

**FINAL REPORT
OF GOLDEN CRAB ACTIONS TAKEN BY
SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
Savannah, GA
March 9, 2012**

The Golden Crab Committee met on March 7, 2012, in Savannah, GA. The Committee reviewed draft Amendment 6 and recommendations from the Advisory Panel, IPT, and Council staff. Additionally, they received a summary of Public Hearing Comments. Brad Whipple also participated in the discussion. Council staff presented a draft purpose and need, as well as, each action in the amendment. The Committee discussed and made some changes to the amendment, which are recorded in the motions below. Additionally, staff was directed to change the language in some actions and alternatives for clarification of the intent. For a new entrants program (Action 13), the Staff will develop new alternatives in accordance with Council direction. The new alternatives were presented at Full Council.

The Committee reviewed the purpose and need for the amendment and made the following motion:

Amendment 6 to the Fishery Management Plan (FMP) for the Golden Crab Fishery of the South Atlantic Region (Golden Crab FMP) consists of regulatory actions that would result in the development of a catch share program for the golden crab fishery. The purpose and need of developing a golden crab catch share program is to:

1. Develop a proactive approach to management to prevent derby fishery from developing;
2. Protect sensitive benthic habitat by ensuring fishery participants have high level of knowledge of the fishery and its operation;
3. Modify management of the fishery to allow for flexibility due to vessel breakdowns and medical issues;
4. Reduce the potential for gear conflicts in the golden crab fishery and ensure safety at sea;
5. Provide economic incentives for the fishery to operate more efficiently;
6. Promote optimal utilization of the resource and professionalize the fishery;
7. Maintain participation of fishermen with high level knowledge and experience to protect sensitive deepwater coral habitats.

The development of the catch share program further addresses the objectives of the Golden Crab FMP as described in Section 1.2.

The Council discussed the purpose and need and suggested the following change.

MOTION #1: DELETE ITEM #7 OF PURPOSE & NEED [Maintain participation of fishermen with high level knowledge and experience to protect sensitive deepwater coral habitats.]

APPROVED BY COMMITTEE

APPROVED BY COUNCIL

This change was made because the Committee considered item #7 to be redundant with item #2 in the purpose and need.

The Committee made the following motions for each action:

Action 1 – Establish eligibility criteria for a golden crab catch share program

Alternative 1. No Action. Do not establish eligibility criteria for a golden crab catch share program

Alternative 2. Restrict eligibility to valid commercial golden crab permit holders who have made landings of 1 pound or greater from 2001 through 2010.

Alternative 3. Restrict eligibility to valid commercial golden crab permit holders who have made landings of 1 pound or greater from 2005 through 2010.

Preferred Alternative 4. Restrict eligibility to valid commercial golden crab permit holders. Eligibility for participation in this catch share program is defined as having a valid commercial golden crab permit as of the effective date of the final rule.

There were no motions for Action 1

Action 2 – Initial apportionment of catch shares

Alternative 1. No action. Do not specify a method for initial apportionment of catch shares.

Alternative 2. Distribute initial catch shares proportionately among eligible participants based on the aggregate annual golden crab landings from logbooks associated with their current permit(s) during the time period 2002 through 2010.

Alternative 3. Distribute initial catch shares proportionately among eligible participants based on the aggregate annual golden crab landings from logbooks associated with their current permit(s) during the time period 1997 through 2010.

Alternative 4. Distribute 50% of initial catch shares equally among eligible participants and distribute 50% of initial catch shares among eligible participants based on the aggregate annual golden crab landings from logbooks associated with their current permit(s) during the time period 1997 through 2010:

Sub-alternative 4a. To receive catch shares distributed equally among eligible participants, aggregate golden crab logbook landings from 1997 through 2010 associated with an eligible participant's current permit must equal or exceed 25,000 pounds.

Sub-alternative 4b. To receive catch shares distributed equally among eligible participants, aggregate golden crab logbook landings from 1997 through 2010 associated with an eligible participant's current permit must equal or exceed 50,000 pounds.

