season. The X vessel price paid to fishermen was \$2.32 per pound, which is a 4 percent increase from the previous season.

No wreckfish shares were bought or sold during this past season and no coupons were purchased. The second report is the data summary done by Doug Vaughan and this is attached right after Linda's report. The assessment group went over both of these.

Table 1 in Doug's report does include the updated landings figures. You can see that the landings -- the high year was a little over 4 million pounds in 1989. That's before we had the closed spawning season.

Beginning with the 90-91 fishing year, the Council set the TAC at 2 million pounds. You can see that we have a very good monitoring of this fishery. If you look over on the extreme right of that Table 1, the percent sampled, from 1991 on it has been above 16 percent of the fish that were landed were sampled.

If you flip over to Page 2 to look at some catch-per-unit effort because, as in the past, the overall levels of landings are down so we want to focus more on the catch-per-unit effort.

What Doug has done is in Figure 1 there presented catch-per-unit effort in terms of the numbers of fish landed per trip on the left panel and on the right the numbers landed per day. You can see that this has been relatively constant since about 1996.

On Figure 2 on Page 3, the top right, you can see that the length frequency distribution for this past year reflects the recent pattern.

What Doug did is look at a little more analysis of this and points out that although the annual length frequency distributions have shown remarkable stability over the period '91 through '96, an analysis of maximum deviation in the cumulative frequency distribution shows that there is some difference in the pattern between 91-96 from that of '97 to 2000.

What you're seeing is some spreading out of the tails of that distribution. We're starting to see some more fish show up that are a little larger and a little smaller.

Then on Table 2 is where he presents the sample sizes of the fish that have been sampled and looking at total length and whole weight.

Figure 4 presents the mean weight of wreckfish from the logbooks and the catch sampling. You can see that there's very good agreement with those figures.

So, in summary from Doug's work, recent landings have declined considerably below the current quota of 2 million pounds. Catch per effort in terms of trips and days fished for the high two vessels -- and we'll be hearing from the high two vessels later this morning - they've fished every year from '91 through 2000.

They've both shown declines from peak values in '92. Relatively constant but lower values of mean catch-per-unit effort and leased squares means of catch-per-unit effort from the ANOVA model from the high two have been estimated for the last five fishing seasons.

Mean weight of fish has generally been stable since '91 based both on biological sampling and on logbooks. The length frequency for '97 to 2000 has shown a broadening of the tails compared to those of the '91 to '96.

This flattening of the center of the distribution and broadening of the tails for the recent length distributions implies a broadening of the age distribution with potentially lower estimates of F for the most recent years.

So that's actually good news to see that showing up in the data.

Then if you turn to the final item are a couple of figures that Doug put together with information provided by George Sedberry.

This just looks at some relative comparison of landings from our side of the Atlantic compared to the eastern side of the Atlantic. Remember that this is not a unit stock we're dealing with.

This is in all likelihood a North Atlantic-wide stock so the fishing that is occurring outside of our area is impacting the fishery. The Assessment Group did review this. They accepted this as the best available information. This is on Pages 4 and 5 of the Assessment Group report itself.

Dr. Jim Waters, who was not at the meeting, he provided some comments to the Chair of the Assessment Group expressing some concerns that if catches were as high as 2 million pounds, we might be experiencing overfishing.

This is not any different from the discussions we've had in the past. He pointed out that if you look at the percentages of individual quota taken by individual vessels -- and it was 50 percent this past year versus 60 percent in the past, so he makes the observation that you could reduce the TAC in half and the individual fisherman would not have to go out and purchase additional shares in order to meet what they harvested this year.

That's been one of the points we've made in the past is why reduce the TAC if you're not having any biological benefit, and there would be economic benefits. I think that's something we may want to hear from the AP in a little bit.

The top of Page 5, again, the reports were accepted as the best available. The Assessment Group considered Dr. Waters' comments, but they felt that the wreckfish fishery was closely monitored. If catches were to increase, we would know immediately.

With only two vessels fishing now, there's no need to change the TAC at this time, and the Group recommended that the TAC not be changed.

Finally, if you just turn to your overview for snapper grouper -- these are the pink sheets - - what we've done on Pages 2 and 3 -- and this is behind Tab 1 in your briefing book -- is we have the Action 5 which describes the Assessment Group process.

Over on Page 3 we've got the catches from 1998 on. Again, the figure for year 2000 needs to be updated to 168,091 pounds. And the options that are available, we've made sure that we have three options so we meet the new mantra of having at least three or more options when we're considering options.

TAC of 2 million pounds would be no change. TAC of 1 million pounds, this would impose a significant economic impact and social impacts on fishermen without any biological impacts; and then a TAC of 3 million pounds which would probably result in overfishing.

And, of course, any other option the Committee and AP would like to look at. Thank you.

Mr. Gay: Okay, Paul then Sam, we welcome both of you here today and thank you for coming. We'd like to get your comments at this time on what you've heard. I think y'all were also at the Assessment Group meeting, if I'm not mistaken. Not this year, okay.

But at any rate, we'd like to get your comments on how you think the fishery is going and what you're seeing out there and what you think we should set the TAC at for this coming year.

Mr. Ray: As far as anything I've noted in the past season, everything seems to be pretty much status quo. I have personally bailed out of the fishery in the fall of the season, primarily to relieve myself of some of the stress of fishing for wreckfish in the winter, for obvious reasons.

I currently just see no change in what's going on. The influx of fish or any type of methodology or whatever, everything seems to be just absolutely status quo from my viewpoint.

Mr. Gay: Paul, do you have any comments you'd like to share?

