



**Amendment 38 to the Fishery Management
Plan for the Snapper Grouper Fishery of the
South Atlantic Region
(Blueline Tilefish)**

Options Paper
(revised 6/2/15)



June 2015

Background

A stock assessment for the blueline tilefish stock off the U.S. east coast was conducted through the Southeast Data, Assessment, and Review (SEDAR) process in 2013 (SEDAR 32 2013). The assessment used data through 2011 and found the stock of blueline tilefish in the Atlantic to be overfished and undergoing overfishing. At their December 2013 meeting, the South Atlantic Council initiated development of Amendment 32 and voted to request emergency action to reduce overfishing of blueline tilefish immediately while Amendment 32 was being developed. The emergency rule, which was effective on April 17, 2014, set the blueline tilefish ACL at the yield at $75\%F_{MSY} = 224,100$ pounds whole weight (lbs ww). Amendment 32 was approved and implemented on March 30, 2015. The amendment set the ACL for the South Atlantic region at 98% of the recommended ABC based on projections at the recommended P* level according to the South Atlantic Council's ABC Control Rule; the remaining 2% was set aside to account for landings north of North Carolina based on average landings at the time. ACLs for 2015 through 2018 are shown in **Table 1**.

Table 1. Commercial and recreational annual catch limits (lbs ww) for blueline tilefish as implemented through Amendment 32.

Year	Blueline Tilefish ACL (lbs ww)		
	Total	Commercial	Recreational
2015	35,632	17,841	17,791
2016	53,457	26,766	26,691
2017	71,469	35,785	35,685
2018 and beyond until modified	87,974	44,048	43,925

Although the blueline tilefish stock is currently treated as one unit along the entire East Coast, the new regulations only apply to vessels in the South Atlantic Council's area of jurisdiction. Concerns about rapidly increasing commercial and party/charter landings of blueline tilefish north of the NC/VA boundary (**Table 2**), particularly in New Jersey, prompted the Mid-Atlantic Fishery Management Council in February to request emergency action to implement a commercial trip limit of 300 pounds (whole weight) and a recreational possession limit of 7 fish per person within its jurisdiction. Commercial landings from Virginia and farther north increased on average from 11,000 pounds to 217,000 pounds in 2014 and party/charter vessel landings increased on average from 2,400 fish per year to over 10,000.

Table 2. Commercial and recreational landings and ACLs for blueline tilefish.

	2014	2015	2016	2017	2018*
Maine-Florida					
OFL	224,100 ¹	54,612	77,289	98,970	117,863
ABC	224,100 ¹	36,359	54,548	72,928	89,769
Commercial Landings	375,859				
Recreational Landings	187,499				
Total Landings	563,358				
Maine-Virginia					
ACL (2% of ABC)	---	727	1,091	1,459	1,795
Commercial Landings	216,947	79			
Recreational Landings	79,215 ²	N/A			
Total Landings	296,162				
NC-Florida					
ACL (98% of ABC)	224,100 ¹	35,632	53,457	71,469	87,974
Commercial ACL	112,207 ¹	17,841	26,766	35,785	44,048
Commercial Landings	158,912	107,723			
Recreational ACL	111,893 ¹	17,791	26,691	35,685	43,925
Recreational Landings	107,943 ³	32,722			
Total Landings	266,855				

*New assessment results and potential changes could be implemented in early to mid-2018.

¹ ACLs for 2014 implemented through emergency action that expires April 17, 2015

² Only includes for-hire landings in Mid-Atlantic region based on Vessel Trip Reports. Pounds were derived from numbers of fish using 5 pounds as the average weight of an individual fish.

³ Landings are preliminary and include headboat.

Representatives from the Mid-Atlantic Council attended the South Atlantic Council's March 2015 meeting in St. Simons Island, GA and discussed concerns about applying the 2013 blueline tilefish stock assessment results throughout the species' range. The South Atlantic Council approved a motion requesting extension of regulations through the Mid-Atlantic and New England areas contingent on the South Atlantic Council's Scientific and Statistical Committee's (SSC) review of SEDAR 32's applicability to the area north of North Carolina. The South Atlantic Council's SSC, along with participating members from the Mid-Atlantic Council's SSC, reviewed the stock assessment during its April 28-30, 2015 meeting in N. Charleston, SC and determined the SEDAR 32 assessment constituted best available science and should be applicable to the blueline tilefish stock throughout its range along the US east coast. Based on this determination, the South Atlantic Council requested that NMFS take emergency action to apply the Amendment 32 measures to the Mid-Atlantic and New England Councils' areas of jurisdiction north of the NC/VA border (*Attachment 8b*). The final decision to implement emergency actions will be made by the Secretary of Commerce and regulations would be temporary pending development of a plan amendment to put in place long-term management measures. The Mid-Atlantic Council has initiated development of a plan amendment to

include blueline tilefish in their fishery management unit, along with wreckfish, snowy grouper, and other species to manage the portion of the stock within their area of jurisdiction.

Timing

- Amendment 32 was effective on March 30, 2015.
- Next SEDAR Assessment for blueline tilefish scheduled for completion in January 2017, to the South Atlantic Council's SSC in April 2017, to Council June 2017, and changes in regulations effective early to mid 2018.
- Request for temporary emergency action is pending for both the SAFMC and MAFMC.
- If approved, scoping for Amendment 38 could take place in July/August 2015.
- The Council could review scoping comments, modify the amendment, and approve for public hearings in September 2015.
- Public hearings could be held in November 2015.
- The Council could review public hearing comments, finalize the amendment, and send for formal review in December 2015.

Possible Management Actions

1. Northward Extension of the Snapper Grouper Fishery Management Unit

The South Atlantic Council currently has management authority over the entire US east coast for dolphin and wahoo. Spanish mackerel, king mackerel, and cobia are managed by the South Atlantic Council through the Mid-Atlantic Council's area of jurisdiction. The New England Council currently has management authority over red crab along the entire Atlantic Coast. The Mid-Atlantic Council has managed summer flounder, scup, and black sea bass under a single fishery management plan since 1996. The management unit for summer flounder extends from the U.S.-Canadian border to the southern border of North Carolina, while the management units for scup and black sea bass extend from the U.S.- Canadian border to Cape Hatteras, North Carolina. The Mid-Atlantic Council has jurisdiction over management of golden tilefish from Virginia to Maine.

A possible action the South Atlantic Council could take to address fishing mortality of blueline tilefish north of North Carolina is to extend the Snapper Grouper FMU northward. This would address the continued shift of species northward due to climate change. The South Atlantic Council gave this action some consideration in recent years.

In 2010, the South Atlantic Council was developing Amendment 18 to the Snapper Grouper FMP. At that time, the amendment included actions to limit participation and effort in the golden tilefish fishery; modify management of the black sea bass pot fishery; extend the range of the snapper grouper FMP north and designate EFH in new areas; change the golden tilefish fishing year; and improve the accuracy, timing, and quantity of fisheries statistics. The South Atlantic Council ultimately addressed black sea bass actions in Amendment 18A (SAFMC 2012a) and those pertaining to golden tilefish in Amendment 18B (SAFMC 2012b). The action to extend the FMU northward was eventually removed from consideration. However, the South Atlantic Council engaged in lengthy discussions during the September and December 2010 meetings (see **Appendix A** and **Appendix B**, respectively). Below are the actions and alternatives the South Atlantic Council considered at the time:

Action 1: Extend Snapper grouper FMU Northward

Alternative 1 (No Action). Do not change the current management boundaries of the snapper grouper FMU.

Alternative 2. Extend the management boundaries for all species in the Snapper grouper FMU northward to include the Mid-Atlantic Council's jurisdiction (except for black sea bass, golden tilefish, and scup).

Preferred Alternative 3. Extend the management boundaries for all species in the Snapper grouper FMU northward to include the Mid-Atlantic and New England Council's jurisdiction (except for black sea bass, golden tilefish, and scup).

Action 2: Permit requirement for Northern Extension

(Action 2 is relevant if Alternative 2 or Alternative 3 is selected as preferred in Action 1.)

Alternative 1. No Action. Current snapper grouper commercial (two-for-one) permit requirements would apply in the Northern extension.

Alternative 2. Do not require commercial snapper grouper permit in the Northern extension. (SA regulations would need to be revised to provide an exemption to the current permit requirement in the Northern area.)