Preferred Alternative 5. Distribute 25% of initial catch shares equally among eligible participants and distribute 75% of initial catch shares among eligible participants based on the

aggregate annual golden crab landings from logbooks associated with their current permit(s) during the time period 1997 through 2010:

~~**Sub-alternative 5a.** To receive catch shares distributed equally among eligible participants, aggregate golden crab logbook landings from 1997 through 2010 associated with an eligible participant's current permit must equal or exceed 25,000 pounds.~~

~~**Preferred Sub-alternative 5b.** To receive catch shares distributed equally among eligible participants, aggregate golden crab logbook landings from 1997 through 2010 associated with an eligible participant's current permit must equal or exceed 50,000 pounds.~~

Alternative 6. Distribute initial catch shares proportionately among eligible participants based on the best consecutive three year average of golden crab logbook landings associated with their current permit(s) during the time period 1997 through 2010

Alternative 7. Distribute initial apportionment of catch shares through an auction. All eligible entities as determined in **Action 1** would be able to participate.

MOTION #2. CHANGE PREFERRED ALTERNATIVE TO 5 (ACTION 2) AND ELIMINATE THE TWO SUB-ALTERNATIVES
APPROVED BY COMMITTEE
APPROVED BY COUNCIL

Sub-alternative 5b would result in two permits not receiving quota shares upon initial distribution. The Council changed their preferred alternative to Alternative 5 and removed the sub-alternatives to ensure each permit holder received a minimum of 2.27% shares initially.

MOTION #3. ADD NEW ALTERNATIVE 7 TO ACTION 2: DISTRIBUTE INITIAL APPORTIONMENT OF CATCH SHARES THROUGH AN AUCTION. ALL ELIGIBLE ENTITIES AS DETERMINED IN ACTION 1 WOULD BE ABLE TO PARTICIPATE.
APPROVED BY COMMITTEE
APPROVED BY COUNCIL

Alternative 7 was added to the document upon recommendation by NOAA General Counsel. The Magnuson-Stevens Act specifies that Councils shall consider an auction system or other program to collect royalties for the initial distribution of allocations under a catch share program.

Action 3 – Establish criteria and structure of an appeals process

Alternative 1. No Action. Do not specify provisions for an appeals process.

Preferred Alternative 2. A percentage of the golden crab shares for the initial fishing year under the program will be set-aside to resolve appeals for a period of 90-days starting on the effective date of the final rule. The Regional Administrator (RA) will review, evaluate, and render final decisions on appeals. Hardship arguments will not be considered. The RA will determine the outcome of appeals based on NMFS' logbooks. If NMFS' logbooks are not available, the RA may use state landings records. Appellants must submit NMFS' logbooks or

state landings records to support their appeal. **If the amount of set-aside for appeals is exceeded, then the shares and annual pounds of all IFQ shareholders would be proportionately adjusted.** After the appeals process has been terminated, any amount remaining from the set-aside will be distributed back to remaining shareholders according to the redistribution method selected under Action 2:

Preferred Sub-alternative 2a. Three percent of golden crab shares will be set aside for appeals.

Sub-alternative 2b, Five percent of golden crab shares will be set aside for appeals.

Sub-alternative 2c. Ten percent of golden crab shares will be set aside for appeals.

Preferred Sub alternative 2d. Two percent of golden crab shares will be set aside for appeals.

**MOTION #4. SELECT ALTERNATIVES 2 AND 2D (ACTION 3) AS PREFERRED
AND ADD “IF THE AMOUNT OF SET-ASIDE FOR APPEALS IS EXCEEDED, THEN
THE SHARES AND ANNUAL POUNDS OF ALL IFQ SHAREHOLDERS WOULD BE
PROPORTIONATELY ADJUSTED”**

APPROVED BY COMMITTEE

APPROVED BY COUNCIL

The Council took this action to support the AP’s recommendation, and inserted the additional language to ensure that if the set aside was not enough to satisfy the result of successful appeals, the distributed shares could be proportionally adjusted.

Action 4 – Establish criteria for transferability

Alternative 1. No Action. Do not establish criteria for transferability.