Mr. Reiss: I concur with Sam. Personally, I was plagued the entire year with mechanical and electronic problems. But in retrospect, I landed three less trips than my average mean per year trip landings.

My total catch was down approximately 23,000 pounds. But if I plug in the average landings per trip to that total that I did land, it's almost right there where my normal landings have been consistently for the last three years.

So, with that in mind, I see no change up or down in the fishery as far as reduction capabilities. We had pretty severe weather this last winter. In summation, the fishery is the same as what we've seen the last three or four years, I'd say.

Mr. Gay: Are you hearing any interest from any of the shareholders that aren't fishing of getting back in, with the longline closures and that type of stuff that they're looking at?

Mr. Reiss: Just in a couple of instances I've experienced shareholders that were anxious to get out, to sell their shares to reap some sort of financial benefit from it. To date, I haven't experienced anybody interested in getting into the fishery or even back into the fishery.

Mr. Waugh: Micah LaRoche called the office in mid-February and pointed out that he would not be able to attend the meeting. He's out of the country.

He offered his recommendation that he has seen some reduction in effort this year. Both Sammy and Paul have expressed their effort has been down, and that's what Micah passed along also.

In his opinion he has seen no change in size or abundance of fish and his recommendation is that he sees no need for any changes. We did not hear from any of the other Advisory Panel members.

Mr. Cupka: I'll just note for the record if we have one more boat become inactive, we'll have to do this in executive session in the future because we'll be down below the rule of three.

Ms. Shipman: Gregg, did I understand you to say yesterday that the next round of stock assessment or stock status -- whatever we're going to call those -- there's enough data now on wreckfish to give us the MSY of what a minimum stock size threshold should be and what a maximum fishing rate should be?

Mr. Waugh: Doug Vaughan indicated at the assessment group meeting that they do have sufficient information to calculate those values. That is not in our current operations plan for this year so we would have to enter into some discussions with them to see if that could be done by November.

The next wreckfish, the full assessment would have been done in November of 2002 because last year Doug did a full VPA assessment. Given that we're under some pressure to address our SFA measures that were rejected, I think this is something we can discuss with the National Marine Fisheries Service and see if that's possible to get it done sooner.

Ms. Shipman: I think there's still the concern -- I don't necessarily detect a sense of urgency, but I think there's still the concern that we got the TAC artificially high, above where it should be biologically, in order to buffer any kind of economic impacts.

There may be no economic impact, and one would assume, as we continue to underfish the TAC, we are banking spawning stock and spawning reserves so that at some point the 2 million may actually be biologically appropriate, but we don't know where we are.

So, at some point in time -- like I say, I don't know that it's urgent but I do think we need to look at the stock status with all of the components of the new SFA requirements and see where we are relative to the TAC.

Mr. Cupka: Gregg, you said there are some indications that maybe we are seeing some benefits in banking. At least on the analysis Doug has done, we're starting to see maybe some increase on ages of sizes on the upper end, so apparently some of that is happening.

Mr. Waugh: Yes, and if you remember, too, last year's full assessment, Doug pointed out that there had been decreases in the fishing mortality rate in recent years, as you would expect from seeing the landings go down.

And the SPR went up in the last full assessment. I believe 31 percent is the figure. So, that has gone up so we have seen some benefits from the stock rebuilding.

Ms. Shipman: Were we able to do any of the economic work or social work with these gentlemen to find out what impact lowering the TAC would be on them?

Mr. Waugh: We haven't thus far. Vishwanie has been working with the Cost and Returns Survey and we plan on collecting -- the Cost and Returns Survey will collect information from the Wreckfish Advisory Panel as well. We were going to try and collect that information during that process.

Ms. Shipman: Do they have any comments on that that they'd like to share with the Council? I mean, were the TAC to be lowered, what kind of impact would that have on you with regard to what your catches are now, just kind of an anecdotal broad-brush comment.

Mr. Reiss: For me, personally, if the TAC were lowered to, say, nothing lower than 1 million pounds, it wouldn't have an effect on me one way or the other.

Mr. Ray: If the TAC were reduced by 50 percent, at my current fishing rate it would have no impact on me, either. But I hate to think that because I have not fished but up to a certain level over the past several years, that that could influence my being unable to fish more if I wanted to next year.

I could certainly do that. I've not been fishing but probably making around 50 percent of the trips that I've made in the early fishery. I may take the notion to up that at any time, and I'd like to reserve the right to do so.

Dr. Haddad: Do you feel the reason the landings are so depressed, is that an economic issue or is that just not enough access?

Mr. Ray: I'm not certain I understand what you're asking.

Dr. Haddad: Relative to the TAC level and the actual landings, there's a huge difference. Why aren't we landing 2 million?

Mr. Ray: Well, you'd have to ask the other shareholders. I can only speak for myself, and my reduction in effort over the past few years has been a personal choice.

It hasn't had anything to do with the fishery whatsoever other than the stress and hardships brought on by this fishery, that are inherent in this fishery.

Mr. Reiss: If you had the type of participation in 2000 or 2001 similar to what you had in 91-92, you'd probably see a lot closer landings rate to what your TAC is set, so I think it's directly relative to participation as to total landings.

Mr. Love: Does price have anything to do with whether y'all make trips? Is the price pretty constant?

Mr. Reiss: I'm a little concerned about the market on the species. The price has remained fairly constant whereas just about everything else has been going up.

Personally, one of my main buyers has shown a disinterest in future dealings with wreckfish primarily because of the accessibility and cheapness of imports. I'm a little concerned about it.

Also, it is kind of swaying me towards possibly pursuing other fisheries because, like, for instance, my fuel cost has doubled since this time last year, and fish price has not helped to absorb it, whatsoever.

