

Shrimp Amendment 7/Allocation of King Mackerel Commercial Quota Scoping Meeting
Snapper Grouper Amendment 15A&15B Public Hearing

Atlantic Beach, North Carolina

December 3, 2007

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Mr. Geiger: Good evening. If we could get everybody to take a seat, we'll go ahead and start the scoping and public hearing. If you are here this evening and you have not filled out a card, even if you do not intend to speak, would you please fill out a comment card and indicate you don't wish to speak. It's one way that we get you on our mailing list. You'll receive the Update, the South Atlantic Update, and any other information generated by our public information office. Now I'll turn it over to David.

Mr. Cupka: We're going to start off tonight with our rock shrimp scoping. That will be the first one we'll be dealing with and good evening, everyone. My name is David Cupka and I'll be acting as chairperson tonight, on behalf of the South Atlantic Fishery Management Council. The other council members are here also and we want to thank you for taking the time to attend these meetings tonight.

The purpose of this scoping meeting is to give you the opportunity to comment before the council develops a position on an issue. Scoping meetings are a part of the pre-management plan and amendment process. Scoping meetings are different from public hearings, in that the council does not have a position on a particular issue prior to scoping meetings.

This scoping meeting is to allow you to comment on the council's approach to Shrimp Amendment Number 7 and your comments will be considered by the council in discussing this issue. The scoping meeting will be conducted in the following manner. First, Gregg Waugh of council staff will present an overview of the issues and any potential options.

Then you will be invited to comment on the issues, including any potential options, and all comments will be recorded by staff and shall become part of the permanent record and Gregg will now present an overview of the material.

Mr. Waugh: Thank you, Mr. Chairman. Everybody should have picked up a scoping document by the door. We're here to talk about items that may be included in Amendment 7 and as the chairman pointed out, scoping is less formal than public hearings. We're seeking your comments on these proposed actions and decisions have not been made yet. We're very early in the process.

As background, Amendment 5 to the Shrimp FMP created rock shrimp endorsements. These were effective July 15, 2003, and these endorsements were required to fish off of Georgia and Florida. In terms of eligibility requirements, you had to have had a federal permit on or before December 31, 2000, and you had to have landings of rock shrimp from the South Atlantic EEZ

of at least 15,000 pounds in one of the four calendar years between 1997 and 2000. Those were the requirements to get the endorsement.

Endorsements would not be renewed if there are no landings of at least 15,000 pounds in one of those four consecutive calendar years beginning in 2004. Why is the council considering action? We've looked at landings data through July 6, 2007 and it appears that approximately eighty vessels out of the total of 138 that have endorsements have landed 15,000 pounds or greater in a year between 2003 and 2006.

If this continues, it's predicted that quite a number of endorsements will be lost and they'll be lost because they haven't met that landings requirement of 15,000 pounds. Information from the advisory panel and our landings data suggest that this may be due to economic conditions and because of relatively low rock shrimp abundance.

The issues the council is currently looking at, the first issue is this 15,000-pound requirement and certainly one alternative would be to leave it in place. A second alternative, which our Rock Shrimp Advisory Panel supports, is to remove that 15,000-pound requirement. A third alternative is to extend the time period by not more than two years and so to give them an additional two years to meet the qualification requirement. Alternative 4 is to allow application for renewal as an inactive endorsement holder.

The second issue is what do we do about endorsements that are lost from not meeting the 15,000-pound landing requirement by December 31, 2007? One alternative is no action and this could result in approximately one-half of the endorsements not be renewed. A second alternative is to reinstate endorsements that have been lost due to not meeting the 15,000-pound requirement and the Rock Shrimp Advisory Panel supports that Alternative 2.

The third issue has to deal with endorsements lost due to a failure to renew. The amendment itself talks about a rock shrimp limited entry permit. What was implemented is an endorsement in addition to the permit and this has caused some confusion on some fishermen's part. Alternative 1 is no action.

The Rock Shrimp Advisory Panel indicated a number of people did not renew their endorsements. They renewed their permit and thought they were doing everything they needed to, but they didn't renew the endorsement. Alternative 2 would reinstate endorsements lost through failure to renew the limited entry rock shrimp endorsement and that is the alternative that the Rock Shrimp Advisory Panel supports.

The fourth issue that we're looking at is to require all shrimp permit holders to provide economic data if selected. There are requirements that the council has to meet in preparing any amendment and any action and evaluating those economic impacts and we need to collect the data and so no action -- If we don't provide this data, this would prevent the council from conducting the economic analyses and fully understanding how proposed regulations impact the fishery.

Alternative 2 is to require all shrimp permit holders, and this is not just rock shrimp, but this is all shrimp permit holders, to provide economic data if they are selected. In terms of a schedule,

we've scoped November 2007 through January of 2008. We have an additional scoping meeting scheduled in 2008. Scoping comments are due in the council office by 5:00 PM on January 18, 2008.

Then the committee and council will start working on this. Public hearings are anticipated in the August/September 2008 time period and the intent is to have regulations in place by April of 2009. Additional scoping meetings are listed on page 7 of the document. Council members are listed on page 9, if you want to contact them, and more information is available from our website and you can email comments to the address shown here, shrimpam7scoping@safmc.net. That's also on the scoping document. Thank you, Mr. Chairman.

Mr. Cupka: Thank you, Gregg. Now we'll open the scoping meeting for your comments. First, we will hear from those persons who have indicated a desire to speak on the registration card and again, if any of you have not filled out a registration card, we would like you to do so and please include your mailing address written legibly.

In making your statements, please come forward to the microphone, so that we can record your comments for the record. Also, please state your name for the record and the name of any organization for which you may be acting as an official spokesperson. The first person I have who indicated a desire to speak is Bertie Potter.

Ms. Potter: My name is Bertie Potter and I represent Lowland Seafood. My husband has two rock shrimp permits and after reading all of the issues, I feel the panel has done a good job and I agree with them on all four of the alternatives and I just wanted to say that we do agree with them and support it. Thank you.

Mr. Cupka: Thank you. I have Clyde Potter.

Mr. Potter: My name is Clyde Potter and I hold a rock shrimp permit and I have the Fishing Vessel Tamara Lynn. Considering Rock Shrimp Amendment 7, I agree with the advisory panel on all four issues. Alternative 2 on each issue is a good choice and that will help the commercial fishermen. I would like to thank the advisory panel for their hard work on this amendment. They did a great job.

Mr. Cupka: Thank you, Mr. Potter. Richard Vendetti.

Mr. Vendetti: Good evening, Mr. David and Mr. Gregg and the rest of the council members. My name is Richard Vendetti and I'm with the Southern Shrimp Alliance. I'm here on their behalf. As you all know, over the years the rock shrimp resource has proven to be very important and consistently stable for the shrimp industry. For some, it is merely an alternative for times when fishing in their particular area is not lucrative and for others, it represents a regular major portion of their income.

Given the recent economic hardships the industry is experiencing, we believe rock shrimp importance will only increase in the coming years. It is for all these reasons that the Southern Shrimp Alliance believes that changes to management measures should seek to ensure adequate

access to the resource to maintain production levels that will sustain the fishery's infrastructure and markets.

Given that, the following alternatives best support achieving the economic viability we feel is right for the industry. With regard to Issue Number 1, the 15,000-pound landing requirement, we most support Alternative 2, to remove the 15,000-pound requirement.

Under Issue Number 2, regarding permits lost due to the 15,000-pound requirement not being met by December 31st of 2007, we most support Alternative 2 again, to reinstate the permits lost due to not meeting the 15,000-pound requirement by December 31st of this year. For Issue Number 3, regarding permits lost through failure to renew the limited entry rock shrimp endorsement, we again prefer and support most Alternative Number 2, to reinstate those permits lost due to failure not to renew their limited entry endorsement. There's a lot of confusion with that, as you all know, and I'll leave it at that.

As far as Issue Number 4 goes, we're polling members right now and we'll get back to you on that later and we will submit comments on that in writing when we submit our formal comments in writing prior to -- Is it January 18th that is the deadline for that? Is that correct? I just want to be certain on that.

Mr. Cupka: That's correct, Richard.

Mr. Vendetti: The 18th. We'll submit that with formal comments in writing and there again, I appreciate the opportunity to be here and look forward to working with you as you revise this fishery management plan.

Mr. Cupka: Thank you, Richard. The next person I have is Margot Stiles.

Ms. Stiles: I'm Margot Stiles and I'm speaking on behalf of Oceana and I'm actually speaking only on Issue 4. I know that's the question of whether to collect economic data and I feel like there's often conversations at the table about the lack of data and the difficulty of making decisions on a document where the socioeconomic section is quite thin.

I feel like it's only the minimum that's needed to make decisions is to require the collection of economic data and I assume -- I would defer to the experts if there's some level of like personal information and like you're not getting everybody's credit card numbers, but there's some level of economic data that's just really required to make good decisions and so I would strongly support Alternative 2 on Issue Number 4, specifically on the rock shrimp fishery.

We had participated in sort of informal interviews of some participants in the fishery and it's clear that the description could be updated and so even more specifically than the general principle, data on the rock shrimp fishery would be very helpful. Thanks.

Mr. Cupka: Thank you, Margot. That's all the people who indicated they wished to speak. I'm going to call on these other ones to see if maybe they've changed their mind: Michelle Duval, Carol Potter, and Ron Krantz. Is there anyone else who hasn't filled out a registration who

wishes to speak on the proposed rock shrimp amendment? Seeing none, then that will conclude our scoping meeting on rock shrimp and that takes us to our next scoping meeting, which is on the king mackerel.

Bear with me, but I have to put this on the record. Again, good evening, ladies and gentlemen. I am David Cupka and tonight, I'm acting as chairperson on behalf of the South Atlantic Fishery Management Council. The other council members are here also and we want to thank you all for taking the time to attend the meeting.

The purpose of this scoping meeting is to give you the opportunity to comment before the council develops a position on an issue. Scoping meetings are a part of the pre-management plan and amendment process. Scoping meetings are different from public hearings, in that the council does not have a position on a particular issue prior to scoping meetings.

This scoping meeting is to allow you to comment on the council's approach to allocating the Atlantic migratory group king mackerel commercial quota. Your comments will be considered by the council in discussing this issue and again, the scoping meeting will be conducted in the following manner.

Gregg Waugh will present an overview of the issues and any potential options and then you will be invited to comment on the issues and the options and all comments will be recorded by staff and shall become part of the permanent record and so I'm going to ask Gregg now to go ahead and do the overview on the mackerel amendment.

Mr. Waugh: Thank you, Mr. Chairman. Again, what we're looking at here is allocation of the Atlantic migratory group king mackerel commercial quota and why are we looking at this? Scoping meetings, as we indicated before, are less formal. We're seeking your comments on these actions before any decisions have been made.

Amendment 1 to the Mackerel FMP established a total allowable catch and allocated that for Atlantic migratory group king mackerel 62.9 percent to the recreational fishery and 37.1 percent to the commercial fishery. The TAC for total allowable catch for Atlantic migratory group king mackerel has been set for quite a number of years at ten million pounds.

Total catches have been somewhere between 4.4 and 7.4 million pounds over the fishing years 2002/2003 through the 2006/2007 fishing year and the council set the catch level, TAC, at ten million pounds, recognizing that it wasn't likely that that catch would be attained and so we expect that we're going to see future amendments lower that.

If we look at the 2006/2007 commercial catches, the quota was 3.71 million pounds and the actual catch was 3.65 million pounds, very close to filling the commercial quota based on a TAC of ten million pounds. Future TAC levels are likely to be closer to seven million pounds.