Alternative 3. Create a new commercial snapper grouper permit for the Northern extension. This permit would be issued by the Southeast Regional Office but apply to fishermen in the Northern extension only.

Action 3: Implementation of Management Measures Protocol

Alternative 1. No action. Do not establish a protocol to implement management measures in the Northern extension.

Alternative 2. SAFMC will specify management measures to limit total mortality to the ACL/ACT specified for the entire South Atlantic jurisdiction, including the proposed Northern expansion.

Alternative 3. SAFMC will specify management measures to limit total mortality to the ACL/ACT specified for the entire South Atlantic jurisdiction, including the proposed Northern expansion, based on recommendations from the MAFMC and NEFMC for their respective regions.

Alternative 4. MAFMC will specify management measures to limit total mortality to the ACL/ACT specified for the MAFMC region.

Alternative 5. NEFMC will specify management measures to limit total mortality to the ACL/ACT specified for the NEFMC region.

In September 2010, the South Atlantic Council opted to split Amendment 18 into 18B (FMU Extension Action and designation of EFH for Snapper Grouper in Northern Extension Area) and 18A (rest of actions). The following motions were approved:

MOTION #2: EXTEND INVITATIONS TO THE NEW ENGLAND FISHERY MANAGEMENT COUNCIL AND MID ATLANTIC FISHERY MANAGEMENT COUNCIL TO PARTICIPATE IN FUTURE SAFMC MEETINGS AS MEMBERS OF THE SNAPPER GROUPE COMMITTEE. Note: This has been done and both Councils have seats on the committee; MA – 2 seats and NE – 1 seat.

MOTION # 3: REQUEST STAFF TO WORK UP ALTERNATIVES TO ADDRESS NORTHERN EXPANSION WITH THE INTENT TO 1) EXEMPT COMMERCIAL FISHERMEN IN NORTHERN ZONE FROM SALES PROHIBITION AND 2) NOT REQUIRE COMMERCIAL PERMIT IN NORTHERN AREAS.

MOTION # 4: DIRECT STAFF TO DEVISE MORE SPECIFIC ALTERNATIVES FOR MANAGEMENT MEASURES PROTOCOL ACTION AND UPDATE NORTHERN DATA IN DOCUMENT.

At the December 2010 meeting, the South Atlantic Council stopped further consideration of expanding the snapper grouper FMU northward and removed the action from Amendment 18B. **Appendix B** provides details of that discussion.

The South Atlantic Council could consider extending management authority north of the North Carolina/Virginia border for the entire Snapper Grouper FMU or for select species in addition to blueline tilefish. One species, blackbelly rosefish, would need to be added to the FMU.

COMMITTEE ACTION:

OPTION 1. DO NOT TAKE ACTION TO EXTEND THE SNAPPER GROUPE FISHERY MANAGEMENT UNIT NORTH OF NORTH CAROLINA.

OPTION 2. DIRECT STAFF TO ADD AN ACTION AND ALTERNATIVES TO AMENDMENT 38 THAT WOULD EXTEND THE SNAPPER GROUPE FISHERY MANAGEMENT UNIT NORTH OF NC BASED ON THOSE PREVIOUSLY CONSIDERED IN AMENDMENT 18.

OPTION 3. DIRECT STAFF TO ADD AN ACTION AND ALTERNATIVES TO AMENDMENT 38 THAT WOULD EXTEND MANAGEMENT AUTHORITY OF SELECT SNAPPER GROUPE SPECIES (E.G., BLUELINE TILEFISH) NORTH OF NC BASED ON THOSE PREVIOUSLY CONSIDERED IN AMENDMENT 18 AND ADD SPECIES (E.G., BLACK BELLY ROSEFISH) TO THE FMU.

OPTION 4. OTHERS??

COMMITTEE ACTION ON TIMING:

OPTION 1. APPROVE THE FOLLOWING TIMING:

- Approve Amendment 38 for scoping in July/August 2015.
- The Council will review scoping comments, modify the amendment, and approve for public hearings in September 2015.
- Public hearings will be held in November 2015.
- The Council will review public hearing comments, finalize the amendment, and send for formal review in December 2015.

OPTION 2. MODIFY THE TIMING AND APPROVE.

OPTION 3. OTHERS?

2. Revise blueline tilefish ABC & ACL based on revised projections

Subsequent to discussions that took place during the April 28-30 SSC meeting in N. Charleston, SC, the Council Chair requested that the SSC conduct a review of the existing projections for blueline tilefish. The following rationale and Terms of Reference were provided to the SSC:

The Council is concerned that the existing projections may not represent Best Scientific Information Available. Reasons for this concern include questions regarding the reliability of assumed recruitment levels and the impact of an assessment terminal data year of 2011 on current and future recruitment assumptions, landings exceeding assumed

and projected levels in the years since the assessment was conducted and the possibility of continued changes in the timing and range of the directed fishery.

Terms of Reference for the review are as follows:

- Review blueline tilefish stock projections.*
- Identify uncertainties and discuss their impact on projection results and fishing level recommendations and management.*
- Determine whether projection assumptions such as interim year landings are met, and comment on the consequences of this determination for fishing level recommendations and management.*
- Determine whether existing projections represent Best Scientific Information Available, and whether they are adequate to support fishing level recommendations for both the current and future years.*
- Provide guidance for revised projections, if necessary.*
- Provide revised Fishing Level Recommendations, including ABC and OFL, if appropriate.*

The SSC is scheduled to meet via webinar from 1-3 p.m. on June 3, 2015. Results will be presented to the Council during the June 8-12, 2015 meeting. The Council may consider taking action to revise the current ABC and ACL based on results of the SSC determinations.

COMMITTEE ACTION ON REVISIONS TO ABC & ACL:

OPTION 1. DO NOT CHANGE THE EXISTING ABC AND ACL LEVELS FOR BLUELINE TILEFISH.

OPTION 2. INCLUDE AN ACTION AND ALTERNATIVES IN AMENDMENT 38 TO CONSIDER MODIFICATIONS TO THE BLUELINE TILEFISH ABC AND ACL. INCLUDE ALTERNATIVES TO ALLOCATE A PORTION OF THE ACL TO THE AREA NORTH OF NORTH CAROLINA.

OPTION 3. OTHERS?

Options for jurisdictional allocation between the SAFMC and MAFMC & NEFMC

Alternative 1 (No Action). There is no jurisdictional allocation of the blueline tilefish total ACL between the Mid-Atlantic & New England Fishery Management Councils and the South Atlantic Fishery Management Council. The South Atlantic ACL for blueline tilefish is 98% of the Acceptable Biological Catch (ABC; established using average landings from 2008 to 2012). The South Atlantic Council intended for the remaining 2% of the ABC to account for landings from the Mid-Atlantic and New England Councils' areas. The South Atlantic Council intended to evaluate and adjust the percentage allocated to the Mid-Atlantic and New England areas and/or other measure as needed in the future.

Alternative 2. Revise the current allocation using average landings from 2008-2012 to include all available landings data (i.e., confidential, etc).

Alternative 3. Establish a jurisdictional allocation of the blueline tilefish total ACL between the Mid-Atlantic & New England Fishery Management Councils and the South Atlantic Fishery Management Council based on one of the following methods:

Sub-alternative 3a. South Atlantic = xx% of total ACL (=ABC=OY) and Mid-Atlantic & New England = yy% of total ACL (Established by using average landings from 2012-2013).

Sub-alternative 3b. South Atlantic = xx% of total ACL (=ABC=OY) and Mid-Atlantic & New England = yy% of total ACL (Established by using 50% average landings from 2008-2012 + 50% average landings from 2012-2013).

Sub-alternative 3c. South Atlantic = xx% of total ACL (=ABC=OY) and Mid-Atlantic & New England = yy% of total ACL (Established by using 50% average landings from 2008-2012* + 50% average landings from 2012-2013).
*excluding 2011 due to 240-foot closure.

NOTE: A closure of the Deepwater Complex (including blueline tilefish) occurred on 9/8/2012.

**Appendix A. Excerpt of Snapper Grouper Committee Minutes –
September 2010**

scoping and public hearings for a number of different amendments in January and February, so it would make it very difficult on staff to be able to cover Amendment 18, 21, 22 and the Comprehensive ACL, all of those things all at once in January/February.