Preferred Alternative 2. Shares or annual pounds can only be transferred to **valid** golden crab permit holders. **Participants cannot possess shares or allocation without a valid golden crab permit.**

Alternative 3. Shares or annual pounds can only be transferred to **valid** golden crab permit holders during the first five years of the catch share program and all U.S. citizens and permanent resident aliens thereafter. **Participants cannot possess shares or allocation without a valid golden crab permit.**

**MOTION #5. ADD “VALID” BEFORE GOLDEN CRAB PERMIT IN ALTERNATIVES 2 & 3,
AND DESIGNATE ALTERNATIVE 2 AS PREFERRED FOR ACTION 4**

MOTION POSTPONED UNTIL FULL COUNCIL

MOTION WITHDRAWN WITHOUT OBJECTION

**MOTION #6. ADD “VALID” BEFORE GOLDEN CRAB PERMIT IN ALTERNATIVES
2 & 3, ADD THE FOLLOWING TO ALTERNATIVES 2 & 3 PARTICIPANTS CANNOT
POSSESS SHARES OR ALLOCATION WITHOUT A VALID GOLDEN CRAB PERMIT
AND DESIGNATE ALTERNATIVE 2 AS PREFERRED FOR ACTION 4**

APPROVED BY COMMITTEE

APPROVED BY COUNCIL

The Council took this action to clarify that only “valid” golden crab permits could have shares transferred to them and to clarify that shares can be held by valid permit holders.

Action 5 –Define quota share ownership caps

Alternative 1. No Action. Do not constrain the percentage of catch shares held by a person, including a corporation or other entity.

Alternative 2. No person, including a corporation or other entity, may individually or collectively hold catch shares in excess of the maximum share initially issued to any person at the beginning of the IFQ program.

Alternative 3. No person, including a corporation or other entity, may individually or collectively hold catch shares in excess of 25 percent of the total shares.

Alternative 4. No person, including a corporation or other entity, may individually or collectively hold catch shares in excess of 35 percent of the total shares.

Preferred Alternative 5. No person, including a corporation or other entity, may individually or collectively hold catch shares in excess of 49 percent of the total shares.

IPT recommendation: Change the word IFQ to “catch shares” for Alternative 2.

COMMITTEE CONCURS WITH IPT RECOMMENDATION

No Council action taken here. The IPT is to follow the Committee’s direction.

Action 6 –Use it or lose it policy

Alternative 1. No Action. Do not specify a minimum landings requirement for retaining shares.

~~**Alternative 2.** Shares that remain inactive for 3 CONSECUTIVE years will be revoked and redistributed proportionally among the remaining shareholders. “Inactive” is defined as less than 10% of the aggregate annual average utilization of the catch share quota over a 3 year moving average period:~~

~~**Sub-alternative 2a.** Landed crabs only.~~

~~**Sub-alternative 2b.** Landed crabs and/or transfer of annual pounds~~

~~**Alternative 3.** Shares that remain inactive for 3 CONSECUTIVE years will be revoked and redistributed proportionally among the remaining shareholders. “Inactive” is defined as less than 30% of the aggregate annual average utilization of the catch share quota over a 3 year moving average period:~~

~~**Sub-alternative 3a.** Landed crabs only.~~

~~**Sub-alternative 3b.** Landed crabs and/or transfer of annual pounds.~~

Alternative 2. Shares that remain inactive for 3 consecutive years will be revoked and redistributed proportionally among the remaining shareholders.

Sub-alternative 2a. Inactive is defined as landings less than 10% of a shareholder’s annual pounds allocated in sum over a 3 year running average.

Sub-alternative 2b. Inactive is defined as landings and/or transfer of annual pounds less than 10% of a shareholder's annual pounds allocated in sum over a 3 year running average.

Alternative 3. Shares that remain inactive for 3 consecutive years will be revoked and redistributed proportionally among the remaining shareholders.

Sub-alternative 3a. Inactive is defined as landings less than 30% of a shareholder's annual pounds allocated in sum over a 3 year running average.