Again, you can see that the catches over the past several fishing years, the highest they've been is 7.4 million pounds and so we're not prejudging what's going to be in the SEDAR assessment, but we're just saying if you look back over time, the highest long-term average yield out of that

fishery is closer to seven million pounds and certainly not ten million pounds.

Why is the council considering action? The more recent data indicate that a closure could be expected if the TAC were to be reduced from ten million pounds down to say 7.1 million pounds, which was the council's preferred TAC when we went out to public hearings on Mackerel Amendment 18.

We got a lot of input to change that and not go forward with that action at that time and that's what the council did. If you look under a TAC of 7.1 million pounds, the commercial quota would be 2.634 million pounds and looking at total catches, cumulative catches, they were 2.33 million pounds at end of October and 2.61 million pounds at the end of November, indicating that had the TAC been lower, we would have had a closure in early December.

If fishermen change their pattern, recognizing this, we could have that closure occur earlier in the year. If a closure occurred at the end of October, recent data indicate this could result in a loss of income on the order of 60 percent for North Carolina and that's because 60 percent of the landings were made between November and the end of the fishing year.

It doesn't affect Florida, because a closure at the end of October or later would not impact Florida counties south of the Flagler-Volusia County line, since the season for South Atlantic king mackerel ends on November 1 for those counties and they start fishing on Gulf migratory group king mackerel and so that boundary switching gives them another group of fish to fish on. It would affect the northeast Florida counties, the Flagler through Volusia line.

The issues the council is looking at is to allocate the commercial king mackerel Atlantic migratory group. The no action alternative, we're looking at state-by-state quotas and another alternative would be semi-annual quotas, where you split it up March 1 through September 30, and then October 1st through the end of February, which is the end of the fishing year, or March 1 through the end of August, and then September through the end of the fishing year. The other alternative is a regional quota, where you might lump Georgia and Florida together and then North and South Carolina together.

That's the only issue that we're scoping at this time. We will have some additional scoping meetings in early 2008. The comment period on this closes February 22, 2008, and then we work with the Gulf Council to develop an amendment that has a number of issues in it and we also wait for the results of the SEDAR king mackerel stock assessment that will take place next year.

We're looking at working on that and having public hearings likely sometime in the May/June 2009 time period and so not next year, but the following year. We anticipate working with the Gulf Council on this amendment during next year. The intent would be to have regulations in place by January of 2010.

For additional information, we will publicize where we're having the additional scoping meetings. The council members are listed in the scoping document on page 11 and more information is available on our website and we've got the email address to send in comments.

Thank you, Mr. Chairman.

Mr. Cupka: Thank you, Gregg. Now, we'll open the scoping meeting for your comments on this issue and first, we will hear from those persons who have indicated a desire to speak on their registration form. Again, I'll ask you to come forward to the microphone so that we can record your comments for the record and again, please state your name for the record and the name of any organization for which you may be acting as an official spokesperson. The first person I have is Terrell Gould.

Mr. Gould: My name is Terrell Gould. I'm with Carolina Headboats. I run the Carolina Princess out of Morehead City. It's a hard call on the mackerel there. From what we've been seeing, there's more and more of them every year, but I see the council wanting to regulate more and more. You're talking about taking the TAC down. It's hard enough to make a living out of the water as it is nowadays.

You folks have done a fine job of restoring the stock of mackerel. I've fished for them all my life and I know how it fell out in the late 1970s and early 1980s. You all put a lot of regulations on them. The stock is better every year. I don't really follow the reasoning behind lowering the total allowable catch at this time, when we're seeing more caught recreationally every year.

The fish aren't as big as they were thirty years, but the stock is rebuilding itself and the way I look at it, by reducing the TAC on the mackerel, you're going to be cutting a source of income for people that really need it that's nowhere near as smart as you folks are.

All they know how to do is fish. They grew up doing it and the more regulation on it, the more you're going to drive them down. The middle class is going down as much, as you all know. I think I would stand pat on the TAC at this time and give it a few years. It's rebuilding all the time. Don't take no draconian measures and leave it like it is. Thank you.

Mr. Cupka: Thank you, Mr. Gould. Ernie Foster.

Mr. Foster: My name is Ernie Foster and I'm from Hatteras, North Carolina. I'm representing North Carolina Watermen United, which is a coalition of charter and commercial fishermen and small businessmen here in North Carolina. My father started a charter fishing service in Hatteras in 37 and I've fished every season since 1958 and so I have some background.

This fishery, with the present regulations, is a healthy fishery and it begs the question of it ain't broke, why are you fixing it? That question has bugged me and bugged me and bugged me. Why do we now have a crisis in a healthy fishery?

Before I go on with this, I would like to say that if you're going to fix what ain't broken, our preference would be, I guess, Alternative 2, in which the citizens of this state finally get their fair share of whatever it is the heck's being dumped on us. Our preference is Alternative 2. Why is this a crisis? I went to a meeting in Ocracoke recently, a marine fisheries commission meeting, and I got the LAPPs publication.

I looked on the back at the featured photo and I see numerous I guess they're crab pot buoys, no two of them belonging to the same fishermen. These are all retired watermen, I guess, retired watermen. What is going on? I didn't know until I heard my President speak and declare a game fish status for striped bass and then on behalf of the Coastal Conservation Association, explained that the striped bass and channel bass are overfished, which is a PR gambit having nothing to do with the truth and it starts making more sense.

This LAPPs deal is an economic plan designed to wipe out smalltime fishermen in my village. We turned the screw economically and we turned the screw economically and smalltime independent watermen, both charter and commercial, in North Carolina will no longer be able to make it and every one of you understands that, turn the screw.

The notion that this publication says that economics is all that matters, that my community doesn't matter, that the social fabric of my community does not matter, that one fisherman would rather have it all than share with his friends and his neighbors is a value system that most of the commercial fishermen I value and that I know do not hold. Maybe members of this group believes that, but you haven't checked with the commercial fishermen that I know. I would strongly urge you to get a grip on that.

The idea that we force out all working watermen so that a small number of relatively elite individuals can have all the fish for themselves and that tax-paying watermen should get off the water and go work for someone else is something that I find to be reprehensible.

85 percent of my income is from charter fishing. I have seen the smiles that come on the face of people when they fish. I love it. I love the recreational part of it, but the notion that you're going to reallocate and wipe out hardworking watermen so that a relatively small number of citizens can have them all is simply wrong. Thank you.

Mr. Cupka: Thank you, Mr. Foster. Next is Kelly Schoolcraft.

Mr. Schoolcraft: Thank you, Mr. Chairman, for this opportunity to address the council here. My name is Kelly Schoolcraft from Frisco, North Carolina. I'm a fulltime commercial king mackerel fisherman, representing the Fishing Vessel Country Time and other commercial fishermen at my dock.

I've got a lot to address, but apparently the only thing I can address tonight is the allocation of the TAC, which is okay, because that's the main thing. Going to that, there's three questions that I would like to answer that I really don't know the answers to. Is there any representatives from SEDAR here that can enlighten me on anything? No? I'll continue then.

Mr. Cupka: Mr. Schoolcraft, if I may, there's a number of staff people here and we would be glad to meet with you individually after this to answer any questions, but we're really just looking for any input you may have on this allocation issue.

Mr. Schoolcraft: Right. I understand that. I want to read real quick-like three articles here from the *Virginia Pilot*, the local paper that we get in North Carolina. It comes from Virginia and it's

written by a sportswriter up there. This first one is dated July 19, 2007: There are times when fishing for king mackerel is pretty good off of Virginia and North Carolina, but more often than not, especially in Virginia waters, king fishing is lukewarm, at best. At the moment, however, king fishing are about as plentiful as they have been in recent memory. This was in July.

Following, October 11, 2007, by the same sportswriter from the same paper: Anglers who thought that this has been a better than average year for king mackerel catches along the coast didn't know how right they were. Action got even better the last few days. Waters along southern Virginia Beach were invaded by hordes of marauding kings taking advantage of large schools of bait fish, even moving close enough to be available to surf casters.

One week later, October 18, 2007: Fish taking to the air in the distance, hookups as soon as the bait is dropped behind the boat, blistering runs and lots of screaming drags. Get the picture? It's king mackerel action and it's arguably as good as it's ever been. At the very least, it's better than it has been in twenty-five years. Fish are being caught from Cape Henry to the Virginia/North Carolina line in incredible numbers.

Kings are coming so close to the beach that anglers working the ends of Virginia Beach Little Island fishing piers are getting in on the action. The reason for this year's boom is pretty easy to figure out. The waters along the coast have remained clear and bait is plentiful.

My question to the SEDAR was going to be how were these assessments done and the methodology and all, but I can talk about that later. Basically, what I'm going to sum up on the assessment is if anything comes in from SEDAR that shows that we ought to do more than what is already being proposed, that's not going to fly, in my mind, and it's totally unacceptable.

However, it does seem like we're on track to have a cut in the quota and some kind of allocation. Therefore, it is by my view that we should go and one quick mistake here. In the current situation, on the back of the chart, the number 1, Gregg, in the presentation that you had was no action and quite frankly, that ought to be the action that's taken, but I doubt that will be.

Secondly, it should be a state-by-state. We should not be tied into the regulatory forums of another state on how we might manage this fishery, because bear in mind -- I agree with everything that you said here and this current situation on the king mackerel, but there's three things that you left out in it.

Number one, it is limited entry. The permits that are out there are out there. There's not going to be any more made or coming in. If somebody wants to get in it, somebody has to get out. Number two, the status of the stock is not overfished. In every publication that South Atlantic puts out, it says it's not overfished and right under that, that overfishing is not occurring.

You ought to take no action on this until more data is collected on it, but if you do take action on it, my preference would be a state-by-state and the reason behind this is you can look at some of the northeast fisheries that's been managed by that and number one that comes into my mind is the sea bass, of which I hold a permit.

Northeastern originally had a coastwide and when that quota was met, that was it and North Carolina got left out. Then it went to a quarterly and the same scenario. North Carolina got cut out, because the fishing practices of other states affected us, to originally to what we have now, which is a state-by-state allocation for northern sea bass, managed by our state, and it keeps our guys working year round and not cut off because of some other state's practice. If we do go to an allocation, I would certainly encourage our state managers and representatives to go for the state-by-state allocation. Thank you.

Mr. Cupka: Thank you, Mr. Schoolcraft. That's all the individuals I have who indicated they wished to speak and I'm going to go ahead and call on the other ones and see if you've changed your mind. John Lusk, Barry Whitaker.

Mr. Whitaker: My name is Barry Whitaker and I run the Fishing Boat Atlantic Rose. I just wanted to say that I thought that Mr. Foster and Mr. Schoolcraft's arguments were dead on with what I would add. I don't understand the need. I don't think anybody considers king mackerel overfished, including yourselves, and I think Option 1, to take no action, is obviously the correct choice. It seems like the only choice at this point and that's it.

Mr. Cupka: Thank you. Chris McCafferty.

Mr. McCafferty: My name is Chris McCafferty and I would just like to say that I think that no action should be taken. The fishery is sustainable and healthy and I think that you all get together and you have so much invested and so much time in it that you feel like you have to make some sort of regulations.

You have regulations in place on almost everything and almost everything is limited entry. I believe that this is America and we're free and we should just allow the fishermen to be free and make a living. We have enough market forces, with the high fuel prices and imports and other things, that are weeding out fishermen as it is, along with many of them aging. I would suggest no action on almost all of your snapper grouper amendments and also the kingfish. Thank you.

Mr. Cupka: Thank you, Mr. McCafferty. Tom Edy, Dave Timmy and Jess Hawkins. Is there anyone else who hasn't filled out a form who wishes to speak on this? Okay, Sean.