We'll see what we can do, but it would be good if we could approve it for public hearings at this meeting just to space out some of the public hearing obligations that we have. I'm going to go through this document. I've got it up on the screen as well in a little bit more simplified form. Those things highlighted in yellow are changes that we need to discuss. The notes also indicate minor changes.

Some of the things in yellow and in italics are things that are being proposed by the IPT as additions to the document, so I'll go over those when we get there. First we have Action 1, extend Snapper Grouper FMU northward and we had a conversation at the last council meeting about what to do about permits for extension into that northern area.

To clarify their position, the Mid-Atlantic Fishery Management Council has sent in a letter – it's Attachment 4 – that makes very clear what their position. They prefer the Preferred Alternative 3 as it's worded right here, which is pretty much as it has been from the beginning. That is that the Mid-Atlantic Council would specify management measures to limit total mortality to the ACL and ACT specified for the area.

The South Atlantic Council would take a look at the ACL. They would allocate some portion to the Mid-Atlantic Council and some portion to the New England Council. The Mid-Atlantic Council and the New England Council would each specify management measures to limit to total mortality for their area.

What we have written here is the action specified by the Mid-Atlantic and New England Councils will not have to be reviewed or approved by the South Atlantic Council. However, NOAA Fisheries Service must ensure that the actions will keep total mortality at or below ACL and ACT specified for each council's area.

We had some conversations within the IPT about this and what does this wording really mean. What we did is we talked about what does this mean for permits and what does this mean for the protocol that we will go through. What does that mean that they will not have to reviewed or approved by the South Atlantic Council?

What you'll see is below this action, the IPT came up with an alternative way to structure this action, and that is to split it into three actions to make it very clear to the people who are writing the regulations what is meant by this action. One idea is Action 1 is to extend Snapper Grouper FMU northward, have very simple language that simply says "extend management boundaries for all species in the Snapper Grouper FMU northward to include the Mid-Atlantic and New England Councils jurisdiction except for black sea bass, golden tilefish and scup."

Then we would have an Action 2 that talks about permit requirements, and I think what we want is do not require a commercial snapper grouper permit in the northern extension. We put in parentheses here that South Atlantic regulations would need to be revised to provide an

exemption to the current permit requirement in the northern area. We would not require a permit in the northern extension. If the Mid-Atlantic Council and New England Council wanted to implement a permit, then they could do so.

Action 3 would be implementation of management measures protocol. I think what we would be looking at is something like – well, there are a bunch of different options here, but Alternative 2 is the South Atlantic Fishery Management Council will specify management measures to limit total mortality to the ACL specified for the entire South Atlantic jurisdiction, including the proposed northern expansion. That is not what we want from what I understand.

What we want is probably something closer to Alternative 3 which is the South Atlantic Council will specify management measures based on recommendations from the Mid-Atlantic Council and New England Council; or, the other alternative is Alternative 4; the Mid-Atlantic and New England Fishery Management Councils will specify management measures to limit to total mortality to the ACL specified for the Mid-Atlantic Region or the New England Region. We just need to figure out how exactly is this going to work. If they're going to make management measures, how does that get into the regulations?

MR. CURRIN: Thoughts, ideas. George.

MR. GEIGER: Kate, if we expand this management unit up into New England, would we then offer them a seat on our Snapper Grouper Committee; the New England Council, that is? We already have representation from the Mid-Atlantic. Would that then entail representation from the New England Council for our Snapper Grouper Committee?

MS. QUIGLEY: I don't know. I think if you wanted that, you could provide that. Maybe Monica could address that.

MS. SMIT-BRUNELLO: I think that would be up to the council. You would have to talk to New England. Well, you wouldn't have to, but I would think this council would want to talk to New England to work that out. Kate brought up some of the points I was going to bring up, which was the IPT split these actions a little bit more so you could really consider each one, and it would give more direction to the public as well as the Fishery Service and everyone who was looking at this. I think splitting these out, depending on which alternative you choose, stays within the spirit of what the Mid-Atlantic I think is asking for.

MR. GEIGER: To that point, how much interaction have we had with the New England Council concerning these actions and how are we going to get this information out to the public in New England, because I assume we're now going to have to go all the way up into New England with this public hearing process.

MR. QUIGLEY: I'll be making a presentation to the New England Fishery Management Council September 30th. A little bit later this month I'll be making a presentation to them. If they would like a public hearing, I will make myself available to provide information and to conduct a public hearing in the New England Council Area. The Mid-Atlantic Council, we have

already held one public hearing in the Mid-Atlantic Council Jurisdiction. We will hold another if they would like that.

MR. GEIGER: I would like to make a motion that we extend an invitation to the New England Council to occupy a seat on our Snapper Grouper Committee.

MR. CURRIN: I've got no problem with that, but we need to I guess get to the point where we have extended the boundary up to New England first is probably more critical than –

MR. GEIGER: Well, okay.

MR. CURRIN: I'm fine with it and it makes sense and I think we'll get it done. You can dispense with it now if you'd like to.

MR. GEIGER: Well, let me look at the motion; instead of extending a seat; let's extend an invitation to participate in future meetings.

MR. CURRIN: We have for the Mid-Atlantic, but I'm sure we have for New England, but maybe we have. I can't recall.

DR. CHEUVRONT: I thought we did for the New England as well and we just didn't hear back from them.

MR. MAHOOD: I'm not sure; I'd have to check on that, Brian, but I think we should extend an invitation to have a member on the committee if they so choose to participate with us. I don't know if they're going to choose to participate with us or not. I think it would be a good idea, and then I can shoot a letter off to Paul to indicate that and to ensure that Kate gets a nice, warm reception up there. We have sent staff up there before and they didn't get a real warm reception.

MR. CURRIN: Well, we'll make sure. I'm Kate will receive a warm reception. All right, a motion by George to extend an invitation to the New England Fishery Management Council and the Mid-Atlantic – that's already been done, I believe – to participate in future South Atlantic meetings as a member of the Snapper Grouper Committee. Second by Duane. Discussion? **Any objection to that motion? I see none.** Duane.

MR. HARRIS: Let me just add to that. George's first question was what kind of meetings have we had with the New England and Mid-Atlantic Council. At every one of the CCC meetings over the last two years John Poppalardo and Rick Robins and Dave Cupka and I have been together and met and discussed this matter and this action. I thought we were on pretty firm footing with our previous action and then we made some changes that got us a little bit off footing, but I think we'll make this work. I think this is the right thing to do and I think they will be glad to have a representative on our committee. Thank you.

DR. CRABTREE: Well, I'm looking on Page 4-4 and 4-5, PDF Page 164 and 165 at the landings. The only thing I see show up are gray triggerfish, sheepshead and Atlantic spadefish recreationally, little blueline tile; and then commercially almost nothing shows up, sand tilefish –

DR. McGOVERN: They have a little bit of snowy.

DR. CRABTREE: I don't see any snowy.

DR. McGOVERN: There it is.

DR. CRABTREE: Seventy pounds of snowy. Some of the recreational species are ones that we've talked about taking out of the plan to begin with. I guess my feeling on this is we're making a big issue where there isn't one, and I'm not convinced there is any real need to do this. It seems to me the landings are negligible up there.

I guess my question is why wouldn't it be just as efficient to keep talking to the state of Virginia. I think all these landings practically are probably in Virginia. This seems to have all been a result of snowy grouper and landings off Virginia, yet there are no snowy grouper landings that show up in any of the surveys that we have. I don't know; I guess I'm not completely convinced that this is worth all the problems it has created.

MR. CURRIN: Well, I think what Roy what Roy just expressed was the initial reaction of the council when this whole issue came up to begin with; why do we need to do this? For a number of reasons I guess, because we are under the Act of having to account for the mortality of – and it's bigger than snowy grouper. It's blueline tilefish as well.

The websites are full of pictures of maybe the same fish, I don't know, but there is considerable effort up there. It's easy to understand how they might not be captured in the landings because MRFSS in North Carolina, where I know they're caught as well, doesn't capture many snowy groupers or blueline tilefish recreationally, but we know there are landings there.

The attempt by the council I think is to make sure those landings are considered in whatever quotas that we set here for our fishermen. If these landings all of a sudden pop up either in the commercial industry or start showing up in MRFSS, then that is going to impact and reduce the quotas available to the fishermen in the South Atlantic Council.