Sub-alternative 3b. Inactive is defined as landings and/or transfer of annual pounds less than 30% of a shareholder's annual pounds allocated in sum over a 3 year running average.

Preferred Alternative 4. Shares that remain inactive for 3 consecutive years will be revoked and redistributed proportionally among the remaining shareholders.

Preferred Sub-alternative 4a. Inactive is defined as landings less than 20% of a shareholder's annual pounds allocated in sum over a 3 year running average.

Sub-alternative 4b. Inactive is defined as landings and/or transfer of annual pounds less than 20% of a shareholder's annual pounds allocated in sum over a 3 year running average.

MOTION #7. FOR ACTION 6, CREATE A NEW ALTERNATIVE 4 AND SELECT ALTERNATIVE 4 AND 4A AS OUR PREFERRED ALTERNATIVES: *Shares that remain inactive for 3 CONSECUTIVE years will be revoked and redistributed proportionally among the remaining shareholders. "Inactive" is defined as less than 20% of the aggregate annual average utilization of the catch share quota over a 3 year moving average period:*

Sub-alternative 4a. Landed crabs only.

Sub-alternative 4b. Landed crabs and/or transfer of annual pounds

MOTION WITHDRAWN

**MOTION #8. REWORD [ACTION 6] ALTERNATIVES 2 & 3, ADD NEW ALTERNATIVE 4 AS PER STAFF RECOMMENDATIONS AND CHOOSE ALTERNATIVES 4 AND 4A AS PREFERRED
APPROVED BY COMMITTEE
APPROVED BY COUNCIL**

(NB: Below are the changes projected during the committee meeting. However, there were minor typos made in **Alternatives 2 & 3**. In each alternative, the sub-alternatives should be renumbered from 2a and 2b to 3a/3b and 4a/4b, respectively, as well as, change 10% to 30% in **Sub-alternative 3b** and change 10% to 20% in **Sub-alternative 4b**. The typos are highlighted below. The recommended changes were made to the alternatives above.)

ALTERNATIVE 2. SHARES THAT REMAIN INACTIVE FOR 3 CONSECUTIVE YEARS WILL BE REVOKED AND REDISTRIBUTED PROPORTIONALLY AMONG THE REMAINING SHAREHOLDERS.

SUB-ALTERNATIVE 2A. INACTIVE IS DEFINED AS LANDINGS LESS THAN 10% OF A SHAREHOLDER'S ANNUAL POUNDS ALLOCATED IN SUM OVER A 3 YEAR RUNNING AVERAGE.

SUB-ALTERNATIVE 2B. INACTIVE IS DEFINED AS LANDINGS AND/OR TRANSFER OF ANNUAL POUNDS LESS THAN 10% OF A SHAREHOLDER'S ANNUAL POUNDS ALLOCATED IN SUM OVER A 3 YEAR RUNNING AVERAGE.

DIRECTION TO STAFF TO FIX THE CORRECTION BELOW:

ALTERNATIVE 3. SHARES THAT REMAIN INACTIVE FOR 3 CONSECUTIVE YEARS WILL BE REVOKED AND REDISTRIBUTED PROPORTIONALLY AMONG THE REMAINING SHAREHOLDERS.

SUB-ALTERNATIVE 2A. INACTIVE IS DEFINED AS LANDINGS LESS THAN 30% OF A SHAREHOLDER'S ANNUAL POUNDS ALLOCATED IN SUM OVER A 3 YEAR RUNNING AVERAGE.

SUB-ALTERNATIVE 2B. INACTIVE IS DEFINED AS LANDINGS AND/OR TRANSFER OF ANNUAL POUNDS LESS THAN 30~~10~~% OF A SHAREHOLDER'S ANNUAL POUNDS ALLOCATED IN SUM OVER A 3 YEAR RUNNING AVERAGE.

ALTERNATIVE 4. SHARES THAT REMAIN INACTIVE FOR 3 CONSECUTIVE YEARS WILL BE REVOKED AND REDISTRIBUTED PROPORTIONALLY AMONG THE REMAINING SHAREHOLDERS.