Mr. McKeon: Sean McKeon, North Carolina Fisheries Association. I wasn't going to say anything on this matter. I was going to wait for our comments to come in, but this is a classic example of a solution in search of a crisis. I was thinking the first time I heard about this was down in Hilton Head. This was prior to our 13C lawsuits and prior to all that reauthorization of Magnuson, et cetera, et cetera.

I remember spending two or three days in Hilton Head and all I heard about was overfishing, overfishing, we've got to stop overfishing and we've got to stop these overfished stocks, et cetera, et cetera. Then the day came to talk about mackerel and I think I was sitting next to Kelly, as a matter of a fact, and I think Andy High might have been there and I remember all of sudden the discussion changed.

Here was a fishery perfectly healthy and here was a fishery not overfished and overfishing not occurring and the commercials are not catching their TAC. They are in other fisheries, but there it is, the mackerel fishery, in case they need it, has a pretty good TAC for them and we're told, well wait a minute, it's not overfished and overfishing is not occurring and they're not catching their TAC, what's the solution? Let's cut the TAC.

We have educated ourselves into imbecility, to quote Malcolm Muggeridge. The more this council seems to tell us they know, the less they actually know. This is a fishery that needs to be left alone and these fishermen need to be able to make a living in this fishery.

I would suggest if anything is done that state-by-state would certainly be something we would applaud, for the reasons that the other gentlemen have already spoken about, but it really is -- It just gets to the point where we come here and we speak and we tell you what we believe the solutions are and it goes in one ear and it goes out the other ear. These are becoming, in my view and the view of most people, exercises in futility.

I hate to bring that message to you all, because we do have a process that we have to participate in, but it is the message that I bring. We see fisheries that are good and you see them bad and it's getting worse and worse and I'm not really sure what the solutions are, but I hope, I hope, that some of you who may not have a conscience about some of the things that you're doing look into your hearts and at least understand that what you're doing to these people and the communities in which they live is unconscionable.

Mr. Cupka: Anyone else? Seeing none, then that concludes the public scoping meeting on king mackerel and next, I'm going to turn it over to George Geiger, who is going to chair the snapper grouper hearings.

Mr. Geiger: Good evening, ladies and gentlemen. I'm George Geiger and tonight, I'm acting as chairperson on behalf of the South Atlantic Fishery Management Council. Other members of the South Atlantic Council are also here and we would like to thank you all for taking the time to attend and speak to us this evening.

The purpose of this hearing is to allow you to comment on the proposed fishery management actions for Amendments 15A and 15B to the Snapper Grouper Fishery Management Plan in the South Atlantic Region. Please keep in mind the measures are proposed for regulation to the fishery and we are here this evening to receive your comments on these proposed regulations.

The full council will review the comments from all previous public hearings during this council week, while we're here in North Carolina. We will determine if the regulations should be revised or modified based on those comments and those received this evening. The proposed actions for Amendment 15A are scheduled for submission to the Secretary of Commerce in December of 2007.

Amendment 15B is scheduled for submission in March of 2008. Proposed regulations will be published in the Federal Register and the public will be provided with an additional comment period. Tonight, what we'll do, the same as we've just done, is we'll have council staff give a

briefing on 15A and 15B and the proposed management actions and the alternatives that the council has considered.

Then we'll take your public comment on those amendments and those planned actions. The information for both amendments is contained in amendment summaries and the public hearing documents located at the rear of the room. We're going to record all your comments and they will become part of the permanent record. Gregg will now present an overview of the materials in Amendment 15A and 15B.

Mr. Waugh: Thank you, Mr. Chairman. In terms of the need for Amendment 15A, we're responding to stock assessments that have been completed through the SEDAR process for snowy grouper, black sea bass, and red porgy. We're updating our management reference points: the maximum sustainable yield, or MSY; the optimum yield, OY; and the minimum stock size threshold, MSST.

These are the guideposts that the council uses to determine stock status and for any of the species that are overfished, we're implementing rebuilding plans. In terms of the guideposts, MSY is the largest average catch that can be continuously taken from a stock. This is the limit and we don't want to exceed that.

The optimum yield, or OY, is the amount of catch that will provide the greatest overall long-term benefit to the nation and this is the target level of production that we're searching for and trying to achieve and the optimum yield is always less than the MSY. Here, we show this. The biomass of the stock is increasing. The red zone is overfished. We don't want our stocks to be in that position.

The minimum stock size threshold is the level that's specified and if the stock biomass goes below that level, then we're in an overfished state. The biomass that can produce MSY and then we're aiming for a higher biomass that can achieve OY, so that as the population fluctuates, due to environmental and other factors, the biomass doesn't go below the biomass that can produce MSY. We're shooting to keep the stock biomass up around the OY level.

A rebuilding plan is a plan to recover stocks to a sustainable level, and that's at least BMSY, within a specific period of time. The rebuilding plan has two components. One is a rebuilding schedule and how long are you going to take to rebuild a stock, or stocks, and the other is a rebuilding strategy, what's the catch levels and what are the regulations that you're going to put in to achieve that rebuilding.

Let's first look at snowy grouper. In terms of the schedule, the council looked at three alternatives. Alternative 2 is thirteen years and Alternative 3 is 23.5 years and Alternative 4 is thirty-four years. The council has chosen Alternative 4 as the preferred alternative, in large part to minimize the social and economic impacts to the fishermen in the community, while still rebuilding the snowy grouper resource.

Here's looking at the schedule is thirty-four years and here's the strategy or the trajectory of catches. Starting in 2009, the proposal is to allow a total catch of 109,309 pounds and that will

stay in place until 2013, when it's projected to increase. We also have a SEDAR update scheduled for 2010 and once we get the results of that SEDAR assessment, we'll know whether our regulatory actions taken thus far have helped or whether we need to change these numbers.

Looking at landings and proposed total allowable catch levels for snowy grouper from 1985 on, the blue line on the top is commercial landings and you can see that they've fluctuated around 400,000 pounds and there's been a gradual increase. Certainly regulatory actions are a part of that.

The recreational catch is shown down here, averaging much below 100,000 pounds. You can see that under all the rebuilding proposed alternatives that we're rebuilding the stock up to a level of just below 300,000 pounds.

Switching to black sea bass, again, three rebuilding schedule alternatives looked at. Alternative 2 is six years and Alternative 3 is eight years and Alternative 4 is ten years. The council has picked Alternative 4 as the proposed alternative, again in large part to minimize the social and economic impacts. We are phasing out the overfishing of black sea bass.

If we look at the projected numbers here, in 2007 we're proposed to go to a TAC of 1.16 million pounds and then from 2008 onwards, a TAC of 847,000 pounds. For black sea bass, we're getting a SEDAR benchmark, which is a complete reassessment, and that's scheduled for 2011. We'll know after we get those results what the effect has been of our management and whether that TAC number needs to change.

Again, looking at landings and proposed TACs for black sea bass, the recreational catch is shown here in the blue and it's averaged, in the 1980s and through the early 1990s, up around a million-and-a-half pounds. The commercial has been relatively stable, between 500 and about 700,000 or 800,000 pounds. You can see that there's a lot of potential yield here for black sea bass.

As we rebuild the stock under the various alternatives we're looking at, we're looking at sustained landings of between two-and-a-half and three million pounds once the stock is rebuilt. There's a potential to increase black sea bass above the landings that we've seen in the past.

The third species is red porgy. Red porgy is already under a rebuilding program. The council has specified eighteen years to rebuild red porgy and here's the TAC level for 2007. It's 261,895 pounds and that increases in 2008 to 395,281 and that's held in place through 2010 and we have a SEDAR update scheduled for red porgy in 2012 and so that may affect some of these numbers farther out.

We'll know to what degree we can relax management more for red porgy and again, looking at the same sort of information in terms of landings and proposed TACs, the commercial is shown up here. It's relatively high commercial landings in the late 1980s to early 1990s, 600,000 to almost 800,000 pounds, and then some large decreases.

Again, certainly regulatory actions have been a part of this. We had a moratorium in place for a

period of time and so we've brought the landings way down. You can see the projected rebuilding level up to around 600,000 pounds on a sustained basis for red porgy. What are the anticipated effects of these rebuilding plans? Positive biological and economic impacts.

It lays out a long term for management, reduces the risk of stock collapse, and we increase our TACs gradually up to an OY level. The schedule for 15A, as was pointed out, this is the last public hearing. Public comments, written comments, were due by 5:00 PM today. The council will review these comments this week and we will vote to submit the document to the National Marine Fisheries Service and that will be done -- We will send it to them in mid-December. The Secretary of Commerce, under a judge's order, must make a determination on the status of this no later than March 14, 2008. The intent is to have regulations in place by January of 2009.

Going ahead to 15B, the issues in 15B are allocations for snowy grouper and red porgy, updating management reference points for golden tile, eliminating the sale of recreationally-caught fish, implementing a plan to monitor and assess bycatch, requiring gear onboard commercial and for-hire vessels to deal with some protected resource interactions, and changing the permit renewal period and transfer.

The recent reauthorization of the Magnuson Act requires the councils to set annual catch limits and then the council has to set a poundage limit for the recreational and the commercial sectors. We've dealt with TACs before and now we have to have a method of allocating.

We're looking at interim allocations now and for snowy grouper, here's the TAC that we talked about in 15A and we're looking at three alternative allocations and they're all based on looking at landings data from different periods of time. Alternative 2 looks at the actual landings, recreational and commercial, from 1986 through 2005. That would allocate 95 percent commercial and 5 percent recreational.

If you look at a little more recent data, 1992 through 2005, the allocation would be 93 percent commercial and 7 percent recreational and more recent, the 2005 data, you can see gradually the recreational sector's share is increasing. The allocation under Alternative 4 would be 88 percent commercial and 12 percent recreational. The council's preferred alternative is Alternative 2, 95 percent commercial and 5 percent recreational.

Interim allocations for red porgy and, again, this is the TAC level that we talked about in 15A. Alternative 2 would allocate 1986 through 2005 and that would be 68 percent commercial and 32 percent recreational. Alternative 3 is 1992 through 2005, 44 percent commercial and 56 percent recreational, and Alternative 4 would just split it 50/50. The council has no preferred alternative right now and so we're looking to hear from you tonight.

In terms of black sea bass, we established allocations in Amendment 13C and that was 43 percent commercial and 57 percent recreational and the allocation issue is not an action item in Amendment 15B, because we've already specified the allocation for black sea bass.

Anticipated effect of allocation, without this action, it would not be possible to specify the allowable catch in the recreational sector and so we can't meet our new requirements if we don't

do the allocations. Biologically, there's no measurable difference in impacts between the alternatives, because we're talking about allocating the total TAC. You get your biological protection from the total TAC. Economically, it's beneficial to the sector whichever gets an increase from historical proportions.

The second item was the sale of recreationally-caught fish and here, the preferred alternative is to require a federal commercial snapper grouper permit to sell snapper grouper species and the purpose of this action is to prevent recreationally-caught fish from counting towards the quota, eliminate double counting, and to simplify law enforcement.

The anticipated effects, potential positive effects to the biological environment if it reduces recreational effort. If you can sell your bag limit caught fish to offset the expenses of fishing, there's an incentive to max out your bag limits. If you can't sell it and you're just dealing with catch you want to take home, there's less of an incentive to fill your bag limit.

The second is reduced revenues for some for-hire and private recreational fishermen and I should add here that we've heard that there are a number of full-time commercial fishermen that don't have the federal snapper grouper permit that sell bag limit caught fish legally and they would also be impacted and this would simplify law enforcement.