Certainly, it would be easier if we can eliminate this action and let them deal with it, but I've got a feeling that the creature is going to raise its head again sometime in the near future. From my perspective, this is an attempt to get out ahead of it so we're not behind the eight ball again on another issue. Other thoughts? Tom.

MR. BURGESS: Didn't this come about by concerns about a growing industry up there from fishermen in the northern part of our council? They were really concerned about it.

MR. CURRIN: Yes, it did arise from that exact issue. There were reports and pictures on the website of great big bluelines and great big snowy groupers, world records being set every couple of weeks up there. It is not a huge fishery from my understanding, but it does happen. It's way offshore.

We don't have a good feel for what the total landings are, but the state of Virginia, as you recall, was concerned enough to reduce what previously was an unlimited bag limit on these fish to something that they considered at the time reasonable. I think it's seven blueline tiles and a couple of groupers; I forget exactly. Red probably knows or perhaps Brian.

MR. PHILLIPS: I kind of agree with where Roy comes from. It may be overkill and if we've got to deal with their council on we want to do something with blueline tile, but we've got to okay it with them or anything; and we've have got to interactions back and to, it could slow down what we want to do. If it's just a small amount of fish and it's not really going to hurt us, per se, it may be overkill to do this. It's just a thought.

MR. MUNDEN: Mr. Chairman, a couple of thoughts. Virginia has been proactive. They've put measures in place to control both the recreational and commercial fishery landings of snapper grouper species. I believe in my conversations with the representatives from New Jersey also indicate that New Jersey is moving in that same direction although the snapper grouper species are caught less frequently off New Jersey than they are off Virginia.

I think I can speak for the Mid-Atlantic and say we would certainly not be in opposition to this being deleted from Amendment 18, but the guidance we've had all along has been that the South Atlantic has to account for all sources of mortality, and that is the reason that we have gone along with the expansion of the management area up into the Mid-Atlantic area of jurisdiction.

So far as New England involvement, at all of the Mid-Atlantic Council meetings I give an update to the council on the South Atlantic Council meetings that I attend. New England has a liaison that attends the Mid-Atlantic Council meetings. However, usually my report is on the last day of the meeting and the New England liaison has already gone back up north, but they do get the minutes from our meetings and so the New England folks are aware of the actions that are being considered by the South Atlantic.

Quite frankly, they just don't seem to have a lot of interest in the snapper grouper fishery. I have had conversations with John Poppalardo, the chairman of the New England Council, and they say, "Yes, okay, it's not a real big issue for us." Anyway, we would support whatever the pleasure of the South Atlantic Council is.

If you want to delete it from Amendment 18, that would be fine. I think we have measures in place to control the harvest of snapper grouper species. We're certainly well aware of the fact that it would not take long to fish out those stocks based on the experiences that we have had in North Carolina on some of our reefs. We're open for suggestions.

MR. CURRIN: All right, what are we going to do? Personally it concerns me that we would not move forward with this. If that's the desire of the committee and the council, then we can eliminate this action from Amendment 18, but my biggest fear is that within 12 to 24 months we're going to see or feel some need to address this issue somewhere down the road. We're pretty far along with it right now, and to me the time to strike is when the iron is hot. Roy, do you feel strongly that this is –

DR. CRABTREE: No, and I'm not trying to derail this, and I'm going to leave it up to you guys. It's just the problem we've got is we're worried they're going to fish out these fish in Norfolk Canyon, I guess, of snowies and things and yet we have no idea of what is being landed. I'm just not clear other than just shutting fishery down how we're going to be able to manage.

It's hard to manage a fishery when you don't know what is landed or really have any information on it. I'm afraid we're going to be in a similar position in two years, whatever, that we've got a problem up there, we think, but we don't have any information to allow us to figure out what to do with it. If you guys want to go ahead with this, that's fine, I don't want to derail it, but it's just a real problem to try and manage a fishery that you only know about through reports of record fish and anecdotal kinds of things, and we don't really have anything to base decisions on.

MR. CURRIN: What is your pleasure here? Wilson and then David.

DR. LANEY: Well, I'm not on your committee, Mr. Chairman, but I thought we at least would have commercial data from the Virginia trip ticket system for these species. I don't know; I'll defer to Jack on that, but I thought there would be those data at least. I think Roy is correct on the recreational side, but on the commercial side we should have some information.

MR. CURRIN: Well, it's in the document on PDF Page 165, the landings that we have, and they're small. Roy.

DR. CRABTREE: If you look at PDF Page 165, there are commercial landings. There are 70 pounds of snowy grouper. There is 2,300 pounds of unclassified snapper; that was in 2004. There is not much there in terms of landings.

MR. CUPKA: I was going to say I kind of feel the same way you do, Mac, this is an opportunity to get out in front. The councils aren't fighting it. I know we've got a lot we need to do, but still I think we're required to manage these species throughout their range; and if their range extends beyond our jurisdiction, then I think there ought to be some consideration of that and some attempt to try and manage the entire stock; albeit it's not very large, but who is to say it won't grow. I think since the Mid-Atlantic Council is willing to go along with it, that maybe we ought to proceed along those lines.

MR. CURRIN: All right, we've got the actions here. We've got preferreds in there. Unless somebody wants to make a motion to delete this whole action from Amendment 18, we're going to go ahead through it and see if we can sort out and reconcile the problems with the permits that the Mid-Atlantic Council has. Is that desire of the committee?

MR. HARRIS: Yes.

MR. CURRIN: Okay, Kate.

MS. QUIGLEY: I guess what we need from you at this time, if we're going to split out this action – and I want to make sure that we have the right alternatives – I think we should go through them one by one. If you go along with what the IPT is proposing, the first action would

now be extend Snapper Grouper FMU northward. Alternative 1, no action; Alternative 2, extend the management boundaries for all species in the Snapper Grouper FMU northward to include the Mid-Atlantic Council jurisdiction; Preferred Alternative 3, the same wording, but northward to include the Mid-Atlantic and New England Councils jurisdiction, and that would be the preferred. I don't think there is any question with regard to those.

Then we've got Action 2, permit requirements for northern extension. Alternative 1 is no action; Alternative 2, do not require a commercial snapper grouper permit in the northern extension. And then in parentheses so that people know what our intent is, "South Atlantic regulations would need to be revised to provide an exemption in the northern area to the current permit requirement."

As it is right now, as the regulations are written right now, it would simply require a federal snapper grouper permit in those northern areas unless we alter the regulation, and I don't think that's a big deal. I think that's what is preferred by the Mid-Atlantic Council. Alternative 3 is create a new commercial snapper grouper permit for the northern extension. This permit would be issued by the Southeast Regional Office but apply to fishermen in the northern extension only. I think what the preferred would be is Alternative 2, but I need to check with the committee to see if that's true.

MR. CURRIN: Red.

MR. MUNDEN: Yes, in my conversations with Rick Robins, chairman of the Mid-Atlantic Council, we would prefer the option which would not require a permit from the Mid-Atlantic area. If indeed it was determined that a permit was necessary, we feel like that permit should be issued by the Northeast Region rather than the Southeast Region. That's the council's position on that. Now the Northeast Region hasn't signed off on it, but they haven't said they will not take that on, either.

MR. HARRIS: **Mr. Chairman, I would move Alternative 2 under Action 2 be our preferred.**

MR. CUPKA: Second.

MR. CURRIN: Motion by Duane; second by David. Any discussion? Brian.

DR. CHEUVRONT: Just to clarify; isn't that Action 3?

MS. QUIGLEY: No, it would be the new Action 2. What we're proposing is that – okay, up on the screen we've got this Action 1, which we've had for a very long time. What the IPT is proposing is to replace Action 1 with a new, in italics, Action 1 and a new Action 2 and a new Action 3.

MR. CURRIN: Maybe we should make sure everybody is okay with the suggestion from the team to replace the current Action 1 with the highlighted series of actions under that. Monica.

MS. SMIT-BRUNELLO: I think for NEPA purposes as well, it makes much more sense to split out that big kitchen sink action that has been carried through the various drafts of this and really set it out into at least three separate actions – maybe we'll need four, but who knows – because there are more reasonable alternatives or more ways to get to where you want to go or that could be different alternatives you could use.