As much as I tried, I attempted to see another nickel or dime in the fish to help offset fuel and I couldn't do it. I just couldn't force it on the buyers. It's forcing me to look at the possibility of other fisheries.

Specifically, I'm thinking about taking some time this season to go over to the Gulf of Mexico to fish for yellowedge grouper, which the price of yellowedge grouper is just about double what wreckfish is. So, that's becoming a potential attractive alternative for me so I can see some more revenue.

Mr. Ray: If I might add, the marketability of the fish has always impacted my ability to make some continuity trip after trip. I've been dictated by the people that I sell to as to how much product that I should be able to go out and get.

That has been dictated to me in my market from the beginning. There's been oftentimes where I've cut trips short and not even been able to make a trip due to the lack of the market.

It's just not cut and dried as to I'm going to make "X" amount of trips. A lot of it has to do with what Paul stated involving the importation. There are some problems there.

Mr. Reiss: That's very true. I'd like to add that I've been told this last year, specifically. I was told when leaving the dock, "Don't come in with more than 10,000 pounds. If you come in with more than 10,000 pounds, then I'm going to have to take it upon myself the financial burden of freezing the fish, paying the trucking costs and the freezer charges and so on and so forth, not being able to sell a fresh product; consequently, having these extra expenses and having to take less money for a frozen product in the future". And so, correspondingly, that dictates to me, well, there's no sense catching more than 10,000 pounds.

Mr. Gay: I would add that with the increased fuel costs, we were complaining to some of our buyers earlier this year trying to get them to go up on the price of our fish and when we went to complaining about the price of fuel, they said, "Yes, we're probably going to have to lower the price of fish so we can pay the extra fuel costs on the truck." It was like the boats ran on solar power or something.

Ms. Shipman: Well, that's along the lines of the question I wanted to ask Paul and Samuel is what percentage higher fuel costs did you incur through the season?

I know we've heard some shrimpers here locally say, you know, they ran \$15,000 more in fuel this year, and these are nearshore trips. I'm curious how much your fuel expense increased this year?

Mr. Reiss: My fuel cost has gone from approximately, I'd say a year ago \$ .70 per gallon to right at the present time \$1.20 a gallon. So that's pretty severe.

And correspondingly, I read in Seafood Business magazine where they interviewed a gentleman, one of the managers with Poseidon Seafood out of Atlanta, and they were saying how they had to raise the prices of their product to the restaurants and the users to offset their fuel costs in their trucks. They're getting it, but we just -- you know, if we suggest the same thing, it just falls on deaf ears.

Mr. Gay: Any further comments from the AP or questions of the AP? Do y'all have anything dealing with this fishery you'd like to add Paul?

Mr. Reiss: Nothing other than I recommend that we maintain status quo with the TAC and allow things to ride as they are from a management standpoint and just see how it all shakes out.

When I made the comment that I could stand a 50 percent reduction in TAC, it wouldn't affect me economically, that's under the present catch and yearly production of my vessel.

Correspondingly, if I do go to the Gulf, I'm going to take a couple side trips and do some looking for wreckfish in some areas that I think they might be over there.

If I were to come across something, I might see a spike in production that if the TAC were reduced, it might inhibit my ability to get the kind of production that I possibly could. So, I would prefer to see the TAC just to stay where it's at.

Mr. Love: To that, if TAC was reduced, do you think -- and I know you probably don't have any way of answering this -- but do you think it would help increase the price of the product?

Mr. Reiss: No, sir, I don't think it would have any effect whatsoever.

Mr. Cupka: Another thing to think about, as Paul has indicated, that there are people that, I guess, have shares now that would like to get out of the business, and there may well be, with some things that are happening in some other fisheries, there may be some people who are taking a look at purchasing those shares.

Again, if we dropped the TAC, it may have sort of a negative impact on that as well.

**So, if you would like, Mr. Chairman, I'd go ahead and make a motion on behalf of the Committee that we maintain the TAC at 2 million pounds, no change.**

**Mr. Cole: Second.**

**Mr. Gay: I have a motion by David Cupka, second by Bill Cole to maintain status quo on the quota. I'll note that that is the AP and the Stock Assessment Panel or Snapper Grouper Assessment Group's recommendation.**

Ms. Shipman: I support the motion. I do think, though, we do need to get into the pipeline of the operations plan and maybe not accelerate it into this year's plan, but certainly make it a priority for next year that we do a stock status report that takes a look at minimum spawning threshold, maximum fishing mortality.

I really think we've got to manage this fishery, ultimately, biologically. Certainly, I'm concerned about the economics, but I think it's our mandate under Magnuson that we've got to look at that first and foremost.

We don't have the information to do that and I'm comfortable with 2 million right now, but I do think we've got to get it in the planning stage and get that information.

Dr. Haddad: I agree with that. It also, I think, would be good to get an understanding of what's going on with the shareholders. I don't think we're clear.

We've got kind of a rough account, but this discrepancy between landings and the TAC, it's good to have a buffer but that just seems like it's telling us something that we need to understand a little bit more, both maybe biologically and socially and economically.

Mr. Gay: Ken, from what we've heard in the past from the AP -- and I know I have one friend, a close friend of mine that is a shareholder who doesn't utilize his shares because he can make the same amount of money in other fisheries and not go near as far offshore or stay gone near as long.

It's multi-day trips that -- some people would make them early on when they were making, they felt like, more money at it than they were or could in other things at the time.

Now, they can simply make as much money closer to home in other fisheries so that's what they're doing. **Further discussion on the motion? Hearing none, is there opposition to the motion. The motion carries.**

Mr. Waugh: Just to respond to one comment that Paul made, if he's fishing in the Gulf and finds wreckfish, that would not count against the quota.