In terms of monitoring and assessing bycatch, the preferred alternative is to adopt ACCSP, but we recognize we don't have sufficient funding to do that now and so until funding becomes available, we're going to utilize current programs, like the bycatch logbook, to monitor and assess bycatch until more funding becomes available.

ACCSP refers to the Atlantic Coast Cooperative Statistics Program. It's regional organization with all the east coast states, all the councils, and the National Marine Fisheries Service and Fish and Wildlife Service. They've proposed and accepted a methodology to assess bycatch and the purpose of this is to reduce bycatch. We've got to characterize it and figure out what quantity is there and the sizes and so forth.

The anticipated effects, positive biological and economic impacts, is we better understand the composition and the magnitude of the bycatch and we can improve our data for stock assessments and get more appropriate management measures.

The next item is protected resources, sea turtle and sawfish. There are some interactions, rare, but some interactions with the snapper grouper fishery and so we're requiring certain gear to be onboard commercial and for-hire vessels and this is outlined on pages 2 through 5. The purpose here is to help minimize the impacts on sea turtles and smalltooth sawfish if they should be hooked.

This will be positive effects to the biological environment is that it minimizes impacts to sea turtles and sawfish. There's a cost to the vessels. If they don't have any of this gear onboard, it's going to cost somewhere between \$617 and \$1,115 for them to have this equipment.

Some good news for the commercial fishermen is some changes to the permits. When we

implemented Amendment 8, we put in a sixty-day renewal period. The intent was to remove latent effort, figuring that those fishermen who weren't actively fishing wouldn't renew their permits.

However, we've had some full-time active fishermen miss this sixty-day window and so the proposal is to change the permit renewal from sixty days to one year. This will be more consistent with our other renewal periods. There may be some adverse effects to the biological environment, because we recognize we've got excess effort in that fishery and so we won't reduce the number of permits as much, but there are positive economic and social effects, because fewer permits would be lost.

In terms of permit transferability, we implemented a two-for-one program, where if you wanted to enter the fishery, you had to buy two permits and retire one. The permits are expensive and the -- If fishermen want to incorporate their business, the ruling has been that you have to go through this two-for-one permit process and that wasn't the council's intent when we started down this road and so what we're doing is clarifying this to adjust permit transferability requirements.

This will allow individuals to form a family corporation without triggering the two-for-one process. Biologically, this has no measurable impacts. It has positive economic and social benefits, because of the tax and liability benefits associated with incorporating your business.

This is the last public hearing, but the comment period is continuing through January 11, 2008. The council will look at comments we've received thus far at this meeting and give staff some guidance on how to revise the document and then look at all the comments at the March meeting and vote to approve to send the document to NMFS at March 2008.

There's additional information in the presentation document and we've got the email contact there for comment. If you've got questions, Richard DeVictor, that's his email address there, he's the one to contact. Thank you, Mr. Chairman.

Mr. Geiger: Thank you, Gregg. We're going to now open the formal portion of the public hearing for comments on 15A and 15B and this is a little bit different, because we're taking comments on two amendments. I have a number of cards here. Some haven't indicated whether they want to speak on one versus the other and some have indicated they want to speak on both. If you just come forward and give your comments, I think it will be obvious to us which amendment you're speaking to and if you've indicated one and not the other and you decide you want to speak on both while you're at the microphone, please feel free to do it while you're up there, please.

Again, we're going to take the cards in order and come forward, again, to the microphone and push the button to get the active red light going and just leave it on for the next person. I'm going to call two names at a time and if the second person would come and sit in a chair in the front row and be ready to go, I'll call two names subsequently and we'll maybe cut down on the travel time to the microphone. We've got a number of people here who want to speak. The first two speakers will be Jess Hawkins and Robert Freeman on deck.

Mr. Hawkins: Thank you for taking my comments. My name is Jess Hawkins. I'm a retired fisheries biologist, thirty years, from North Carolina. I would just like to speak about eliminating the recreational sale of fish. In North Carolina, you probably know -- I think Mac and probably Brian, or Louis, have told you that you have to be properly licensed in North Carolina to sell fish.

There's a limited entry program in that. There's a limited number of licenses and so in North Carolina, it's very important -- In my personal belief, it's very important to have diversity and so I do not understand where commercial fishermen that are properly licensed would not be able to sell legally caught catch and so I would be opposed -- I personally am opposed to prohibiting that.

Mr. Geiger: Thank you, sir. Robert Freeman and Jeff Oden.

Mr. Freeman: My name is Robert Freeman. I operate Sunrise Charters. Concentrating on snapper and grouper in the deep water is our primary focus, fishing where the snowy grouper live. We just finished a pretty good season, 129 trips, with some of the best snowy fishing we've had. We tried some different things this year and typically, we fish using a small bait, because there's four species that live where those fish live.

The snowy grouper is a fish that has a mouth big enough to eat a baseball or a softball. The red pogy can eat a large marshmallow, the b-liners a large marshmallow, and the tilefish usually a large marshmallow and the tilefish, usually a bait the size of a large marshmallow.

Just to prove that there's, to my satisfaction, that there's grouper there that we haven't been getting because of my strategy in the past of using small baits to target these fish, when we use whole menhaden and fish like that, sometimes we were getting ten snowies on fourteen hooks and I'm talking about eight to sixteen-pound fish.

When we dropped back to smaller baits, we're catching the juvenile fish, one to three pounds, which a guy drives from New York to come down here and go fishing, he's not going to go home with a one-pound snowy. He's going to throw that sucker back and keep on fishing. There's a lot of fish out there that the data is not accounting for.

I see in Amendment B where some of the data that was being used was headboat data from 1986 to 2005. I'm somewhat familiar with the operation of the three headboats that run out of Morehead City and I don't know a single one of them that's made a snowy grouper trip probably since 1981. I think Sonny Davis on the Captain Stacy IV, they quit providing electric reels on that boat and since then, they've fished the waters shallow enough that the snowies are not there.

The shallowest I've ever caught a snowy is usually around 240 feet and most folks don't want to hand crank in water that deep and so that headboat data for North Carolina means nothing so far as using it as data to determine how many fish are out there.

I've been to this podium a number of times all up and down the east coast with the same

message, the methodology being used to determine the fish that exist out there stinks. I have been focusing on snowy grouper fishing since 1972. I've been running my charterboat twenty-five years. This past season, we ran 129 days and so cumulative for that twenty-five years, I've run over 2,000 trips.

It just discourages and appalls me the interest that the marine fisheries people have in collecting data from somebody that does it every time they go fishing. I was on the North Carolina for-hire survey this year. The methodology of that system don't work. We guys that have to fish for a living, we are not at home to answer the phone and so the data they're getting is from my wife. All she knows is I went fishing and they're satisfied with that. How many days did he go? Well, he went four out of seven and okay, that's good enough.

That doesn't give me any biological data on what lives out there in sixty to a hundred fathoms. There's a problem here. We need more people in the field going to the dock where these fish are hitting the shore and find out what's going on.

I spoke with one of our other commercial fishermen before the meeting. I did not have the privilege of reading the entire big document, but he said that the Southeast recreationally, there were 250 snowies caught in some test period there, I assume in a year. Brothers, I caught twice that many this season. The fish are not being counted accurately and it's an injustice to us that are trying to make a living doing this and it just stinks.

I would hate for my constituents to think that I did my job like these fishermen think this council is doing their job. You cannot count fish sitting in an office and doing empirical data around a fish this size ought to have that many eggs and was that before he got his tail bit off by a shark or after? There's just a real problem with what keeps coming up here.

Amendment 13 cut us to one snowy per person and we're living with it. We still book as many trips as we ever did, but we're targeting the red porgies and we're getting them. Two times this year in one day, we got twenty-four porgies in thirty minutes with a daggone thirty-knot wind coming out of a rainstorm that was fixing to run us off. Those fish are there. We've caught more citation porgies than we have in I don't know when. The biggest one this season was seven-and-a-half pounds and that was a nice porgy. They're there in certain places.

I have a unique experience that I've got some numbers that I have fished since 1981, the first time I had loran, but prior to that, we would go out and fish depths -- We would fish using a fish finder and come home with a compass.

When we could finally use loran and now GPS to determine we're going back to the same place day after day, I'll see fish sizes change trip to trip and I see the mix of tilefish and snowies will change on a particular place, whether it's an environmental thing or the snowies get culled out or the tilefish are abundant enough that they're running them off and taking their food supply or what, but there's information to be gained from you guys getting in bed with us fishermen and taking some of our data and using it, because we don't believe this stuff that's coming out a computer. At Myrtle Beach, there was some information pointed out --

Mr. Geiger: Mr. Freeman, I don't mean to interrupt you, but we're here to take public comment on Amendments 15A and 15B and your comments are basically focused on the data. I would be happy to sit and talk with you about the data after this, but we've got a lot of people who are here to speak on 15A and 15B and so please wrap up your comments and address those two amendments, please, and we'll listen to your comments about the data afterwards.

Mr. Freeman: Amendment 15A and 15B, I recommend no action until better data is gathered and it has to be done outside an office and a laboratory. Thank you very much.

Mr. Geiger: Thank you, sir. Jeff Oden and Dave Timpy.

Mr. Oden: Speaking to your point there, Bobby, the biological research needs of snowy grouper, they need to develop standardized techniques for aging --

Mr. Geiger: Jeff.

Mr. Oden: Yes, I know.

Mr. Geiger: Please identify --

Mr. Oden: I'm going to get to the point.

Mr. Geiger: You need to identify yourself for the record, please.

Mr. Oden: Jeff Oden.

Mr. Geiger: Speak to us.

Mr. Oden: Anyway, sampling programs are needed to quantify discard rates. Research is also needed to identify management measures that will reduce discard mortality. Expand fishery independent sampling of snowy grouper. Representative age, length, and sex composition data are needed for all fisheries, commercial, MRFSS, headboat, gear, seasons, and areas.

Additional life history and biological research needs to cover the full geographic range of the species, fecundity information by age and length, and further research is needed into the implication of sex change for fishery management. They've got this fishery figured out, Bobby. They sure do.

Anyway, my comments are this. I just happened to read this. Good evening, my name is Jeff Oden. I have been an advisor to this council for five years now. I've been snapper grouper fishing for thirty years, but that is all about to come to an end by design. My main focus is with those of us that participate in this fishery up north as a deepwater complex, primarily snowies.

With that said, I was asked to be an advisor by the Snapper Grouper Committee by one of its former chairmen, Mr. Wayne Lee, who represented the recreational sector. The two of us had, prior to becoming involved with this council, served as members of the ASMFC's advisory panel

and as we became friends over time, Mr. Lee became aware of the other seasonal fisheries that we participate in our northern Carolina fisheries, which he, like myself, represented.

It was with this understanding and the direction that this council was pursuing, with snowy grouper in particular, that distressed him to the point that he contacted me and mentioned an opening in the Snapper Grouper AP. Though he represented the recreational sector, he also became good friends with many of us up north that were commercial.

His belief was that the fish came absolutely first and then we would sort it out fairly thereafter and with that said, I can confidently state that Mr. Lee, were we still blessed with his presence, would be extremely disappointed to know that this council, with the present direction, has knowingly destroyed the regionally diverse snapper fishery in his area, all thirteen permits in two adjacent counties to his.

One last bit of chronology and I'll get to the point of my being here. As some of you may have known, there was a court challenge to Amendment 13, which has now morphed into 15A, B, C, whatever. As one of the litigants, I can tell you that we prevailed on requiring this council to move ahead with a rebuilding schedule, as required under the MSA. Unfortunately, it's what the judge didn't address and the liberty that this council has taken without oversight that is the crux of the problem. More on that later.