I think these actions, by splitting them out, just is a better way to go, and it makes you also think about various other things, for example, I'm going to bring up, so keep this in the back of your head; what management measures do you want to apply to this northern extension? If there is not some limiting action in here by the council, bag limits, size limits, trip limits, those sorts of things, I would think would apply to the entire area, the northern area and the southern unless you put some limits on that like you're doing with permits. Just keep that in the back of your mind, but I think this kind of forces you into really thinking more along the lines of, all right, what is it we want and what is it we don't want.

DR. CRABTREE: So if we don't require the snapper grouper permit up there – and I assume our recreational bag limits are going to apply up there, although it's not clear to me – I think that means all vessels would be subject to the recreational bag limits because in order to be exempted from the bag limits I think you have to have a snapper grouper permit. Is that what we're intending to do is have everybody subject to the recreational bag limits?

MR. CURRIN: I'm not sure that's the intent. I think as Kate indicated earlier we were planning to exempt them from the current permits and I assume perhaps some of those regulations that exist here now. My understanding from the Mid-Atlantic, what they would prefer is that we calculate whatever portion of the ACT they should have in the Mid-Atlantic and New England, and then they're going to deal with how to manage it and develop their own bag limits, size limits and trip limits.

DR. CRABTREE: I don't know what basis is there to calculate. I think you're going to give them zero; they have zero landings.

MR. CURRIN: Well, they're not zero. If you look at the landings in the table, the commercial landings – and the most recent ones we in the document right now are '06, which is potentially a problem, 2006 – and there are 2,900 pounds for bluelines in '04 or '06, '04 I think –

DR. CRABTREE: But for a lot of things like snowy, I think it likely will be zero as best I can tell.

MR. CURRIN: It's going to be real close.

DR. CRABTREE: The problem is I'm not sure what basis we have to give them an amount for an ACL; and then I think what they're giving for most of these species will be so small that I don't know how you could manage to it. That's really the problem. Aside from that, we need to figure out what we're going to do with the permit kind of thing because I think at least until something is changed in the regulations – if we don't require a snapper grouper permit up there

unless we specifically address it here, I think that means that all vessels would be subject to the bag limit.

I think, Monica, we put in – was it 15A or one of them that you had to have a snapper grouper permit in order to sell.

MS. SMIT-BRUNELLO: 15B.

DR. CRABTREE: 15B, snapper grouper, so I think what we would be doing, if we pass this, would mean everyone is restricted to the bag limit and no one is allowed to sell fish. I'm not sure if that's what we want to do or not.

MR. CURRIN: From my understanding, it's not what the Mid-Atlantic Council would like to see.

DR. CRABTREE: So we need to I think address here or that is what we're doing is my point; and if it's not what we want to do, then in this document we are going to have to address it and make clear what it is we're doing.

MR. CURRIN: Okay, point well taken. Ben.

MR. HARTIG: Just to follow up a little bit on that, I was just wondering about blueline tilefish, if we prohibit harvest of those in the South Atlantic under 17B, how are we going to allow them to harvest them in the Mid-Atlantic?

MR. CURRIN: I'm not sure they're prohibited under 17B. Well, there's a deepwater closure, but golden tiles are allowed to be fished for.

MR. HARTIG: No, you have species that you will not allow harvest on. Warsaw grouper, speckled hind and the rest of that group is not allowed to be harvested. That is my take on that. The closure, yes, it is a depth closure, but those species are also caught outside that area and the council is not going to allow those species to be kept outside of that area either. The de facto portion of that is we're not going to allow harvest. Warsaw, you've got an ACL of zero. Of course, maybe you may allow harvest of some bluelines if you get an ACL that allows you to, but you can't fish in the area where they live, so I don't know how you're going to harvest them.

MR. HARRIS: Red, having heard what the RA said, would you prefer or do you believe that the Mid-Atlantic Council would go along with Alternative 3 under Action 2 and create a northern management area permit for snapper grouper to be issued by the Southeast Regional Office; do you think they'd go along with that?

MR. MUNDEN: Based on my conversations with Rick Robins primarily and Jack Travelstead, I don't think that the Mid-Atlantic would go along with that. We would be opposed to the fishermen in the northern management area having to have a snapper grouper permit; and if for no other reason, it's a two-for-one exchange. It would be very costly for these fishermen to get the permits and probably no one would even bother getting them.

MR. HARRIS: But that means they would be fishing under the recreational bag limit, then. That's what I'm hearing. If that's not what we want, then we've got to change that alternative, it seems to me.

DR. CRABTREE: I think the way we're setting it up – if we don't require the permit, I think there is no commercial fishing allowed because I think the way the regulations are you have to have a snapper grouper permit to sell the fish.

MR. CURRIN: And as I understand that, Red, that's not a two-for-one trade that you would have to buy a South Atlantic permit. This is a new permit that would be issued for the northern region which would allow, so there is no premium, no two-for-one trade in.

DR. CRABTREE: Yes, but if I could just add, if you're talking about a new permit now I think you're putting a significant new action in here that is going to slow us down, because who qualifies, who gets it, all the conditions and rules. It's hard for me to see how you're going to say, all right, in the South Atlantic we're going to have limited entry and all of these things in place; but here in this little periphery of the range of these animals where we seem even more concerned that they're going to be fished out and gone, we're going to have an open access fishery or something like that.

It is hard for me to see how you justify being less restrictive in this northern part. It seems to me the fishery is more vulnerable there, and certainly the uncertainty is much greater up there. I think it's hard to build a logical record as to why you would be less restrictive there than you are in the heart of the range of the animals. When you talk about a new permit requirement, there is a lot of work and a lot of decisions you have to make about that.

MR. CURRIN: You're building a bigger and bigger case.

DR. CRABTREE: This is a really complicated thing and –

MR. CURRIN: I understand.

DR. CRABTREE: – it's easy to talk about it in abstract; but then when you start getting down to doing it, there is an awful lot of issues.

MR. CURRIN: And we had some of this conversation early on, Roy, and Gregg brought up a lot of it because of his understanding and our understanding that the South Atlantic Council was responsible for accounting for all the mortality of these species within our management unit because the Mid-Atlantic Council doesn't have a plan for snowy grouper and blueline tile.

That is what kicked this thing off. We have been down this road and now I'm kind of hearing that – which is what I felt to begin with – the best thing to do if we could legally is to just ignore it and let it happen. We don't have samples up that way. Landings were considered in our assessments, but they were so minor that they had no impact, but they're a rare-occurring species. They're a rare-occurring species in our landings in the southeast, at least in the recreational landings. Charlie.

MR. PHILLIPS: Just from what I'm hearing, it sounds like we might want to consider just the pros and cons of just letting it be a bag limit up there or backing away from it totally, but how bad would it be if we just let it be a bag limit up there? What would they say?

MR. CURRIN: Well, Brian just whispered that they wouldn't be able to sell them under the current regulation, so there would be some people that fish them commercially that would be upset by that, I'm sure.

MR. MUNDEN: I'm trying to put all this together, Mr. Chairman. This is not what the Mid-Atlantic Council envisioned relative to management of snapper grouper. Going back to Dr. Crabtree's statements at the beginning of this discussion like why are we even doing this, this is becoming more and more attractive to the Mid-Atlantic. I can say that without even talking to my chairman and the people who are involved in the fishery.

We never envisioned that the commercial fishermen would not be able to sell any snapper grouper species. That would be very problematic for the fishermen and it would result in regulatory discards. Again, I think that the Mid-Atlantic would be in favor of just saying don't extend the management unit north and we'll manage the fisheries up there. One option that we've kicked around is we do have a Golden Tilefish FMP, and that FMP could possibly be amended to include other species of snapper grouper.

MR. CURRIN: Boy, that's a good solution. I remember that was probably the most desirable option to this council was for you guys to develop a plan. I guess if we don't do something, then maybe – or don't do anything then you guys would have that option to incorporate bluelines and perhaps snowy groupers under your golden tile plan. Monica.

MS. SMIT-BRUNELLO: One thing you might want to consider perhaps – and it depends on the record you building, but I'm hearing a lot of uncertainty as to how many fish are in that northern area and what then a fishery could grow to or not grow to and all that. Would you think you could consider having an action or an alternative that would extend the management unit, but would not apply any of the current management measures to that northern management unit until you got more information? You could develop something like that. You have to take into account what Roy just said about fish perhaps being more vulnerable on the fringes, so you're going to have to figure that out.