Just make sure that when it's landed, that's known and you might even call law enforcement ahead of time, some way, so that we have it documented that those wreckfish were harvested in the Gulf versus the Atlantic.

Ms. Shipman: Along those lines, now, when they land over there, they wouldn't use any of their coupons, would they not? I mean, so those landings shouldn't be tracked against his individual identifier, anyway, on those coupons. Is that correct?

Mr. Waugh: That's correct. Our program just applies to wreckfish from the South Atlantic. But just to make sure, if he should come back with those fish to offload, it could cause a potential problem.

Mr. Reiss: It's written in the bylaws that any possession of wreckfish is assumed to be from the South Atlantic EEZ. Therefore, if any landings were to come from elsewhere, it would need to be documented, I believe, is how they say it to the effect that these fish came from another source.

Dr. Powers: Yes, thank you. I just wanted to reaffirm something Susan said, that we do need to get this in line with the SFA requirements to make sure that we get all those things in.

I think the National Marine Fisheries Service can move more quickly than was originally thought in that direction. So, we can go into discussions about exactly when, but I think we can do that.

Mr. Gay: Paul, in going back to the marketability of the fish, do you think if more of the fishermen utilized their shares, that through increased exposure of the fish and increased availability, more markets might open back up that you once had or do you think that the glut on the market would actually lower the price?

Mr. Reiss: As long as the harvest station from the Gulf of Mexico remains as high as it is now and as long as imports are available as cheap as they are from South America and other places, I feel that if you increase production on the market, it would lessen the price of wreckfish because they're just not as acceptable or as handsome of a product as other grouper species. I don't think it would do -- it would be detrimental to the marketability of the fish.

Mr. Gay: Okay, thank you. Gregg, what else do we need to cover here?

Mr. Waugh: On wreckfish, that's everything we had scheduled to be covered.

Mr. Gay: I would thank Paul and Sammy for their participation and for coming. Once again, it's always a nice meeting because it's such a small group. This is very manageable.

But, we do appreciate you coming and look forward to seeing you in the future. With that, I guess we move into other business. Gregg, I think you had something you wanted to bring up.

Mr. Waugh: Everybody should have a copy of that package of material from the environmental organization that we received. It was included in a package given to you. It has Tab 1 on the top of it.

It says "Review of South Atlantic Council's Management of Selected Grouper Species, 1993 to Present." I'll just describe briefly what's in here, and then I think Bob may make some comments about how we might want to choose to respond to the letter.

The letter itself is about in the middle of this package. It's from the Ocean Law Project, dated February 22, 2001. When we received this, Bob asked me to put together some background material.

What I did was I went through and took each species that was mentioned in that letter and constructed our management activities from the original FMP, 1983 forward. There is some repetition in material as we go through species by species.

But at least this way it allows you to see for whichever species is there what we've done. I'll go through an example for jewfish, which is the first one, and then the rest of them are structured the same way.

With jewfish we began management of that in the original FMP in 1983. We prohibited spearing of jewfish. We prohibited fish traps shoreward of the 100 foot contour. What I tried to do was pull out measures that would impact each species.

I may have missed some. I may have included some that in you all's opinion should not be and that can be dealt with. We prohibited use of poisons and explosives excluding powerheads.

In regulatory Amendment 1 we established 12 SMZs off of South Carolina, 8 off of Georgia. Among other actions, the amendment prohibited the possession or retention of jewfish taken by any gear. Amendment 1 prohibited the use of trawl gear.

Regulatory Amendment 2 established more artificial reefs, two off of Fort Pierce. And, again, that one prohibited possession or retention of jewfish.

Regulatory Amendment 3 established one artificial reef off of Key Biscayne, an SMZ around one there; again, prohibited possession and retention of jewfish.

Then we requested an emergency rule in 1990 to prohibit any harvest or possession. We extended that emergency rule, and then with Snapper Grouper Amendment 2 prohibit all harvest or possession of jewfish in or from the EEZ in the South Atlantic, and that has been effective since October 30, 1990.

So, as far as jewfish is concerned, there has been no harvest or possession allowed for the last 10 years. Then I go on to get into Amendment 11, which lays out our SFA definitions.

The material for the other species is exactly the same, again going through and pointing out what measures we have taken. Again, this is included as background to be used in determining how we respond to the letter.

After that material, if you go through to Page 23, we present the updated SPR values for all species. When we went through this yesterday -- this is on Pages 23 through 26 -- and then on Page 27, this was one thing that was very illuminating about the Ocean Law letter is they referenced this designation of a candidate species.

This was a terminology we were not familiar with, and so we researched this and, indeed, there is such as designation. And what we've included are the lists from the National Marine Fisheries Service for the region North Carolina to Key West, the Florida Atlantic coast and the Florida Gulf coast.

And, indeed, if you look on these lists, speckled hind and warsaw are included in the list North Carolina through Key West. And then on the list for the Atlantic coast, Nassau grouper and jewfish are also included.

With this candidate species, they don't have any formal protection under the Endangered Species Act but concerns have been raised about their status and that indicates that they may warrant listing in the future.

Federal agencies and the public are encouraged to consider these species during project planning so that future listings may be avoided. So, they don't have any additional protection, but they are held to some higher level of concern.

One thing that we feel we should have some more discussions about is when we do Section 7 consultations on all our actions, it's our feeling we should discuss any relevant species on this candidate species list just so that it's laid out there and we've addressed how we are going to respond to it, just as we do the threatened and endangered species.