SUB-ALTERNATIVE 2A. INACTIVE IS DEFINED AS LANDINGS LESS THAN 20% OF A SHAREHOLDER'S ANNUAL POUNDS ALLOCATED IN SUM OVER A 3 YEAR RUNNING AVERAGE.

SUB-ALTERNATIVE 2B. INACTIVE IS DEFINED AS LANDINGS AND/OR TRANSFER OF ANNUAL POUNDS LESS THAN 20~~10~~% OF A SHAREHOLDER'S ANNUAL POUNDS ALLOCATED IN SUM OVER A 3 YEAR RUNNING AVERAGE.

The Council changed the language of the alternatives because they decided using the phrase "aggregate annual average utilization of the catch share quota" was confusing and needed clarification. Additionally, the Committee added **Alternative 4** and **Sub-alternatives** and selected **Alternative 4** and **Sub-alternative 4a** as preferreds. The **Alternative 4** and the sub-alternatives were added because the Committee determined that requiring an average annual 20% usage of shares was most appropriate.

**MOTION #8A: THE AMOUNT OF THE 20% PORTION OF THE INDIVIDUAL'S SHARES THAT WERE NOT LANDED WOULD BE RETURNED TO THE POOL TO BE DISTRIBUTED TO THE OTHER PERMIT HOLDERS PROPORTIONALLY ACCORDING TO THE INITIAL DISTRIBUTION WITHOUT THE PERSON THAT IS LOSING THE PORTION OF THEIR SHARES
APPROVED BY COUNCIL**

DIRECTION TO STAFF TO REFINE THE WORDING

Note to IPT: The above motion was to define exactly what would be reverted should a permit holder not use enough of their shares. What would be reverted is the difference between what was used and 20% of their shares. This now begs another question. What if a permit that finds itself in this situation is one that received the minimum 2.2727% from the initial allocation? This would bring the permit down below the minimum initial allocation. The Council would like for the IPT to include in the document some examples of how the minimum amount that needed to be landed would be calculated as well as any amount that would be required to be returned and redistributed to the remaining permit holders. Additionally, the Council asked for the reason why three years was chosen for the use it or lose it period. The amount of time was suggested by the AP as they felt that major vessel issues or periods of illness could be resolved with enough time to allow for this minimal amount of landings to occur.

Action 7 – Cost recovery plan

Alternative 1. No Action. Do not implement a cost recovery plan.

Preferred Alternative 2. Cost recovery fees would be calculated at time of sale at a registered dealer:

Preferred Sub-alternative 2a. Cost recovery fees would be based on actual ex-vessel value of landings.

Preferred Sub-alternative 2b. Cost recovery fees would be based on standard ex-vessel value of landings, as calculated by NMFS.

Preferred Alternative 3. Fee collection and submission shall be the responsibility of the:

Sub-alternative 3a. Shareholder.

Preferred Sub-alternative 3B. Dealer.

Preferred Alternative 4. Fees submitted to NMFS:

Preferred Sub-alternative 4a. Quarterly

Sub-alternative 4b. Monthly

Sub-alternative 4c. Annually

**MOTION #9. FOR ACTION 7 CHANGE THE PREFERRED FROM 2B TO 2A AND
SELECT 2, 3 & 4 AS PREFERRED
APPROVED BY COMMITTEE
APPROVED BY COUNCIL**

The Coouncil changed its preferred **Sub-alternative 2b** to **Preferred Sub-alternative 2a** to be compliant with programs currently administered by NMFS SERO.

Action 8 – ~~Establish boat length limit rule~~ Revise boat length limit rule

Alternative 1. No Action. To obtain a permit for the middle or southern zone via transfer, the documented length overall of the replacement vessel may not exceed the documented length overall, or aggregate documented lengths overall, of the replaced vessel(s) by more than 20 percent.

Alternative 2. Eliminate vessel length restrictions for obtaining a permit for the middle and southern zones via transfer.