Right now there isn't a fishery management plan that covers any of that area or those fish, so you would at least, by extending it, perhaps be getting more information somehow. I'm not quite sure and you'll have to figure that out when we get to reporting or anything, but perhaps you could build the record to extend it but not apply any management measures at this time.

MR. CURRIN: Well, if that would work out, that's certainly one approach. That would preclude the Mid-Atlantic from moving forward if they chose to with a plan to include those species in an existing plan or develop their own plan, I guess.

MS. SMIT-BRUNELLO: You may not want to preclude them from doing that, but then also you're going to have to figure out, well, if you're not going to apply any measures up there, then

just why are you extending the management unit. There are ways to build the record and talk about it. Maybe there is not sufficient justification, I'm not sure, but it's something for you all to think about.

MR. CURRIN: Well, my question to you, Roy, and Monica is how many years do you figure before we're going to be right – if we eliminate this action from Amendment 18 and just monitor what is going on up there, how long do you think it is going to be before we're right back here at the table trying to figure out how to incorporate and account for the landings of these two particular species? There is also wreckfish involved. They're starting to show up there on occasion. They don't have a plan for wreckfish either and it's illegal to possess them in the South Atlantic by anybody except the permit holder.

DR. CRABTREE: I don't have any way of knowing the answer to that. If this is somehow a real long-term shift related to climate change and these fish are starting to populate and grow up there, that is one situation; but if it's just people found a couple of areas that have some of these snowy group and some of them that have always been out there, there is nobody knew about them and they found them, they may well fish those down.

It may be in order to prevent them from fishing them down, you have to put some really strict restrictions on it. I think one thing you could think about is you could apply the recreational permit to everybody up there, but maybe give commercially permitted vessels in the northern area an exemption from the requirement to have a snapper grouper permit to sell so that there would be some commercial take.

There isn't much in terms of commercial landings up there right now, so I don't think there is anyone up there who is really dependent on this. Red, most of this off of Virginia was recreational and I think charterboats to some extent; wasn't it?

MR. MUNDEN: Yes, Roy, that's my understanding. The recreational fishermen began targeting primarily snowies when they learned to fish for them. They have, of course, the electronic navigation equipment that is available and they can find the areas where those fish congregate, and they've learned to fish those deeper waters. It was always just kind of an incidental catch for the commercial fishery. I think it is quite possible, as you say, the fish have been there all along and they're just learning to fish on them now.

DR. CRABTREE: So I think one solution would be to just have the bag limits apply to everyone up there; but if you have some sort of commercial permit up there, you're exempted from the restrictions on the sale of recreational bag limit caught fish that apply to the south. That would be one way to come at it. And if it's just commercial fishermen are just incidentally catching one or two of these sometimes, maybe that's enough to accommodate them; I don't know.

DR. CHEUVRONT: Roy, that kind of extended along the lines of what I was thinking, taking what Monica had said earlier about extending the management unit but maybe not necessarily putting in management measures that would provide any onerous restrictions at this time; but I thought that if we don't extend the management unit at some later point, if we do need to do something to manage these fish, it would take us longer to act.

I like the suggestion that Roy just gave in terms of trying to find a way to allow the commercial fishermen to sell the catch and provide minimal management. I think it will help all the way around in terms of if we do need to put management measures in place or help to make sure that we've got the data that we need to do stock assessments and things in the future. I think we can all predict that the landings will only increase over time, at least until they get fished out, but we need to have some handle on that. I would be in favor of what Roy is suggesting.

MR. CURRIN: Okay, we have a motion that Duane offered and it was seconded to select Alternative 2 under Action 2 as far as permits to do not require a snapper grouper permit in the northern extension. We need to deal with that motion, and I don't think what Roy said or your supported statement, Brian, would conflict with selecting that as an alternative.

Obviously, it would require that we add another action in here to deal with exempting the commercial guys from being able to sell those bag limit quantities. It would, however, restrict catches of individuals in that area to the bag limit, the South Atlantic bag limit, so at some point I guess the Mid-Atlantic is going to have to react to that. Any more discussion on the motion?

DR. CRABTREE: Well, I'm going to vote against the motion because it seems to me we need to flesh out the rest of that and what we're going to do so we understand what the implications are. I don't feel comfortable voting for this until we've figured the rest of this out. If that means we've got to put another action in the document to explain what is going to apply up there, I'd like to see that before I vote on this.

MR. CURRIN: All right, good point. Do you want to withdraw the motion, then?

MR. HARRIS: **Mr. Chairman, I'll withdraw the motion.**

MR. CURRIN: Is that okay with the seconder?

MR. CUPKA: Yes.

MR. CURRIN: Okay, anybody object to withdrawing the motion? I see no objection, so that motion is withdrawn. All right, there has been some support for Dr. Crabtree's suggestion and it does make sense to me that we figure out some way that we can extend the unit but both the commercial and recreational fishermen, as best I understand it under that scenario, would be restricted to bag limit possessions. If we choose to, we can exempt the commercial fishery from the sales' prohibition that's in place in the South Atlantic as a result of 15B. Roy.

DR. CRABTREE: Maybe Rick remembers, but in Amendment 17B, Rick, did we approve for snowy it was a one per vessel bag limit; is that right?

MR. DeVICTOR: Yes, that's right.

MR. CURRIN: What's your pleasure, folks? Does this sound like something you want to ask the staff to develop some alternatives? Brian.

DR. CHEUVRONT: I just want to ask Red a question. What permits do the Mid-Atlantic fishermen currently have to have that – I guess the commercial guys who would probably participate in this fishery; do they currently have a specific permit? I don't know; do they just have to have a commercial fishing license issued by the state? I don't know what kind of restrictions you all have like if they're going to land tilefish or black sea bass, scup or whatever.

MR. MUNDEN: All of the species that are managed by the Mid-Atlantic Council are now limited access permits with the exception of spiny dogfish. It is an open access permit. They have to get a limited access permit from the Northeast Region. The limited access permits have qualification requirements. I believe in the case of black sea bass – this was before I started representing North Carolina on the Mid-Atlantic Council – you only had to land one pound of black sea bass during the qualification years, but for the most part now the landings have to be greater than that.

DR. CHEUVRONT: To follow up with that, it would make sense that instead of – I mean the way that you're going to limit entry it could just be that somebody would have to have any Mid-Atlantic permit and that would be the qualification for somebody getting into the fishery if we wanted to do that.

DR. CRABTREE: Yes, I guess you could do that. It depends on if you want everyone restricted to the recreational bag limit. If that's what you wanted to do, you could say that, but then you could say anyone with one of these northeast or mid-Atlantic permits is allowed to sell that recreational bag limit.

MR. CURRIN: I think that's kind of where we're trying to get to. What is the committee's pleasure? Roy.

DR. CRABTREE: Well, I think along those lines if we could ask staff to work something up for us and look at it the next time, I suppose.

MR. CURRIN: All right, you heard Kate's comments at the very beginning, but it seems like this is much more complicated, so it doesn't look like we're going to be able to approve this thing for public hearing at this meeting. If this is the way we go, we certainly would want to look at those options or alternatives in December and we would have to decide how to move from there, if that's the way you want to go. And, again, the other option is to remove this action from Amendment 18. We would probably need a motion for this if that's the way the committee wants to go. Charlie.

MR. PHILLIPS: Well, I think this is probably the right way to go for now; and if the Mid-Atlantic Council decides that they want to tackle it in the meantime and give us that intent, then we can always change gears, but at least we're heading down the right road, I think.

MR. MUNDEN: We would certainly support a motion of this type so we would have a chance to look at the alternatives rather than just approving action today with some major changes relative to the desires of the Mid-Atlantic Council for public hearing. I would support this action.

MR. CURRIN: Okay, thank you, Red. Roy, did you have a motion here?

DR. CRABTREE: No, but just a thought; if everything else in 18 is ready to go except for this one action, I guess one thing to think about is you could just yank this whole action out of 18, put it one of the amendments we've got going, and then move the rest of this thing on out to public hearing and get it done.

I guess it could be in 18B and just have this one action in it. I guess you could look at putting it in the ACL Amendment or the Red Grouper Amendment – there are a number of other amendments coming down the pike – or you could just pop it out as 18B and deal with it separately. It's kind of up to you and I'm not exactly sure where all the other things in 18 are, if they really ready to roll or not.