As I mentioned, the letter is there beginning on Page 31. If you go over to Page 35, this is an article out of Waterlaw, which is a publication we get written by -- I think it's a law journal or newsletter.

And they just point out here that there has been a halt of endangered species listing. That's just for your background.

The referenced article from Fisheries that was quoted from extensively in the Ocean Law letter has been included here.

This goes into a little more detail in terms of how the scientists that put this article together within the American Fishery Society, what they are using as categories of risk and so forth.

Indeed, the species that we're directly responsible for begin on Page 49 is where you have the groupers. When they say "official status", they do reference this U.S. candidate list.

So, this list is used by other groups when they're discussing the need for management. But that article is there, again, for your background, and we'd be glad to try and answer any questions that we can but we, ourselves, are still learning exactly what this candidate list is. That's an overview of the material here, and I'll turn it over to Bob to address how we might want to respond to the letter.

Mr. Gay: First off, I want to see if there's any questions of Gregg. I know I have one. It seems to me on the candidate species list there should be a mechanism that whoever gets it placed on that list would be identified to their credit, you know.

For whatever reason, I mean, it also holds some accountability, I guess. But it seems to me they would want to be credited with having it placed there.

Ms. Shipman: Jodie, my experience with this is limited but typically someone, either a group or whomever, will petition a listing. At that point in time it becomes a candidate.

Generally, there's a Federal Register Notice, data are collected, and my experience with it is strictly limited to Atlantic sturgeon and the process we went through there.

But generally, there's a Federal Register Notice, data are collected, and then a decision is made by the Agency whether or not to list.

Now, sometimes the decision is made not to list but I think -- and Bill will help me out -- there's a different category called "species of concern" or something like that. It may stay listed as candidate to denote a level of concern, but it does not carry the same implications of being listed as endangered and threatened.

That's the one part in this letter that is clearly erroneous where it says, "It's a candidate species and are considered endangered and are considered threatened." That is not the case.

Once it gets into endangered and threatened, I mean, it elevates it to all kinds of prohibited activities and so on and so forth, and that is not the case when something is a candidate, based on my experience. Admittedly, it's very limited, but that's my knowledge of it.

Dr. Daniel: First, I would direct you to the article itself, the Music et al article. With all due respect to my old major professor, boy, you could have a lot of fun with this, Gregg.

At the bottom of Page 49, the handwritten Page 49, take a look at the speckled hind, just as an example. I know I'm on a high horse about speckled hind, but I'm just going to draw your attention to some comments that were made in that section there.

It says, "Candidate list, U.S., status by DPS; endangered." All right, what's DPS? And in their letter they say that speckled hinds are considered endangered.

It says, "Speckled hind and warsaw grouper are already on the United States Endangered Species Act Candidate List and are considered endangered." Well, I don't think that's true. But there's a lot of problems with the letter.

But then look at this; this is really good, "Status by DPS: endangered. U.S. steady and drastic decline in abundance; males rare. G.R. Huntsman personal observations." That's good. And a lot of these, that's what they are.

They're personal observations on some of this stuff. I mean, I just take us back to the fact that we've had a moratorium for 10 years.

We haven't assessed the population, but we're making comments that based on one man's personal observations, that's not even really in the field anymore, we're moving forward with an endangered status by DPS.

Look at jewfish. It says that's on the candidate list and is considered "conservation-dependent, reduced but stabilized or recovering under a continuing conservation plan", and yet earlier in the letter they say that if you don't do something quick, you're going to jeopardize their continued existence.

But it says, "Nevertheless in the absence of any data to the contrary, it is logical to conclude that these populations are being overfished through bycatch in this mixed-species fishery".

Jewfish and Nassau grouper are in shallow water. It doesn't seem like that would be too significant a problem there. It appears to me, at first blush, is it's just sort of a you'd better go to marine reserves quick as -- it's a way of getting us jump started towards marine reserves.

I don't necessarily disagree with that, but the way the tact that's taken in here, especially in referencing these endangered species acts, I think we need to take a real close look at this paper that they've cited continuously and really come back at them with hard facts and data to suggest that their letter is primarily -- at least in my opinion -- flawed in the references that they make in here.

Now, I may have misinterpreted what they're trying to say here, but if they're saying that they're considered threatened or -- it says Nassaus are considered threatened. Is that true? I don't think so. Speckleds are considered endangered.

Mr. Waugh: The DPS is distinct population segments. This is a concept that's used elsewhere and is recognized by AFS. In my mind I think there's an important distinction here.

The article in Fisheries reflects the opinion of a group of scientists based on life-history characteristics of certain species of fish, what they think the relative risk is to overfishing.

I think we all would agree that we should encourage the free expression of professional opinion. I think where you have to be careful is, then, what's done with this AFS article and other expressions of professional opinion.

As we do that, I think we should be careful in how we

address the points that are raised in the scientific article versus, then, what other groups may propose we do based upon that information.

Ms. Smit-Brunello: I'll try to get information by Full Council to discuss at least what this candidate list is all about, and is it merely a collection of all things that have been requested to be petitioned or are things taken off of it. I'll get some more information so we can all have that.

Dr. Powers: Yes, I was going to just mention in the article itself it states what they mean by "vulnerable, threatened and endangered."

Those have different meanings than we would think of and in terms of a legal sense. So, when you see the things here about "status of DPS, endangered" do not interpret that as a legal determination.

I think that's some of the difficulty that we're having more than anything else. As Gregg said, this is a statement of a group of people about their perceptions of relative risk.

I think, obviously, this Council has even questioned some of those in terms of the issues of bycatch of jewfish and things like that and I think that's appropriate. But in all fairness, too, we have to make it clear that we're not talking about legal determinations of endangered and threatened and that sort of thing. Thank you.