As we all know by now, this council is mandated by the MSA to end overfishing by 2009. What those of us who are feeling the crunch commercially don't realize is that you are not only ending overfishing on our sector, but are also being asked to do it for the recreational community as well. I will use the one fishery that I know best to make my case, snowy grouper.

First, at a trip level of only a hundred pounds, can I get a show of hands of how many commercial guys in this audience that expect to catch that next year? Will you go out of your way to catch it? There's no need of going on, because I was going to say well, how about incidentally to it. How about incidental to that? Okay.

In case you didn't know, you will not be allowed any quota underage carryover, which is to say that if we only combine for 20,000 pounds of 84,000 pounds of quota next year, the rest will be used to cover the recreational overages that will be coming, since their sector is only supposed to catch 4,700 pounds coastwide, Virginia to Key West. Okay?

Essentially what that will do is a fishery that was historically 96 percent commercial will become -- A 4 percent recreational fishery will be allowed to escalate unabated at one per person bag limit. Anyway, I could -- One per person, 4,700 pounds, I wonder how many -- Bobby just said he caught twice that. Anyway, that aside, and now I get back to the point of the judge's oversight.

Many of you who read the recent council Update probably got the same dose of indigestion that I did. If you have not read it yet, go get it right now and don't miss a word, starting with our present chairman's corner. There are probably no issues in fisheries as contentious as allocations and especially when you're on the losing end of the stick, as I have found myself often.

I watched the striped fishery in 1980 with a 60/40 split in my favor in this state now is less than 7 percent commercial. I am allowed ten a day for three days a year commercially on a good year. On the other hand, I could go and catch two a day for 365 days a year recreationally and oh, now our President, at the request of the CCA, has decreed they should be a game fish, thereby depriving at least 90 percent of the people who voted for him access to this delicious resource.

In my case, even though I had one of the highest landings in our state in that resource back in 1980, when it was closed, I don't even bother with the fishery anymore, since it isn't worthwhile. My point is that is what this council intends with the respective fisheries under its jurisdiction, especially snowy grouper, but there is one difference which it seems to ignore.

Striped bass are managed under the ASMFC, which is a commission that deals with state issues. For some odd reason, this commission, unlike the federally managed councils such as this, have no national standards by which they have to abide and there is where the rub starts. This council is required to ensure that recovery efforts and benefits be allocated equitably.

Unfortunately for us commercially, this council seems intent on allocating them according to the present bias inherent within. Amendment 13, 15A, 15B, plus 15C will ensure that. Yes, I know that according to the documents that is not the stated intent, but for those of you that have already taken the time to dissect 15A and 15B, I am sure it didn't take long to realize the intended effects that the so-called assumptions will have on the few watermen still left under this council's jurisdiction.

What this council seems to forget is that assumptions aren't enough. It has to ensure that recovery efforts and benefits will be allocated equitably. I repeat, it has to ensure it. However, this council is in the process of doing a chairman-initiated cost/benefit analysis to highlight the supposed recreational value of this nation's fisheries, to this nation and its fisheries.

Of course, all of this supposed value to our nation could be laughed off by a simple balance of trade issues it creates, be it the balance of trade issues created by the fuel to run 2.7 million registered recreational boats in the South Atlantic or the simple fact that our country is forced to supplement a hijacked resource by importing a supplement.

For those reasons alone, this analysis just doesn't hold water. An outboard running around with three or four 250-horsepower outboards hanging off the stern is not doing this country any favors. Furthermore, this council can state that allocation decisions are our right, which it has, but its integrity will be in question, since it is already going out on a limb to preserve status quo in a dolphin wahoo fishery that many felt was gaining momentum commercially.

What is important about the parallel between those two fisheries is that they were almost an exact reversal percentage-wise as the deepwater complex, which this council seems to have no problem reallocating under its present course. Again, to make my point, I'll use the snowy fishery as an example.

What is in the process of happening in this fishery is that this council claims that this fishery is

so fragile that they would disallow any opportunity for the commercial fishery that has dominated it historically to attain anything close to its TAC is now going to allow a recreational fishery it claims only catches less than 250 fish a year from Virginia to the Florida Keys one per person per boat.

That is to assume that the 2.7 million registered boats in the southeast fisheries would stay within their 4,711 pound coastwide target. On top of that, the commercial underages, as stated before, will not be allowed to be carried forward, which will, of course, become rather convenient, since the recreational target for this species is so low.

The fix is just a simple reallocation, folks. If this council is true to the intent of Magnuson, then it will manage this fishery according to the science. The science suggests that the recreational community only catches less than 250 coastwide in a given year. Bobby? I don't believe it either, but anyway.

For that reason, the recreational fishery should be either shut down or at the very least, restricted to one per person per day, one per boat per day, and that will more or less maintain status quo in this fishery. At least at one per boat, it will retain a semblance of its present make-up allocation-wise. Simply put, it, like the former commercial fishery, will become nothing but a bycatch fishery. If, after all, it is about conservation of this species, is that not the proper course? In fact, that was what Susan Shipman said at a prior council meeting.

With that understanding, to those that took the time to read Chairman Geiger's discussion on allocations in the latest Update, it is probably becoming clearer what he meant by such references as forward looking rather than backward. What he is implying is that you had better be looking for another occupation and backward at your former historical fishery.

When he speaks of interim allocations, he is speaking of the time when we have wilted on the vine commercially so this council can follow the National Marine Fisheries Regional Administrator's suggestion, Mr. Roy Crabtree, who stated on more than one occasion that as the demographics change, so too can the allocation.

When Mr. Geiger talks of the future needs of the public, he is speaking of his CCA angling buddies and not his countrymen, who have every right to this resource, whether they fish or not. In fact, I am sure they would prefer it to some unknown from China. To that point, I have this to add.

On top of being a fisherman and a snapper grouper fisherman for the last thirty years, as stated before, I also run my family's oceanfront motel, which has been there for over fifty-three years. Throughout that time, the most asked question when people check in is where is the best restaurant to get some local seafood for dinner?

The bottom line concerning this fishery is this. You don't reallocate a fragile fishery to a sector that you can't control or quantify and you don't end overfishing by a given sector by reallocating, as the intention with snowies. By the time this fishery is rebuilt to where you can logically expect to increase effort, the ongoing two-for-one permit sanction will have whittled

the historical fishery considerably more.

Add to that the fact that over 50 percent of the fishermen in this fishery are over fifty. In the last few years, the fleet has dwindled from over 800 permits to less than 650, of which less than 270 are active. Do the math and it is easy to see that with a two-for-one permit process, this fleet has already been rationalized and will continue on an increasing rate, due to the age, in the near future.

If this council insists on a reallocation, or rationalization, as they would prefer to call it, then just hold the course. At least on this course the present participants will retain their dignity until the end. Finally, until I give my options that is, I wonder what the direction this council would be taking at this moment if Wayne Lee was still chairman. One thing is certain. Its integrity would not be in question.

Having said that, I have a few other comments on options. As for permits, why should this council care if a fisherman is incorporated or not, as long as the same individual is on the permit? Otherwise, we want Mr. Mahood's liability insurance policy number, so as to sign on as dependents.

As for the charter/headboat permit moratorium, rescind the permits that have been allowed since 1999 if this fishery is in such dire straits, which have almost doubled in this state alone, while we commercially have been subjected to the two-for-one sanction. Then give either the disenfranchised, or the soon to be disenfranchised with prior history to that time, the right to such a permit. In other words, you don't allow one group to escalate via another's demise.

Bycatch, in snowies, it seems the Florida golden tile fishery is the one driving the bycatch problems within the snowy fishery and for the record, the Florida snowy golden tile fishery is executed in Florida. It's not in North Carolina, further proof of all the more need for both regional management in both our states on kings, but not only that, but also bottom fish.

If we want to talk bycatch, multiple hook rigs with one fish bag limits do not equate to conservation, as much as some might want to ignore. It is not catch and release. It is bycatch. Address it.

Regional aspects of the fisheries, this council has done not one ounce of effort -- Put one ounce of effort towards trying to mitigate management and equities by allowing states jurisdiction over its historical allocations. In snowies, we could have a small fishery if it were allocated that way and as such, it should be. Louis would be more than happy to go along with us and am I right, Louis? Say yes.

Permit transferability, continue the two-for-one until at which time this fishery is rationalized with not less than 200 active permits coastwide. Sale of rec fish, why are we even here asking that question now? You don't sponsor your sport. Tournament fish are rec-caught fish and therefore, no sale. Charter/headboat fish are recreational-caught fish and not tips and therefore, no sale. King mackerel, status quo with accountability. Thank you.

Mr. Geiger: Dave Timpy and Terrell Gould.

Mr. Timpy: Thanks a lot. My name is Dave Timpy and I'm from Wilmington, North Carolina. I drove up tonight. I just heard about this meeting today and I've been out of town for about a week and so on the way up, I read the South Atlantic Update and while I was sitting here tonight, I read the amendment.

My comments are regarding Amendment 15B. I'm a recreational fisherman and I hold a standard commercial fishing license. I also have a master's degree in oceanography. Looking at the documents that I've got and quickly, I don't have a lot of comments, other than I feel that the -- In my look at your range of alternatives, the full range of alternatives are considered and it's presented in this document.

Although they may meet the purpose and need of Amendment B, I don't believe that you've considered all the alternatives that you need to. My primary objection is the recreational sales of recreational fish.

With the commercial license that I've held since 1991, I don't believe that the impact that I've had on the fishery resource is significant and based on my observations of the impacts of that license on the fisheries, I believe that's probably true all the way around. That's all I really have to say, is I object to the elimination of the sales of recreational fish. Thanks.

Mr. Geiger: Terrell Gould and Maurice Davis is up, please.

Mr. Gould: Terrell Gould, Carolina Headboats. I'm also a member of the AP Snapper Grouper Committee there for North Carolina. I was down there in Myrtle Beach back in September for it. The most common thing that I heard was best available science. I don't see it. I don't see the best available science available.

I had an opportunity to talk down there to some of the scientists that was there and I've gone over to Pivers Island and talked to some, the boys that's down there in the basics of it. They don't believe in their data. They don't fully believe in it. You all are trying to regulate something there that's not 100 percent. You're doing a lot of statistics. A statistician can skewer anything that they want anyway that they want. Everybody knows that.

The data that is used for here is from Florida all the way up. I would highly recommend regionalizing, take the data from North Carolina, take the data from South Carolina, take the data from Georgia and split it up equitably. If one state has more, allocate them more. Florida has got a bad problem. They've got lots of boats down there and not a long ways to go.

Red porgies is a good example of the problem. You're talking about regulating them more. Last year, we went from one to three. Now Maurice over here runs a headboat like I do. There are certain areas that we go around. We avoid them like the plague. You can stop there with fifty people and have your limit in under an hour.

Some of them are legal sized and some of them not. We don't hit them too often, because there

is so many of them. People can't say why can't you catch anymore? Ask the federal government. There's no problem with the red porgies. They're rebuilding all the time. You all had us on one per person for quite some time and I would leave it alone.

Snowy groupers, they catch them all up and down the coast. I know there's a lot of discrimination between the allocations the way the seasons is done. The boys down south get them before our boys can up here. It's very discriminatory and this has been a viable fishery for our fishermen for years and years and years and now they're cut out of it.

Sea bass, they've been beat down real hard. Something needs to be done, but there's a lot of inequities in it. You take a commercial fisherman, they can catch a ten-inch sea bass and catch them all day long and I catch a ten-inch sea bass, I've got to throw him back. Mine has got to be twelve-inch. There's not a lot of fairness in what I see on that.