MR. CURRIN: Well, you'll have a better indication of that if we can ever get through with this action and move on in 18. I guess as a good point we ought to keep that in the back of our minds as we move through 18; and maybe toward the end if we feel like everything else in 18 is ready to go, let's move that forward.

I'm just kind of thinking that there is some relationship between this action and being able to account for the mortality of snowies and bluelines there that tie into the Comprehensive ACL and setting annual catch limits for those species. Again, you made a good point that with virtually no recorded landings up there or very few and willingness to consider ignoring those – and maybe that's not as big a deal as we thought it was originally. What is your pleasure here? We do somebody to offer a motion to ask the staff to develop some alternatives under this action to consider allowing bag limit harvest within the Mid-Atlantic and New England areas with an exemption for the sale by those possessing, as suggested, any Mid-Atlantic or New England permit. David.

MR. CUPKA: Mr. Chairman, I'd like to make a motion that we have up there that would do that, which is to request staff to work up alternatives to address northern expansion with the intent to; one, exempt commercial fishermen in the northern zone from sales prohibition; and, 2, do not require a commercial permit in northern areas.

MR. CUPKA: A motion by David; is there a second? Second by Red. Any further discussion on this motion? I would just, as a point of discussion, ask that staff take – and I'm sure you will – take a good look at the current actions that are in here and see how they're impact is affected by potentially going this way so that they can either be, in the future if this is chosen by the council, removed from the amendment and the like, if we don't take it out and move it somewhere or get rid of it later today. All right, any further discussion on this motion? Is that pretty clear to you, Kate; do you understand the intent here? Ben.

MR. HARTIG: Just a clarification; this means that commercial fishermen in the Mid-Atlantic would be able to catch the bag limit and they would be able to sell the bag limit, but anything greater than the bag limit they would have to discard?

MR. CURRIN: That would be the intent if this were to be a measure that was adopted and put into effect. Other discussion? Objection to the motion?

DR. CHEUVRONT: Actually I want another discussion point to follow up with what Ben was saying

MR. CURRIN: Okay, before we vote then, Brian, last word.

DR. CHEUVRONT: I think Ben is bringing up a good point. Can we also consider other options than just allowing just the commercial sales of the bag limit? Are there other ways to consider that and keep them within the same restrictions that we have on the South Atlantic fishermen?

MR. CURRIN: Well, it's a good question. I was kind of under the impression earlier from comments from Monica and Roy that may not be possible or it be difficult under current regulations, but we're asking to develop an exemption to current regulations. I don't know how far we can take that to exempt them from other regulations that might impact their ability to sell.

MS. SMIT-BRUNELLO: I'm not sure either; I guess maybe the staff could consider that part and parcel with this and then bring that kind of information back to the council.

MR. CURRIN: Okay, I think if the staff will note that and give that some thought, then perhaps they can develop some alternatives, Brian, that would go beyond just allowing the commercial sale of bag limits, but the idea being to extend those to some degree.

DR. CHEUVRONT: I think the motion that we have up there will allow that to happen. I just wanted to make sure that we didn't narrowly define what we meant by that here and that was the only route that we were going to consider. I'd like for us to be able to consider other avenues as well.

MR. CURRIN: Yes, and I think the motion will allow that as well; so with that direction I think the staff can maybe make some progress. Red.

MR. MUNDEN: I have a question for Dr. Crabtree, but let's go ahead and deal with this motion.

MR. CURRIN: All right, any further discussion on this motion? **Any objection to the motion? I see no objection so that motion is approved.** All right, Red.

MR. MUNDEN: Roy, if all of the restrictions in the regulations for snapper grouper from the South Atlantic apply to the northern management area, how would that impact the harvest of, say, blueline tilefish that are taken occasionally in otter trawls, because trawl gear is not allowed for harvest of snapper grouper species in the South Atlantic.

DR. CRABTREE: Well, I think they would have to discard them. I'd have to ask Monica, but I think right now if you pull a trawl in the South Atlantic and catch a snapper grouper you're not allowed to bring it in; is that correct?

MS. SMIT-BRUNELLO: I believe that's true so that is something that staff should look at as well.

MR. MUNDEN: And the reason I raised that issue is that black sea bass and scup are two species that are commonly caught in trawl gear in the Mid-Atlantic occasionally. My commercial contacts have indicated they occasionally will catch a blueline tile. I never heard of snowy being caught. It could be very problematic relative to having to discard the species.

DR. CRABTREE: I think, one, we need to check the regulations to make sure there is not some incidental allowance or something like that. I suppose if that's the case you could put some incidental allowance provision in place. You can see the complexities of this thing starting to come out, but we'll look into that. I think staff will have to look into that, Red.

MR. CURRIN: I know at least it has happened that they've caught snowy groupers in trawls up there. I don't know how common it is, but somebody waylaid them a while back apparently and found a bunch of them. It looks like we have the flexibility to exempt those folks up there from certain regulations that seem to be problematic. All right, is that okay with Actions 1, 2, 3 and 4 at least at this point? Monica.

MS. SMIT-BRUNELLO: This is a question for Red, I guess. When you look at Action 3, I know part of it is kind of caught up into this last motion, but I would assume at some point the councils will want to consider just how any management measures that the Mid-Atlantic would want to implement, assuming that's the way all the councils agree to go, how that would happen.

Does the Mid-Atlantic envision or have you even thought about how that would happen? Would you develop these management measures obviously at the Mid-Atlantic meeting and then develop some sort of document that would be, I guess, a snapper grouper amendment, whether it's a regulatory amendment or a plan amendment, and then that would be submitted. I don't know; I'm just trying to figure out how that would happen and maybe we want staff – after Red answers, maybe you want to give some latitude to staff to think about just a little bit of the mechanics part of it and how those kinds of things would be implemented.

MR. CURRIN: I'm certainly willing to give the staff all the latitude they need to try to fill in all the holes that seem to be ever growing and appearing with regard to this action. I assume that's okay with the rest of the committee. I see no one objecting. Ben.

MR. HARTIG: I've got a question to you, Mr. Chairman. You have been much closer to this fishery than anybody else and have kept some pretty good tabs on it and talked to fishermen. There was a developing actually blueline tilefish in northern North Carolina in the most recent years. Is this something that has occurred more since 2006 that we have the landings for in your mind?

MR. CURRIN: I see it increasing, Ben, yes, since 2006, so updating those data would be much more informative to us. That's certainly something in going through this amendment that I noted and planned to request of staff that we try to get the most recent data that we can on the landings and the like to incorporate into this amendment. Brian.

DR. CHEUVRONT: To Ben's question, yes, Ben, I have looked at that; and when the prohibitions went into effect with the less than a hundred thousand pounds of snowy grouper quota, a lot of those fishermen that were fishing on snowy grouper north of Hatteras in North Carolina switched over to blueline tile. For a couple of years the blueline tile landings went up considerably immediately after the snowy grouper restrictions went into place.

MR. CURRIN: And golden tile as well; some of the guys are poking around and finding a few golden tiles out there, too, Ben.

DR. CHEUVRONT: Yes, that's a new thing. You all probably just got the e-mail the other day from Kim about the state record golden tilefish being landed in North Carolina just recently.

DR. LANEY: Mr. Chairman, I was just going to let you know I just e-mailed Virginia and asked them if they would shoot us those landings for the last five years. If they respond to my request, I'll share those with everybody.

MR. MUNDEN: In response to Monica's question as to whether or not the Mid-Atlantic has a strategy for developing measures to manage snapper grouper, I think the short answer is not in place right now, but we do have a staff member, Jose Montanez, who has been tasked with snapper grouper responsibilities for the Mid-Atlantic. I have been copying him on my correspondence concerning snapper grouper. We have a staff person that will be involved with development of any measures that need to be put in place.

MR. CURRIN: And Rick just informed me, Monica, that Jose is on the team in helping developing this amendment.

MS. SMIT-BRUNELLO: And I have been speaking with Joe McDonald who advises the Mid-Atlantic Council as well, and we have the same concerns on some of these issues; just what kind of vehicle would they get implemented and would it need to be submitted to the South Atlantic Council. I'm assuming there are a variety of ways to do that, too, so we'll work together and try to iron that out and bring back some options.

MR. CURRIN: Okay, thank you. All right, anything else, Kate, at this point on the old Action 1 and now Actions 1 through whatever it is, 4 or 3?