Ms. Shipman: I agree with you, Joe, but I think when you start mixing the context, referencing things on the Endangered Species Act candidate list and saying they're considered endangered, maybe they should have added the caveat "and are considered endangered according to the DPS", whatever.

But when you mix those two things together, my first reading of it is they're saying it carries the same elevated level of protection as being listed as endangered on the Endangered Species Act and that's just clearly not the case.

Dr. Powers: Well, that's what I think we have to reaffirm in responding to the letter and that sort of thing, that there is a legal definition and this is not it.

Ms. Shipman: Just one other question, I think the article points out the serious status of some of the stocks and it's something we certainly ought to take into consideration along with all the other scientific information presented to us.

I noticed several of the authors, or some of them, are members of our assessment group, I believe. Certainly, George Sedberry, I think, advises us. Jack McGovern advises us. And there may be some others in here.

My question is in the course of all the discussions from the assessment groups, when they are looking over stock status for the various species they've addressed in this paper, have

they brought to us this same level of concern as advisors to this Council as they've communicated in this article?

Mr. Waugh: I would say that is -- and, John, feel free to jump in here -- I would say that they have expressed that concern because we have totally prohibited any harvest and retention of Nassau grouper and jewfish.

With speckled hind we have limited it to a one-fish bycatch, one fish per trip bycatch level with no sale. I think the discussions, they have not been specific or recent because the feeling is that the Council has pretty much done what they could reasonably do and are actively considering marine reserves.

So, I don't think those same individuals have pushed this issue at the assessment group level because you get into that box, there's really nothing else we can do.

If you prohibit any retention of speckled hind and warsaw, there's still going to be very high mortality so you're back at looking at marine reserves and the Council is already looking at marine reserves.

Dr. Merriner: I would concur with Gregg's surmising summarization, if you would, of the Snapper Grouper Assessment Panel discussions this year as well as in past years.

Indeed, the reflection of that Stock Assessment Panel had been that we've tried a lot of different approaches. We've gone as far as we can with selected species that were demonstrated to be in very reduced abundance, potential severe problems.

We kept coming back around, both as a Plan Development Team and as a Stock Assessment Review Panel, to the same issue of protected areas, spelled reserve, may be the solution to ensuring all of the conditions that are being talked about now by the Marine Reserves Committee.

So, in that sense, each discussion didn't go back around the race track again to talk about all the various issues and get back to the same starting point.

So, the Committee or that Panel has basically agreed that since the Council is going ahead with marine reserves -- they are addressing it -- the only concern that comes up, I think, in AFS and in other flora is that is that one of glacial progress or is that one of expedited progress?

The perception in the scientific community is, based upon a workshop that was convened at the request of the South Atlantic Council, comments made by experts in other corridors was, several years back, "Do it as soon as possible. Start yesterday."

Those were comments of some of the experts, international. So we're making progress and the only question assigned to the community is whether we're making it fast enough in the marine reserves or protected areas.

Mr. Waugh: I am glad John mentioned the Plan Development Team because, indeed, many of the individuals that are currently on our Snapper Grouper Assessment Group were previously on the Plan Development Team, and that's the group that made the initial suggestion to look at marine reserves.

The Council began that process back in 1990 but, as we all know, we ran into a rather strong brick wall that time around. So, I think that concern has been there all along.

Mr. Cole: I take a little different reading of this letter. I think the emphasis in this letter is on that big word called "bycatch."

Their contention in the second page in the next-to-the-last paragraph is that there is significant incidental catch in bycatch mortality.

We have only anecdotal evidence, I think, I have heard presented to this Committee that would suggest that maybe for a few species it's not as large a problem as one would perceive.

However, we all know that a lot of the recent budgets, et cetera, and certainly a lot of the work in ACCSP has been toward let's measure bycatch. Let's account for it. Let's prove it to the extent that we can by using observers.

We've got to do this for both the rec and the commercial fishery, not for just one segment. The issue of bycatch in a multiple-species fishery is the Achilles heel. It is in every fishery that we have tried to manage and recover in ASMFC.

We have got to control that bycatch. Now, I think our letter needs to address those efforts that the Council has in place or that the Council proposes to put in place or those programs that are coast-wide available for measuring bycatch.

In the absence of real information on bycatch, both sides of any debate are vulnerable. To me, that is one of the critical parts of this letter.

If you can't control the bycatch, then you are faced clearly, from my experience, with gear reduction of all descriptions to eliminate the remotest possibility of bycatch.

I think that's the reality that that comes to in its most severest circumstance. But I think that we have got to identify what we are doing in the bycatch area or we are very vulnerable, in my mind, to the bottom line of this letter.

Dr. Daniel: I guess I agree with Bill. I just take exception to the way in which the information has been presented to try and jump start our action. I don't know -- I'm not sure I know where we could go any further than what we've already done for many of these species.

To make the comments in here that are made in the letter that tend to be an exaggeration or an overemphasis of some of the facts and then in looking at the study itself, comments that are in many ways contrary to our status of the stocks, our assessment of the status of the stocks, so there is some very good information on a lot of these species, and there's some good peer-reviewed assessments that have been done on some of these species.

But, to make some of the claims on some of the species in an attempt to force our hand to do something that we're in the process of doing already, it just seems a little bit irresponsible on their part to make those claims.

I think that nobody disagrees that the -- I don't think anybody disagrees with the statement that bycatch is the biggest problem that we have in the snapper grouper fishery. It always has been and always will be until we have spawning area closures, we have offshore area closures, we have marine reserves, we have those types of things.