I would highly recommend getting better data than what you all are using to base these decisions on, because it has a very, very big economic impact on the people that pay your salaries to regulate this. I feel like we've been trapped and there's been a wall put up and then another wall and then another wall and we're on the fourth wall with a door about to close and just because of that one word, best available science, which I'm not seeing.

When your scientists don't wholeheartedly believe what they're telling you, but they're going with the status quo because that's the official line, something needs to change. That's all I have to say.

Mr. Geiger: Thank you, sir. Maurice Davis and Sonny Davis is up next.

Mr. Davis: Sonny Davis, the Captain Stacy IV Headboat, Captain Stacy Fishing Center, charterboats, headboats. I've been going to these meetings and most of the people -- You've got these comments for the people, the fishermen, I guess it's for the fishermen. They get up here and comment, but everyone I've heard comment, from Key West or Florida to Cape Hatteras has had the same idea, that the fishing has been, this year, as good as they've seen it in a long time. That's the way it is with us.

Our fishing -- Of course, the weather has been good and we depend on the weather and the currents a lot in our type of fishing and it's been as good as we've seen in years and so I don't know why you have these meetings if you're not going to listen to some of the people that make a living and some of the people that go out on these boats every day. Don't they have no input at all in this?

It seems like the ones making the regulations is the people that don't fish at all. What do they know about it? It looks like to me that you would listen to the fishermen. Who is a fisherman? Isn't he a person, a citizen, of the United States? Isn't he some of the people that the government represents? We are people.

At the present time, you have the bag limits on and you have the size limits on and we have adjusted to that and we are managing to make a living as it is now. We can get by with that and

that's including -- The red porgies should be brought up. That was a mistake, cutting that down to one to start with. That was a big mistake and the snowy groupers, we don't depend on the snowy groupers, because we're a headboat, eighty-foot long, and we carry seventy or eighty people out there. Can you imagine eighty people fishing in 600 or 700 feet of water coming up with snowy groupers? That would be a disaster and it would take hours and hours to get the lines untangled.

When I first started fishing, the first headboats I had would carry twenty-five people and then I got the headboats that would carry forty-nine people. We had all electric reels and we fished for snowy groupers.

I've been in this business fifty years and I'm not kidding about that. I'm talking about fifty years and when we first started, we would fish the deep water. We would target the snowy groupers and really, the snowy groupers was our main target. We would get out there with forty people on the boat and they would hook snowy groupers and it would take us two or three hours to get them untangled when they popped up to the top of the water, but in the past few years, we've done away with our electric reels. We don't target the snowies and we're back inshore. We target the sea bass, the porgies, and the vermilion snappers and we have got it down now to where we operate and try to not target one all the time, but the bag limits now, we can live with.

If it's cut back anymore, it's going to put us out of business and be a big economic impact on all the communities from Cape Hatteras to Florida and a lot of people. A lot of people fish these boats and it would take the opportunity that they have -- That is not a constitutional right, I don't think, to take the people's rights away from them where they can't go out and catch a fish and I mean no, you cannot go fishing.

It is hard enough for us now to make a living just on account of expenses, the price of fuel and the price of hauling your boats and the price of engines. I just ordered two new engines and one engine costs more now than three did when I first built the Captain Stacy IV and that's what we have to live with.

Then you all put so much pressure on the fishermen, to where they can't catch nothing. It's like you said we'll build up and we'll build up and in twenty years or ten years. We'll all be out of business and there won't be a market for these type of fish, because people won't want them. They'll say we'll get our fish from Japan or somewhere else.

It's something that you've got to -- Like Walter Jones and the thing they put in Congress. You've got to level it off and put it to where people can live. People has got to live and they've got to make a living. You say it's for your grandchildren, save fish for your grandchildren. My grandchildren is already fishing and my children is fishing.

If all these laws come about, they're going to have to quit and go find a job and I don't know what that would be doing, because the housing is gone. As it is today, we can live with the bag limits, size limits, sea bass, the porgies, and the vermilion snappers and as far as the snowies, that could be brought up, but we don't target them, but we could live with the arrangements we've got made today. Thank you.

Mr. Geiger: Thank you. Before we go any further, what we're going to do is we're going to get back on track here. The remainder of the speakers that I have in my hand are going to speak on Amendments 15A and 15B.

If you have comments as we've just heard from the previous few speakers, we will allow you to come to the microphone upon completion of everybody's comments on 15A and 15B and you can put those items on the record, but the people who have come here to speak on 15A and 15B are going to get that chance and they can go home if they want to.

We'll stay here and record your comments as long as you have comments to make, but as long as this formal hearing is open, we're going to take 15A and 15B only for the remainder of the speakers. We've got Sonny Davis and Kenneth Fex.

Mr. Davis: I'm Maurice Davis. I was supposed to speak before Sonny. My concern is with the recreational sales and such. Throughout the past few years, we've seen less and less of our passengers selling these fish commercially. That's what they're doing. If they catch the fish on the boat, even though they are recreational, I see them being commercial.

I would feel that they would like you to distinguish between the two. If they're catching them recreational, I would feel if they caught them on my boat, they shouldn't be able to go sell them, unless they had a federal commercial permit and all the commercial gear that those boats are required to carry. Now, that's what we're doing right now.

We're switched over to commercial fishing for the rest of this year. We hold a commercial king mackerel and a commercial headboat unlimited snapper grouper permit, which we are fishing it right now. Some of my crew and my cook also during the summertime -- He sells a few of the fish and he don't have to do that.

He can make most of his stuff in the galley off the people and also, another benefit of the recreational fish not being sold off of our boats -- This has no reflection on the other boats that go out for themselves. You all might make good money off of it or whatever, but we also have fish cleaning businesses at the dock.

That would push these people more to use our fish cleaning and that would help our boat business also, instead of those folks pulling their fish off somewhere and trying to sell them and make a profit to pay the gas in the car to get home, which is another problem. They've got to be able to get here and get back, because of the cost and gas and such, which I see their concern. That's all I've got to say.

Mr. Geiger: Thank you. Kenneth Fex and Libby Fetherston.

Mr. Fex: My name is Kenneth Fex and I'm the owner and the captain of the Fishing Vessel Raw Bar. I've been doing it since I was fifteen years old. I paid my way through college doing it and when you guys put size limits in, I really thought you guys had a future in fishing and so I bought a commercial fishing boat.

I've been doing it for the last eleven years and your size limits have made an effect, I think. People say they don't. The catch and release program, that's what I'm really making my point about. You want to monitor and assess bycatch. I catch fish all the time, day in and day out. When I release them, they go back down. I don't let them -- If they've got their bellies full, I pop their belly and they go back down. I don't see them again. They don't float off, like everybody claims.

Under Scott Baker under SEDAR research, he wants me to go out and do research for the red porgies and I would like to -- You say you don't have money to allocate for it, but he's going to pay me so much to take out for red porgies and I will take him on two trips for red porgies and two trips for free for your bycatch monitoring system. I think that would be an option. I would take every fish I caught and throw him over, just to prove the fact, because -- I will take him offshore or inshore or wherever.

I honestly believe that the size limits make a difference and maybe even release tags. When I first started fishing, we used to catch b-liners, big ones, and they had long tags in them. Somebody put them tags in them and we caught them again years later. This was back in the 1980s.

That ensured that them fish that were caught and tagged and released were caught again and so that truly shows you that these fish we catch are getting back down to the system and everything and not all of them are eaten and not all of them float away. I have a conscience and I don't let them float away. That's one thing I wanted to address.

As for your recreational-caught fish, I don't believe it should be allowed. There's too many recreational fishermen that make a job out of it. They'll take a couple of people out and they pay for the gas and then all of a sudden, the guy gets to keep all the fish. If he keeps a couple of grouper, it might mean 150 pounds and that equals up to \$750 worth of fish. That pays for more fuel and that pays for an income, as far as I'm concerned. I could live off that a week and I don't think that should be allowed.

In fact, in North Carolina, on your land and sell license, you deduct your state taxes and so if I purchase a rod and reel and a boat, anything, I don't have to pay state tax on it, as far as I'm concerned, with my land and sell license and so that's another way -- If I take income through a recreational, I can actually deduct this boat on my federal taxes, because I'm taking income in, if I would be understood that way.

That's another way that a recreational fisherman would go out and buy him a bunch of rod and reels and buy him a nice boat and then deduct it on his taxes, because he's actually taking income in and then starting it out.

I talked with several people that fish out of my fish house. I'm out of Southport and there's one fish house, Alan Tatum, Tatum Seafood. He don't believe the recreational fish should be caught and sold. He buys recreational fish, but the time invested in it, because he has to stay open later hours and everything, he really don't feel that it should be allowed. His number is (910) 457-

0088 if you have any questions on that, believing his opinion. That's really all I have to say and I'm glad you guys came here to listen to our opinions and everything and you have a great day.

Mr. Geiger: Thank you. Libby Fetherston and Wade Nelms.

Ms. Fetherston: Good evening, everybody. My name is Libby Fetherston and I'm here representing the Ocean Conservancy. I appreciate you guys all staying up late with us here and listening to our comments on all these important issues. I'm here to speak about 15A and 15B and since I haven't submitted a comment letter on 15B yet, I'll just briefly cover what I anticipate being in that letter, since that is the briefer of the comments, and we hope to provide detailed comments by the January deadline.

We support the council's preferred alternative for sea turtle and sawfish incidental take minimization. We analyzed that in the Gulf of Mexico and found that we thought that was pretty appropriate measures to take.

We support the prohibition of sale of recreationally-caught fish and for the golden tilefish status determination criteria, we support the council's preferred alternatives for choosing maximum sustainable yield and optimum yield and we support Alternative 1 for the minimum stock size threshold, which is the fairly technical one minus M times SSB MSY.

Moving on to 15A, we've submitted comments on this amendment at every step of the game and while we disagree on a number of things that you all have chosen for your preferred alternatives and the use of Tmax comes to mind and I see Louis is in here somewhere and maybe he can help me illustrate that.

We voiced these concerns previously and so to summarize two years of comments in two sentences, we find many of the preferred alternatives in this document to be unnecessarily risky rebuilding policies and we have some concerns that if we fail to sufficiently end overfishing now and start this rebuilding that we're going to be in a really bad position in 2010 and 2011 when we get stock assessments for these species down the road.

We've got annual catch limits coming up and accountability measures and we would really like to see overfishing ended definitely in Amendment 15A so when five years from now we're looking at those stock assessments and trying to figure out what to do that we don't have as hard of a road as I fear we may have.

Some specific recommendations for improvements at this final approval stage of this document, and we handed out a comment letter that has these in detail, but -- For minimum stock size threshold, the highly technical one minus M times the biomass at MSY for all species, we find that to be the appropriate MSST status determination criteria. If there is concern that this is too close to the biological M and this might trigger management action, you could always set your target at a more conservative level.

We think that all the total allowable catches in Amendment 15A should be set at the OY target and not at the fishing rate at MSY target, but we recognize that there will be an opportunity to

address that in Amendment 17 with annual catch limits, but as a policy, we find that using the fishing rate at optimum yield provides an appropriate buffer, so that we don't have to be looking at ending overfishing every time we get a stock assessment and we've got this buffer between the target and the limit.

We would like to see a change in the rebuilding strategy for snowy grouper. We think that it's more appropriate to hold the total allowable catch at a limit that ends overfishing immediately and that, if I'm reading the document correctly, is 94,000 pounds. It's the year one total allowable catch over the constant F time period and to hold that constant over the five years instead of the five-year average, which does not appear to end and prevent overfishing, as Magnuson mandates.