Preferred Alternative 3. To obtain a permit for the middle or southern zone via transfer, the documented length overall of the replacement vessel may not exceed the documented length overall, or aggregate documented lengths overall, of the replaced vessel(s) by more than 35 percent.

**MOTION #10. APPROVE THE IPT RECOMMENDATION: RENAME THIS ACTION FROM “ESTABLISH BOAT LENGTH LIMIT RULE” TO “REVISE BOAT LENGTH LIMIT RULE”; ADD NEW ALTERNATIVE 3 FROM THE AP; AND CHOOSE THE NEW ALTERNATIVE 3 FOR ACTION 8 AS OUR PREFERRED
APPROVED BY COMMITTEE
APPROVED BY COUNCIL**

ALTERNATIVE 3: TO OBTAIN A PERMIT FOR THE MIDDLE OR SOUTHERN ZONE VIA TRANSFER, THE DOCUMENTED LENGTH OVERALL OF THE REPLACEMENT VESSEL MAY NOT EXCEED THE DOCUMENTED LENGTH OVERALL, OR AGGREGATE DOCUMENTED LENGTHS OVERALL, OF THE REPLACED VESSEL(S) BY MORE THAN 35 PERCENT.

The Council changed the title of this action to make it more consistent with the alternatives they considered. The new alternative was added and selected as the preferred alternative to support the AP’s request to allow for larger vessels that are required to be able to accommodate refrigerated sea water storage systems.

Action 9 – ~~Restrictions on where permitted vessels can fish for golden crab~~ Modify regulations on golden crab fishing zones

Alternative 1. No Action. A vessel with a permit to fish for golden crab in the northern zone or the middle zone may fish only in that zone. ~~No vessel with a documented length overall greater than 65 ft (19.8 m) may fish for golden crab in the small vessel sub zone within the southern zone. The small vessel subzone is bounded on the north by 24°15' N. lat., on the south by 24°07' N. lat., on the east by 81°22' W. long., and on the west by 81°56' W. long.~~ Upon request from an owner of a permitted vessel, the NMFS Regional Administrator will change the zone specified on a permit from the middle or southern zone to the northern zone. A vessel may possess golden crab only in a zone in which it is authorized to fish, except that other zones may be transited if the vessel notifies NMFS Office for Law Enforcement in advance and does not fish in a zone in which it is not authorized to fish.

Preferred Alternative 2. Participants can use quota in any zone for which they possess a permit.

~~Preferred Alternative 3.~~ A vessel with a permit to fish golden crab can use annual pounds in any of the three golden crab fishing zones.

**MOTION #11. MAKE ALTERNATIVE 2 OUR PREFERRED FOR ACTION 9
APPROVED BY COMMITTEE
APPROVED BY COUNCIL**

The Council changed the preferred alternative to **Preferred Alternative 2** to help protect against potential gear conflicts and/or effort shifting. **Preferred Alternative 2** allows fishermen with multiple permits to fish their total allocation (regardless of which permit it is assigned to) in any zone where they are permitted to fish.

MOTION #12. CONCUR WITH THE IPT RECOMMENDATION CHANGING THE NAME OF ACTION 9 TO “MODIFY REGULATIONS ON GOLDEN CRAB FISHING ZONES.”

APPROVED BY COMMITTEE

APPROVED BY COUNCIL

The Council changed the name of the action to more reflect the content of the alternatives.

Note to IPT: **Action 1 (No Action)** makes reference to the small vessel subzone in its quote from the regs and it is irrelevant to the action being considered here. The Council requested the IPT remove the language from that alternative that refers to the small vessel subzone.