But we need to take that process slowly to ensure that what we are doing in marine reserves is efficient and effective and results in what we want it to result in and is enforceable. I just don't know how we can move any quicker and do anymore than we've already done, particularly for the species that they're listing here.

Mr. Love: I agree with Louis. The other thing is I think that maybe the writers of this paper are missing the short-lived species that we help manage are basically all making a comeback.

You look at mackerel and the species that are short lived, reproduce real fast. These 25, 30-year-old fish are not going to jump back, bam, overnight. They're just not going to do it.

I think the marine reserve thing is going to reap dividends, and I think no-take zones are the right way to go and it's going to reap dividends, but it's not going to be a fix that's going to happen next year or the year after next. It just ain't going to happen that quick.

Mr. Gay: With all the talk of bycatch, I feel somewhat obligated to speak up and say that in the snapper grouper fisheries, probably 99 percent of the bycatch is regulatory discards.

Because of management, we've created the bycatch. About the only darned thing that will be caught out there that somebody can't use is a moray eel. I mean, that's about it.

We probably would have found something we could do with them if we weren't worried about them biting a finger off, so we just cut the hook off and send them back down with it instead of bringing them in.

Mr. Lee: I'm not a member of your Committee, but when I read this letter I had some of the same concerns expressed by Louis about the bycatch issue.

Bycatch is recognized in the Sustainable Fishery Act as a problem, as an issue that we have a national standard that says we have to reduce bycatch; and if we can't reduce it, we have to attempt to get it back in the water and preserve and keep alive all those fish that we can.

I don't know of anyone in the fishery management process or business that's not doing everything they can to reduce bycatch. We have bycatch in every fishery, whether it's summer flounder, whether it's bluefish, whether it's this fishery.

I think that they've taken a lot of liberty here with saying that we failed to address this issue, because when I look at what has been done by this Council and the history of some of these fisheries, I think we've done an awful lot.

That's not meaning to imply that we've reached our goal, but it means that we've accomplished a lot, and we're working forward on marine reserves as our next initiative to help out. I think we have some very positive programs and a positive track record in the South Atlantic Council.

Mr. Gay: I'm going to go ahead and let Bob do what he was going to do. I'm sure this discussion can continue as part of that.

Mr. Mahood: Yes, and I wasn't going to say much about the letter. Just to let you know that prior to receiving the letter, that Marianne Cufone did notify me that we would be receiving a letter we might not be very happy with.

I think when the Council members got the letter, I got a number of calls at the office that everybody was very upset. As Gregg said earlier, there's a lot of good stuff and good information in this letter, not that we disagree with any of it.

I think where the environmental community falls down is they put a lot of uninformed statements in there, also. I think the statement that "nonetheless the Council has yet to submit to NMFS any major sufficient to satisfy NMFS legal obligation"; I mean, that's just patently untrue.

So, I think they destroy their credibility when they just try to go too far. Again, there's a lot of good stuff in the letter. When Gregg and I started looking, trying to figure out what the candidate list was, we didn't know what the candidate list was.

Through calling some people, Gregg was -- I think he may have had to call three or four people before he found out exactly what they were talking about. That is something we can now, and probably should have been incorporating in all of our documents relative to those species of fish.

We'd always done it for marine mammals and other endangered species such as sea turtles when we dealt with that section of the plan. Nonetheless, I think this is where we are.

You note the letter is -- and I'm flattered, because it's to Joe, to Fulton and me, and I'm just a worker. So, I was a little flattered by that.

But we met last night, Joe and I and Gregg, to determine were we going to recommend to the Council a joint response or individual responses from NMFS and an individual response from the Council.

I think we left it last night with individual responses, primarily because NMFS has some constraints on how they might be able to answer the letter as opposed to we may get into more factual detail in our letter. Joe, do you want to add anything to that?

Dr. Powers: Yes. We did make this agreement basically that the Fisheries Service will respond and go through our review channels to do that, and I think that's what -- we're not discouraging the Council from answering it as they see fit. But because of our system of reviewing things, we prefer to have that flexibility for ourselves. Thank you.

Mr. Mahood: We will coordinate our reviews, though. We won't say, "Well, it's their fault." And they won't say, "Well, it was their fault."

Mr. Brown: I have one comment I wanted to make. Looking at this from a bigger picture standpoint, it seems like it would be very helpful if NMFS would provide a briefing to the Council members in terms of what the Endangered Species Act means, what the different levels of protection are provided as endangered, threatened, candidate species and so forth, because ultimately they're going to have to deal with that in their deliberations.

I think it would be helpful for especially the new Council members who may not understand what incidental take means and how it affects endangered versus candidate species. That would be very helpful to the membership here in terms of how we go about doing business.

Mr. Cupka: Thank you, Mr. Chairman. I am afraid I'm going to have to agree in part on Bob's comments in that I think these environmental groups are to be commended. I think they're trying to accomplish some things.

They have accomplished some things, and they certainly are an important part of this process and we don't want to minimize that.

But I think sometimes in their zeal to try and get things done, that they do a disservice to themselves, as Bob has indicated.

It seems they want to get to a certain point and sometimes the information that they provide or look at to get to that point doesn't always agree or doesn't stand the scrutiny.

I know I've seen that a couple of times here recently of some things that have been going on in regard to the Cape Romain Refuge, for example, in South Carolina.

I've seen some examples dealing with horseshoe crabs through the Atlantic States Marine Fisheries Commission. I do think sometimes they do a disservice to themselves. I think they need to stop and think about that.

It's not always the ones that we see here all the time, either, or certainly most of the time or all the time it's really not them.

But I think it's the other people who are higher up in the organizations, perhaps at the national level, who are really trying to accomplish some things.