Finally, we would like to see the deepwater bycatch options be sort of revived as a part of this rebuilding plan. Deepwater bycatch is an enormous problem with snowy grouper and so we would like to see that be inserted into Amendment 15B and I think we'll come back to that in annual catch limits as well, but it's a really important issue and we find it a little disturbing that it got shuffled all the way to the back of the deck.

In summary, there's a lot of legal and scientific discussion in the comment letter in what we're talking about today, but importantly, we don't really see this as a legal issue. This is a really important time in South Atlantic fisheries and it's not about what's the minimum standard under the law.

This is about healthy, sustainable fisheries and fishing communities and I think that the stuff we're talking about here, sea bass, snowy grouper, red porgy, gag grouper and vermilion, we'll get to tomorrow in committee discussions. These are really important issues and I think that we all need to take the road to ensuring sustainability in these fisheries over the long term. Thank you very much.

Mr. Geiger: Thank you. Wade Nelms and Barry Whitaker is on deck.

Mr. Nelms: Thank you. I'm County Commissioner Wade Nelms and I would like to welcome the council, again, to Atlantic Beach and hope you enjoy your stay this week in Carteret County. I appreciate the opportunity that you're giving to our local residents and to area residents to come and speak to you tonight.

I would just like to say that I'm here on behalf of the constituency of the watermen, the fishermen who are making a living off the water. I happen to represent both recreational and commercial fishermen, as this council does, and it concerns me that when I look at the data that is printed and then talk with the commercial fishermen, the data that is being published does not seem to match what I'm hearing from the fishermen who are working the waters every day.

I would like to encourage the council that before you make any final decision that could affect these fishermen for years to come that you take a real long, hard look at the data and the way it's collected and see if you can work closer with the individual states, work closer with the State of North Carolina, in making decisions that are going to affect our watermen here in North

Carolina.

I would like to say that at this time, as the information that I've seen has been submitted and recommended, that I would like to see this council take no action until further data examination can be determined and you can make sure that you do have accurate data. Stating that you have the best available data does not necessarily mean that you have accurate data in existence.

I do not envy your positions. I appreciate what you do, but before you impose these restrictions and these requirements on our fishermen, I would like for you to take a long, hard look and also think about the comment that was made earlier about the proposal that you need to wait until you have more money allocated before you can implement a certain alternative.

Our fishermen can't wait for Santa Claus to bring them more money because they're being required to buy additional equipment or being required to record additional data. Just think about the hardships that we're placing on our fishermen. They represent small and large-scale business owners for Carteret County and I'm here on their behalf and gentlemen and ladies, I thank you for your attention tonight.

Mr. Geiger: Barry Whitaker and John Lusk is on deck. Barry Whitaker? John Lusk and Sean McKeon is on deck. John Lusk? Sean McKeon and Dick Brame is on deck.

Mr. McKeon: Sean McKeon, North Carolina Fisheries Association. I don't know how many people saw that picture that Jeff passed around and if you got it, I'm not sure if you all know exactly what it was. It's a five-hook rig that's got five snowies on it. It's a recreational contraption.

I think that one of the issues that is not being discussed or is not being discussed in either 15A or 15B are adequate recreational discard mortality measures, accountability in the recreational fishery. I listened to the lady that spoke from the environmental group there and she said healthy fisheries and healthy fishing communities, but the silence is deafening from both the recreational CCA crowd and the environmental crowd about recreational discard mortality.

I think that in rebuilding, Magnuson not only requires that this council address the measures that are mentioned here in the public hearing summary, but they absolutely require that the rebuilding shall, shall, contain measures that distribute those benefits and burdens equitably and fairly. There's two parts to that in the reauthorized Magnuson. It's not just one side of it.

Another thing that I wanted to mention was Jeff reminded me that the snowy rebuilding that you talked about is thirty-four years. I think you said that, Gregg. He reminded me that he'll be eighty-nine and I'll be eighty-four and he did say that we will be going out to get the benefits of that windfall when they rebuild.

One of the things in the rebuilding that I would like to see you do that's kind of a measure that might take care of some of this would be to support Walter Jones's bill that's currently in the House that has co-sponsor Barney Frank and it's the Flexibility in Rebuilding Act. I don't have the number in front of me and I'm sorry. I have a brain cramp about it, but I'm sure you all

know what it is. It would be really good to see this council support it.

I've had many conversations with council members and I've talked to Roy over the years that I've been here and a lot of times, we are told, in the commercial community, that you all's hands are tied. Magnuson says if X happens that you have to respond and do Y and if I'm in your shoes, I can understand why you would say that. That's what the law says.

This will add four exceptions to three exceptions that currently exist. We think they're reasonable and I think if the council supported them, a lot of the problems that we're having now with respect to these amendments and to legal measures and lawsuits, et cetera, I think we could avoid many of them.

With respect to allocations, it's really not a secret where the chairman of this council stands with respect to allocations. Your recent editorial really codified that and tells us quite frankly where you stand and that is to look from today's date forward and not to look at historical allocations, but to take changing demographics, which, by the way, this council and National Marine Fisheries Service is driving the changing demographics.

If you look at the situation here forward, your allocations will be made having a commercial industry fully hamstrung and fully tied to the measures that you all have put in place. The only real true ethical thing to do would be to have measures based on what the fishery was pre-regulation, when these measures were not in place.

You're going to take a look at allocations based on the fact that people aren't even in the fishery anymore, people are not even fishing in that fishery anymore. I think that it does need to be said again that these are public trust resources. These are resources that the American public and the American consumer own.

They're not owned by those that have the ability to hop on a boat and go out and catch them. We provide access to the American consumer for these fish and we have a small finder's fee to go do that and I think it's unconscionable that the direction that you're taking, Mr. Chairman, is to put these fish into the hands of an elite group of people, an elite few group of people, and I think those allocation issues are terrible.

I think that one of the solutions is -- I'm on the LAPP Committee, this council's LAPP Committee or advisory panel. We're studying the feasibility for limited access privilege programs in this fishery, particular snapper grouper fisheries, and I think the better solutions are that we have state-by-state allocations.

These things are being driven in other areas. They're very different fisheries. In North Carolina, my guys will tell you that the guys who fish down in the southern part of the state and the middle part of the state and up in Hatteras and all, these are entirely different fisheries. They have absolutely nothing to do with each other, other than species of fish, and they need to be addressed and managed in ways that address those issues. They're peculiar to each one of those fisheries.

I do think that, as the Redstone Group said in their presentation with respect to these fisheries, and both of these amendments touch on it, they said it doesn't matter what this council does if you do not get a handle on the recreational overages -- Nothing, including LAPPs and including these measures that you put in place, are going to have any effect at all.

When someone talks about healthy fisheries and conservation, that's a must. I would suggest specifically in these fisheries that we go towards something like that and with respect to allocations, historic allocations are the only, I think, ethical thing to do and I think, to be fair, it does call into question, in my view, the chairman's ability to be impartial in these discussions when he so blatantly put it in the public now that his goal is to forget about those historic allocations and to move to what we have now.

Remember, the only reason we have the constraint or the numbers that we have now in the commercial area is because of measures that this council has put in place hamstringing those fishermen.

Mr. Geiger: Dick Brame and Margot Stiles.

Mr. Iarocci: Mr. Chairman, could I ask Sean a question, please? Sean, could you address the recreational sale of fish, please, at this time?

Mr. McKeon: I think that we have two problems. The main problem is that recreational sale, by law, I am told always, has to come off the commercial allocation. That's hugely problematic. If people want to catch those fish and they want to pay for their gas, that's fine, provided it doesn't come off the commercial side.

If that can't be done in the interim, I think that it has to be prohibited, because what it does is it takes an already severely restricted fishery, Tony, and it chips away quite -- It's an enormous -- It's not the chipping away, but it's an enormous drain on the commercial allocation and again, what we're seeing is that that will be used against us to say look at the recreational effort and look at all the people that are catching these recreational fish and rather than fix that problem, they'll say let's just reallocate those fish and I think that's wrong and we need to address the commercial sale and I would like to see it addressed in law, but short of that, I think it should be prohibited.

Mr. Geiger: Dick Brame and Margot Stiles.

Mr. Brame: Good evening. I'm Dick Brame, representing the Coastal Conservation Association. I'm going to speak on 15B and a couple of the issues within in. The first one is with the snowy grouper and the red pogy allocations. We can agree with the preferred allocation for snowy grouper.

It would seem that the fairest allocation for red pogy is the 50/50 split, but we view both of these, any allocation strategy outlined, as an interim measure until the proposed allocation amendment has been adopted and then, if a new methodology is devised, to better allocate these stocks. We view them as an interim allocation.

With regard to golden tilefish, under the MSY Alternative 2, we support the Alternative 2, because it's a calculated estimate of MSY from a peer-reviewed stock assessment and not a proxy. The OY, the preferred is Alternative 3. We tentatively prefer Alternative 2. We're concerned that the OY value of the Preferred Alternative 2, which is 326,000 pounds, roughly, is too similar to the MSY value of 336,000 pounds and could thus lead to overages.

We could support Alternative 3 if it was demonstrated that an OY of 75 percent of FMSY was statistically discernable from MSY and for the minimum stock size threshold, it's Alternative 3, because it's based on a -- It's the most conservative and it's based on a stock assessment.

The sale of recreationally-caught fish, that's pretty easy. The CCA is now and always has been opposed to any sale of any recreationally-caught fish. It's an easy problem to fix. Monitor and assess bycatch, we support Alternative 2. We believe that ACCSP, while a work in progress, is the proper forum for devising and standardizing bycatch data. Reliable estimates of discards are often the weakest data in a stock assessment and thus, reliable methods for better estimating discard losses are critical to future stock assessments. Thank you.

Mr. Geiger: Margot Stiles and Kelly Schoolcraft on deck, please.

Ms. Stiles: I'm Margot Stiles from Oceana. Thank you for the opportunity to present these comments. Oceana really appreciates the council's long-standing efforts to incorporate the concerns raised by the public, including our own conservation perspective. I'll be concise in my comments with respects to the very full agenda of this comment period and of the meeting as a whole.

I've got two comments on Snapper Grouper Amendments 15A and 15B. One is very specific on the release provisions and two is on the timeline overall of the amendments. The first comment that I have is on Snapper Grouper Amendment 15B. Oceana supports this proposal to minimize fishing impacts on the recovery of endangered species such as sea turtles and smalltooth sawfish.

Required equipment and encouragement for fishermen to release these animals, even if it's a rare occurrence, will contribute to their recovery. Oceana specifically endorses Alternative 2 as the most enforceable and the one which we feel will present the greatest benefit to turtles and sawfish by treating all vessels equally.

On the second point, I appreciated the meeting of the Executive and Finance Committee and the way that all the different priorities and many, many, many, many amendments were laid out for 2008. I was pleased to see that both habitat and overfishing issues for snapper grouper were moving forward.

Oceana feels strongly that in 2008 it is both possible and necessary for the council to move forward simultaneously with protecting habitat and addressing overfished snapper grouper. We had hoped to see a draft on the deepwater coral HAPCs, for example, in 2007, but we ask that if you stick to the current schedule for a March timeline and continue to move forward as you're planning, I think that's the best possible outcome and we're happy to see all of your many

projects move forward. Thank you and I also have two colleagues with me, which I hope you'll meet during the week, as a reflection of our continued commitment to support the council.

Mr. Geiger: Kelly Schoolcraft.