MS. QUIGLEY: Well, I've written more specific language for staff if someone would like to make a motion that I think gets at what you want done; two things that you want done, which is to direct staff to devise more specific alternatives for management measures protocol actions, so that is how does the Mid-Atlantic and New England Councils get the management measures they would like implemented actually done; and update northern data in document.

MR. CURRIN: Okay, is there a motion to that effect by someone on the committee? I think this is the intent that we've discussed. David.

MR. CUPKA: I'll make the motion, Mr. Chairman, if nobody else wants to. The motion would be to direct staff to devise more specific alternatives for management measures protocol actions and to update the northern data in the document.

MR. CURRIN: Motion by David; second by Duane. Discussion? Is everybody comfortable with this? I think it will better inform us. **Any objection to that motion? I see none and that motion is approved.** Anything else in that old Action 1, Kate, that we need to consider right now?

MS. QUIGLEY: Nothing else.

MR. CURRIN: Okay, Action 2, PDF Page 41. This is essential fish habitat for snapper grouper in the northern extension area. We currently have a preferred, Alternative 3. Everybody comfortable with that; no concerns? All right, let's move on.

MS. QUIGLEY: Okay, Action 3, limit participation in the golden tilefish fishery, you currently have a preferred for hook-and-line initial eligibility requirements and longline initial eligibility requirements. One thing that we did is we added two years of data. Before we were doing 2004-2006, I believe it was, and now we're doing 2006-2008, which was the original request of the Golden Tilefish LAP Workgroup. I've got some new numbers to show people that we did not get the data in time to be able to put it into the document.

MR. CURRIN: She has got the updated numbers.

MS. QUIGLEY: We have the same alternatives, but at the last meeting we informed the council that we were able to add 2008 data. The council directed staff to go ahead and do that, and we added 2008 data; so now our numbers of people who receive endorsements have changed. We didn't receive the data in time to be able to insert the correct tables into the document, so now I'm going to put up the table that shows the new numbers.

Here what we have in this table that I've pulled up are hook and line, those sub-alternatives, so Alternatives 2A, 2B, 2C, 2D and 2E. Those are exactly the same as they were before, the wording, but the number of endorsements – these particular ones has changed a little bit because we got updated data.

Now, below this there were some conversations with Ben Hartig and some other fishermen about the desire to have these alternatives, with a little bit of an additional twist and that is have this alternative and then also you needed to have one pound landed in 2009 and one pound landed in 2008. Now, I'll let you know here that 2009 data is very preliminary, and 2008 data has yet been finalized but it will be finalized later this month. This is just an estimate of what it could be.

I see some people looking a little confused so I'll go over that again. We've got the same alternatives as we had the last time, but we've gotten new numbers of endorsements because we got an updated data set. The rows highlighted in yellow are new possible alternatives. I spoke with Ben Hartig and I spoke with some other fishermen who wanted to see other possible

**Appendix B. Excerpt of Snapper Grouper Committee Minutes –
December 2010**

MR. CURRIN: Let's get everybody back to the table, please. Our next agenda item is to have a look and discuss a little bit three amendments that we've had on the table for some time, 18B, 20 and 21. I'm going to turn it over to Kate.

MS. QUIGLEY: At the September council meeting the council had asked that staff, basically the Amendment 18B IPT and NOAA General Counsel get together and come up with some possible options. The council had asked us to get together and devise some possible alternatives for consideration. Due to work on other amendments, we were not able to get together to work on that. The issues in 18B remain as they did in September, which was basically a conversation about whether 18B is necessary or not; and if so, how would we go about doing it.

MS. SMIT-BRUNELLO: Kate and I have talked about it, but I've thought about it further and I've read the Act and the guidelines and what I would advise you is to really back-burner this amendment until you get your ACL amendments done. I think there is some good initial rationale for extending the fishery management unit. I don't know whether you would end up extending for all or some. I think that remains to be seen, but my consideration is in extending it and then you would need to I think revise your ACLs, although they're not final. All of them aren't final so some of them would be revised and some of them would be new, but it's the lack of data and information really that's available right now. I think that the better plan would be finish your ACL amendment, and your Comprehensive ACL Amendment has groupings in it as to how you're going to monitor ACLs. It has some species that you may remove from the management unit. My advice would be to finish that, see how you end up with all your species, monitor the information, that you get the landings information from Virginia. I heard that Maryland is also going to have some new landing requirements. And then see what that looks like and then decide whether it's appropriate to extend the management unit; and if so, that will give time as well to work out with the Mid-Atlantic Council the procedures of are you going to specify a portion of the ACL and then give them management authority over it, how will that be done, and all those other kinds of procedural issues that need to be resolved. My main concern is really the lack of complete information that you would have in order to figure out how to establish ACLs and all that.

MR. CUPKA: Mr. Chairman, earlier this week Rick Robins and Chris Moore from the issue. I think at this point the Mid-Atlantic Council is willing to remain flexible. Given the advice we got from Monica and the discussions that we had earlier this week at our meeting, I think my recommendation to you all would be that we not proceed with this at this time. I don't think it's something that we have to do immediately; and given the number of other issues that staff has to deal with, I would suggest that we not move ahead with 18B at this time but instead put our efforts in other areas that are a higher priority.

MR. CURRIN: I would also note as a result of the get-together we had at dinner the other night, that Rick informed us that the state of Virginia is collecting some hard parts for bluelines and I presume snowy groupers as well. Red could probably speak to that better than I can, but that's good new I think so there will be material available from that area for use in the assessments. I don't know who is doing the aging. Red, to that point.

MR. MUNDEN: Mr. Chairman, that is correct, Virginia is starting to collect more data. Virginia has measures already in place that limits the amount of snapper grouper species that can be landed. The information that I have received is that the state of Maryland is planning on enacting similar restrictions on snapper grouper fisheries. I know there is some interest also in Delaware. I'll keep the Mid-Atlantic states informed of what has been going on down here at the South Atlantic Council, but we are interested in staying on top of this and collecting more and better data.

MR. GEIGER: Mr. Chairman, I was just going to, based on Monica's information, request an update from your meeting the other night, which David already accomplished.

MR. CURRIN: Any other questions on 18B or comments? Monica.

MS. SMIT-BRUNELLO: And also Red can speak to this, but it seems like the Mid-Atlantic is very flexible on this and recognize that there may be some need to do this, and they're very willing to work with this council to get that done.

MR. MUNDEN: That's correct.

Appendix C. Stock Identification and Management Unit

(excerpt below from SEDAR 32 Assessment Workshop Report)

Blueline tilefish are distributed from Campeche, Mexico northward to Cape Charles, Virginia (Dooley 1978) with reports of catches as far north as Maine. There is no known information on different stock structures throughout the geographic range, however a proposal by VIMS to investigate stock structure using molecular genetics is being monitored. The development of a recreational fishery for deep-water snapper-grouper (including blueline tilefish) off Virginia since the 2000s suggests a portion of the population resides north of Cape Hatteras, a biogeographic break for many species. Based on what is known about the geographic range from landings data and other sources, it is recommended to have two stock jurisdictions: Gulf of Mexico and South Atlantic. South Atlantic stock includes the SAFMC jurisdiction of the Florida Keys, South of U.S. Hwy 1, northward along the east coast of Florida to as far north as landings of blueline tilefish are recorded from the U.S. Atlantic waters. Most landings are from VA/NC south to Florida, but they are reported as far north as Maine. The management unit extends from the NC/VA border through the SAFMC jurisdiction of the Florida Keys.

(excerpt below from SEDAR 32 Review Workshop Report)

1. Evaluate the data used in the assessment, addressing the following:

Stock area

The management area was defined such that landings from Rhode Island to Florida were used for this stock assessment. There are no genetics or tagging data available for this species to define biological stocks or the management area, but many species exhibit a stock boundary along the US east coast at Cape Hatteras. Blueline tilefish are pelagic spawners and as a consequence, it was suggested that larvae would be wide-ranging. However, previous work on the confamilial golden tilefish indicates a stock break north and south of Cape Hatteras (Katz, et al.1983). There was concern expressed that the stock area may be too broad given that the fishery appears to be focused in a few small areas, and because this species is known to be highly residential, occupying scour depressions in carbonate substratum and burrows in soft bottom (Able, et al.1987). Such an aggregated species may be subject to local depletion.

Research Recommendation: Further research on stock structure would help align landings and the indices being used to monitor annual changes in stock size.