Like I say, they are an important part of the process and have made some important things happen, but sometimes I'm a little disappointed at some of the information that they base some of it on and all. So, I just want to add that.

Mr. Gay: Thank you, David. I don't believe that the authors of the letter nor the authors of the Music paper can declare something endangered. I believe that requires a declaration by the Secretary, doesn't it? Am I wrong on that?

Mr. Waugh: Yes, that has to go through a very rigorous legal review and withstand a certain level of scrutiny. And my understanding is that those on the candidate species list, the information does not exist to do that rigorous of an analysis. That's my understanding of how that works.

Dr. Powers: Yes, I would confirm that. But, also, again, make the distinction between the letter and the article. The article, anybody can call something "endangered" if they want to, and particularly if they define as it I mean endangered to mean this.

Again, that article is not addressing the legal issues. It's calling things endangered, yes, and it's caused all kinds of confusion, yes, but they do define endangered in a different way. So, make that distinction.

Ms. Shipman: In our SFA amendment that we submitted in October of '98, which is the amendment to all the various fishery management plans, there is the amendment relative to snapper grouper.

I would just hope in our response to the environmental groups or to the group that is the figurehead of the letter, that we do respond to them and basically incorporate in our response what we're trying to do with regard to bycatch in the snapper grouper fishery.

I agree with everything that has been said. It's a major issue in this fishery and we are trying to work to it. I think we need to continue to explore new methods to address that.

I believe when we get into Amendment 13 with the deep water groupers, we're going to be looking at this issue again, some spawning area closures and so on and so forth. I don't think we've turned our head to this problem.

I mean, I think we're aware of it. I think we're trying to address it. It's a very difficult issue to deal with when you look at all of the various standards of the Magnuson Act and the other applicable law and what all we have to do to go about it.

So, I think this Council is committed to reducing bycatch. I think we'll continue to be committed. One thing I would be interested in knowing is whether a similar letter went to the other Councils.

I'd like to see a letter that went to the other Councils with regard to bycatch, and I'd ask that we include that in our response to them.

We would be interested in knowing what other letters went to councils with regard to bycatch, because most of the information I've read to date has pretty much held this Council out as, maybe not a model, but an example of a Council that was trying to move forward toward bycatch reduction.

I've heard criticism of other councils that they have not done the job so I'd like to see the letters that went to the other councils, if any did. We may have been singled out, I don't know.

Mr. Gay: Are there any suggestions to staff of the stuff we'd like to see included in this letter that we haven't discussed?

Mr. Mahood: Maybe to make it more easier, what Gregg and I had talked about is going ahead and doing a draft letter and then sending it out to all the Council members to look at and let them make comments.

I think it would be easier to do it that way. And then if you see anything you feel like we've left out or anything that's inappropriate to be in there, we can handle it that way.

Mr. Gay: I think that's a reasonable approach. Hearing no further discussion on this issue, I'm going to cut that conversation off and, Gregg, was there anything else that you would like to bring up or any other members under other business?

Mr. Waugh: I think that's everything we had to bring up.

Mr. Gay: Okay. I want to get back, then, to a -- since we do have a little bit of time before we turn it over to my friend from the most southern and warmest extremes of our jurisdiction for the Spiny Lobster Committee I'd like to ask LTCDR Cinalli, I believe that is your official rank, if you would come to the table.

We were having a discussion yesterday, Dave. I hit you with it just momentarily last night at supper, but yesterday, before you got here, we had a discussion of what some feel is a -- that perhaps the Northeast Region of Florida is lacking, even compared to some of the other areas, in enforcement right in the vicinity of the Mayport Coast Guard Station.

One thought we had, we're looking for ways to increase enforcement in that particular area, in all areas but especially that particular area.

Could you, as our liaison, coordinate through the Mayport Coast Guard and the Florida Marine Patrol to try to express our concerns and hopefully get some increased presence in that area? I'm looking for suggestions here as much as anything of how we might play a bigger role in such an action.

LTCDR Cinalli: Sure, Mr. Chair. I spoke with Ebbie this morning, and I've asked him to go ahead in detail, give me some information on some specifics and I'd be happy to get together.

I believe Tracy is here, also, from the NMFS side and we can surely address those problems. I'm looking for more specific trends and things like that, so I can go back to the locals up there and properly target the right times, the right seasons, exactly what we're looking at. Ebbie said he had some ideas on that, and I would solicit any input from any specific items that you'd like to see. We'll take care of it.

Mr. Gay: Okay, I will probably refer you to -- I believe that the video tape we've got of the public hearing in that area, there was some mention in it that might be useful to you, as well.

LTCDR Cinalli: One thing I'll ask -- and I'll coordinate with staff -- I don't get the video tapes of public hearings. So, if there's one specific one that I need to view, just identify it and I'll get together and --

Mr. Gay: Yes, there was. We'll get that to you. We'll ask staff to forward that to you. We appreciate it. Any further business to come before the Committee? As amazing as it is, we're going to adjourn early. The Snapper Grouper Committee is adjourned, then.

The meeting was adjourned at 9:55 o'clock, a.m., March 6, 2001.

[Tape of Proceedings on File \(4\)](#)

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Jt. Snapper Grouper Committee & Wreckfish AP  
Jekyll Island, Georgia  
March 6, 2001

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

**JOINT SNAPPER GROUPEr COMMITTEE &  
WRECKFISH ADVISORY PANEL**

**Jekyll Island Club Hotel, Jekyll Island, Georgia**

**March 6, 2001**

**DRAFT MOTIONS**

Motion: Maintain status quo for the Wreckfish TAC.  
Approved by committee.