Mr. Schoolcraft: Thank you, Mr. Chairman. I'm Kelly Schoolcraft, the Fishing Vessel Country Time, and I want to make a comment pertaining to the recreational sales of snapper groupers and other species that's fairly regulated. Gregg, you might know what's coming next. What percentage was it that you were told that the state has in sales that's derived from recreational sale going against the commercial quota?

Mr. Waugh: We've gotten some data from the State of North Carolina, looking at the sales by federally permitted and non-federally permitted fishermen, and it varies by species and year. For some species in a particular year, it can be as high as 50 to 60 percent of the sales of a particular snapper grouper species are being made by non-federally permitted fishermen.

Mr. Schoolcraft: In other words, recreational pretty much. If you're unpermitted and you're selling under the bag limit, that, to me, tells me that's recreational.

Mr. Waugh: It just means non-federally permitted. These could be a combination of recreational fishermen and they could be commercial, State of North Carolina commercial fishermen, who just don't have the federal snapper grouper permit.

Mr. Schoolcraft: Okay, I'll buy that, but a point on that. Just because a person holds a commercial fishing license for whatever state, it doesn't necessarily mean he's a commercial fisherman, which now it would seem like we would be coming to a point where we would need to define a commercial fisherman, to alleviate these problems that we're having.

Quite personally, I don't care if the recreational crowd sells their fish. I understand perfectly the economics of things in this country, fuel and whatnot, fuel being the most. I don't blame them for selling them and I have no problem if they sell their fish. The problem that I have is when that is counted directly against the commercial fishermen.

It is high time to address this issue, you as a council. For years, this has come up, the recreational sale, but it's always been swept under the table, but now we need to deal with it and deal with it we must. With quotas getting tighter in every fishery near about that you look at, a commercial quota is set for the commercial guy.

If a recreational crowd wants to go out and catch their bag limit and sell them, I don't care. That's fine, but allow for it. Form a column. You all constantly say you're missing recreational data or whatnot. This would be a way to get some data about how many people are going out there and doing it. Form a third column to account for this.

Now, I realize in the grouper complex that you don't have a column that states directly how much is allocated to the recreational source or whatever. It's a bag limit and size limit and so anything sold, boom, goes directly to the commercial guy and that needs to cease. You either

need to form a column to account for this and change the definition of what is considered commercially sold fish when it enters the economy.

It is no longer acceptable to myself or anybody for us to get penalized by the fishing practices of the recreational crowd selling their fish going against our quota. King mackerel is a no-brainer. You do have a hard -- I wouldn't say a hard quota, but it's a soft quota in numbers, of which the recreational crowd goes to. By what you all say, the bag limit will never be reduced to zero and therefore, the recreational crowd can continue to fish.

You do have this soft quota number, king mackerel speaking, and it would seem like to me that you could form a column to account for recreationally-sold king mackerel and label it as such and let the commercial guys have their part. When that part of the recreational quota would be filled, you close it down, just like what happens to us.

Now, you said 20 to 30 percent was kind of hard to derive from, but I want to tell you that if it meant just strictly king mackerel in the year 2006, 1,012,676 pounds of kings was landed by commercial fishermen in North Carolina and if you put 20 to 30 percent of that as being recreational, that's 200,000 to 300,000 pounds. That's a chunk when it comes down to when we're talking about lowering a TAC and possibly early closures.

Mr. Geiger: Kelly, we're not talking about king mackerel. 15A and 15B and when we're done with 15A and 15B, I'll sit here and listen until you run out of breath about king mackerel, but we're going to take 15A and 15B and that's it.

Mr. Schoolcraft: That's great. I had to get that bite in with the king mackerel, but my point was it's not impossible to form a column to account for the recreational sale, but if that can't be done for whatever reason, you don't want to do it or whatever reason, then I'm highly against the sale of recreational fish, no matter what, going against the commercial quota. Thank you, gentlemen.

Mr. Geiger: Got you. Thank you. I've got a list of cards here of people who indicated they did not want to speak. Is there anybody who submitted a card, or maybe who has not submitted a card, who desires to speak at this time? Anybody? Going once, twice, okay. We're going to close the formal part of this hearing.

South Atlantic Fishery Management Council 2007- 2008 Council Membership

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John Carmichael

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Julie Neer

Andi Stephens

Roger Pugliese

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Kim Iverson

Julie O'Dell

Rachael Lindsay

Cindy Chaya

Deb Buscher



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD

Public Scoping: King Mackerel Quota Allocation

LOCATION OF MEETING (CITY & STATE) Atlantic Beach, NC	DATE OF MEETING December 3, 2007
YOUR NAME (PLEASE PRINT) Jess Hawkins	TELEPHONE NUMBER (& AREA CODE) 252-808-3354
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) 112 Hodges Street Morehead City NC 28557	
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) MO	
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)	
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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PUBLIC COMMENT ATTENDANCE RECORD

Public Scoping: King Mackerel Quota Allocation

LOCATION OF MEETING (CITY & STATE) Atlantic Beach, NC	DATE OF MEETING December 3, 2007
YOUR NAME (PLEASE PRINT) DAVE TIMON	TELEPHONE NUMBER (& AREA CODE) 910 452 7739
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) 330 Bretanshire RD Wilmington, NC	
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) Perkins	
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD

Public Scoping: King Mackerel Quota Allocation

LOCATION OF MEETING (CITY & STATE) Atlantic Beach, NC	DATE OF MEETING December 3, 2007
YOUR NAME (PLEASE PRINT) TOM IHDE	TELEPHONE NUMBER (& AREA CODE) (410) 326-7249
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) 1 WILLIAMS ST. SOLOMONS, MD 20688	
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) UNIVERSITY of MARYLAND	
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO



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NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD

Public Scoping: King Mackerel Quota Allocation

LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

DATE OF MEETING

December 3, 2007

YOUR NAME (PLEASE PRINT)

CHRIS MCCREIGHT

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

110 SALON ST MOREHEAD NC 28557

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

REEL JOB RIGGING INC.

DO YOU WISH TO MAKE A STATEMENT?
(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

YES

NO



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PUBLIC COMMENT ATTENDANCE RECORD

Public Scoping: King Mackerel Quota Allocation

LOCATION OF MEETING (CITY & STATE) Atlantic Beach, NC	DATE OF MEETING December 3, 2007
YOUR NAME (PLEASE PRINT) BARRY Whitaker	TELEPHONE NUMBER (& AREA CODE) 304-237-1488
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) PO BOX 458 ATLANTIC BEACH NC 28512	
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) ATLANTIC ROSE-SPORT FISHING	
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> maybe <input type="checkbox"/> NO	



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PUBLIC COMMENT ATTENDANCE RECORD

Public Scoping: King Mackerel Quota Allocation

LOCATION OF MEETING (CITY & STATE) Atlantic Beach, NC	DATE OF MEETING December 3, 2007
YOUR NAME (PLEASE PRINT) XXXXXXXXXX JOHN LUSK	TELEPHONE NUMBER (& AREA CODE) 309-431-2630
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) PO BOX 803 PRINCETON WV 24740	
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) 	
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)	<input type="checkbox"/> YES <input type="checkbox"/> NO



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PUBLIC COMMENT ATTENDANCE RECORD

Public Scoping: King Mackerel Quota Allocation

LOCATION OF MEETING (CITY & STATE) Atlantic Beach, NC	DATE OF MEETING December 3, 2007
YOUR NAME (PLEASE PRINT) Terrell Gould	TELEPHONE NUMBER (& AREA CODE) 252-342-8322
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) P.O. Box 174 Morehead City NC 28557	
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) Carolina Headboats, Inc.	
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)	
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO



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PUBLIC COMMENT ATTENDANCE RECORD

Public Scoping: King Mackerel Quota Allocation

LOCATION OF MEETING (CITY & STATE) Atlantic Beach, NC	DATE OF MEETING December 3, 2007
YOUR NAME (PLEASE PRINT) Ernie Foster	TELEPHONE NUMBER (& AREA CODE) 252-986-2515
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) Box 120 Hatteras, NC 27943	
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) NC Watermen United	
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	



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PUBLIC COMMENT ATTENDANCE RECORD

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LOCATION OF MEETING (CITY & STATE) Atlantic Beach, NC	DATE OF MEETING December 3, 2007
YOUR NAME (PLEASE PRINT) KELLY SCHOOLCRAFT	TELEPHONE NUMBER (& AREA CODE) 252-995-4029
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) P.O. Box 242 FAISCO, N.C. 27936	
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) 	
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO



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PUBLIC COMMENT ATTENDANCE RECORD

Public Scoping: Shrimp Amendment 7 (rock shrimp)

LOCATION OF MEETING (CITY & STATE) Atlantic Beach, NC	DATE OF MEETING December 3, 2007
YOUR NAME (PLEASE PRINT) Birdie Potter	TELEPHONE NUMBER (& AREA CODE) 252-745-3262
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) 411 Caroline St., P.O. Box 275, Bayboro, N.C. 28515	
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) Lowland Seafood	
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO



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PUBLIC COMMENT ATTENDANCE RECORD

Public Scoping: Shrimp Amendment 7 (rock shrimp)

LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

DATE OF MEETING

December 3, 2007

YOUR NAME (PLEASE PRINT)

Michelle Dural

TELEPHONE NUMBER (& AREA CODE)

252-726-7021

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

P.O. Box 769, Morehead City NC 28557

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

NC DMF

DO YOU WISH TO MAKE A STATEMENT?
(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

YES

NO



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PUBLIC COMMENT ATTENDANCE RECORD

Public Scoping: Shrimp Amendment 7 (rock shrimp)

LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

DATE OF MEETING

December 3, 2007

YOUR NAME (PLEASE PRINT)

CAROL POTTER

TELEPHONE NUMBER (& AREA CODE)

252-745-3751

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

PO BOX 66, LOWLAND, N.C. 28552

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

LOWLAND SEAFOOD

DO YOU WISH TO MAKE A STATEMENT?
(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

YES

NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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PUBLIC COMMENT ATTENDANCE RECORD

Public Scoping: Shrimp Amendment 7 (rock shrimp)

LOCATION OF MEETING (CITY & STATE) Atlantic Beach, NC	DATE OF MEETING December 3, 2007
YOUR NAME (PLEASE PRINT) Richard Vendetti	TELEPHONE NUMBER (& AREA CODE) 912-222-8756
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)	
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) Southern Shrimp Alliance	
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO



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PUBLIC COMMENT ATTENDANCE RECORD

Public Scoping: Shrimp Amendment 7 (rock shrimp)

LOCATION OF MEETING (CITY & STATE) Atlantic Beach, NC	DATE OF MEETING December 3, 2007
YOUR NAME (PLEASE PRINT) Clyde Potter	TELEPHONE NUMBER (& AREA CODE) 252-745-3751
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) PO Box 66 Rowland NC 28552	
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) F/V TAMARA ALANE	
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO



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PUBLIC COMMENT ATTENDANCE RECORD

Public Scoping: Shrimp Amendment 7 (rock shrimp)

LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

DATE OF MEETING

December 3, 2007

YOUR NAME (PLEASE PRINT)

Ron KRANTZ

TELEPHONE NUMBER (& AREA CODE)

252-393-2344

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

219 CHANNEL VIEW CT. CAPE CANTONET, NC 28584

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A STATEMENT?
(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

YES

NO



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PUBLIC COMMENT ATTENDANCE RECORD

Public Scoping: Shrimp Amendment 7 (rock shrimp)

LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

DATE OF MEETING

December 3, 2007

YOUR NAME (PLEASE PRINT)

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TELEPHONE NUMBER (& AREA CODE)

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MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Oceana

DO YOU WISH TO MAKE A STATEMENT?
(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

YES

NO