Action 10 – Modify the small vessel sub-zone restriction

Alternative 1. No Action. ~~Do not eliminate the small vessel sub-zone within the southern zone that was originally established to protect against very large vessels fishing in the sub-zone.~~ **Do not modify the small vessel sub-zone restriction. The small vessel sub-zone was originally established to protect against very large vessels fishing in the sub-zone. In the small vessel sub-zone with the southern zone, no vessel with a documented length overall greater than 65 ft (19.8 m) may fish for golden crab. The small vessel subzone is bounded on the north by 24°15' N. lat., on the south by 24°07' N. lat., on the east by 81°22' W. long., and on the west by 81°56' W. long.**

Preferred Alternative 2. Eliminate the small vessel sub-zone within the southern zone that was originally established to protect against very large vessels fishing in the subzone

MOTION #13. REVISE THE NO ACTION ALTERNATIVE AS RECOMMENDED BY THE IPT AND DESIGNATE ALTERNATIVE 2 IN ACTION 10 AS OUR PREFERRED
APPROVED BY COMMITTEE
APPROVED BY COUNCIL

The Council changed the wording of the **Action 1, No Action** alternative to reflect the current regulations. **Preferred Alternative 2** was chosen as the small vessel sub-zone is no longer necessary because the vessel it was originally set up to protect are no longer a part of the fishery.

Note to IPT: Ensure that the **Action1. (No Action)** alternative is a simple statement of the status quo. It should not include statements like “do not modify”.

Action 11 – Establish criteria for permit stacking **Modify ‘one vessel, one permit’ policy for golden crab**

Alternative 1. No Action. ~~Do not allow stacking of golden crab permits.~~

~~**Alternative 2.** Allow for stacking of up to three permits on one vessel so that any zones for which the vessel has a permit can be fished in one trip.~~

~~**Alternative 3.** Allow an unlimited number of golden crab permits on a single vessel so that any zones for which the vessel has a permit can be fished in one trip.~~

Alternative 1. No Action. Do not modify “one vessel, one permit” policy for golden crab.

Preferred Alternative 2. Allow multiple permits to be issued to one vessel so that any zones for which the vessel has a permit can be fished in one trip.

Sub-alternative 2a. Two permits per vessel

Preferred Sub-alternative 2b. Three permits per vessel

**MOTION #14. ADOPT THE IPT’S RECOMMENDED LANGUAGE CHANGES:
RENAME ACTION 11 AS “MODIFY ‘ONE VESSEL, ONE PERMIT’ POLICY FOR
GOLDEN CRAB”; CHANGE THE ALTERNATIVES AS RECOMMENDED BY THE
IPT (DELETE ALTERNATIVE 3); AND CHOOSE ALTERNATIVE 2, SUB-
ALTERNATIVE 2B AS THE PREFERRED
APPROVED BY COMMITTEE
APPROVED BY COUNCIL**

Alternative 1. No Action. Do not modify “one vessel, one permit” policy for golden crab.

Alternative 2. Allow multiple permits to be issued to one vessel so that any zones for which the vessel has a permit can be fished in one trip.

Sub-alternative 2a. Two permits per vessel

Sub-alternative 2b. Three permits per vessel

~~**Alternative 3.** Allow an unlimited amount of golden crab permits on a single vessel so that any zones for which the vessel has a permit can be fished in one trip.~~

The Council had requested the IPT rewrite this action and alternatives to remove the term “permit stacking” in favor of phrasing that would be more descriptive. **Alternative 2** and **Sub-alternative 2b** were chosen to allow shareholders who have permits for up to three zones to keep all of them on one vessel without having to return to port and transfer a permit from one vessel.

Note to IPT: Ensure that the **Action1. (No Action)** alternative is a simple statement of the status quo. It should not include statements like “do not modify”.

Action 12 – Monitoring and enforcement

Alternative 1. No Action. Do not require additional monitoring and enforcement.

Preferred Alternative 2. Require all fishing vessels engaged in the golden crab catch share program to be equipped with VMS. The purchase, installation, and maintenance of VMS equipment must conform to the protocol established by NMFS in the Federal Register:

Sub-alternative 2a. The purchase, installation, and maintenance of the VMS equipment and communications costs will be paid for or arranged by the shareholder.

Sub-alternative 2b. The purchase, installation, and maintenance of the VMS equipment and communications costs will be paid for or arranged by NMFS.

Preferred Sub-alternative 2c. The purchase of VMS equipment will be reimbursed by the National OLE VMS reimbursement account if funding is available. Installation, maintenance, and communication costs will be paid for or arranged by the shareholder.

**MOTION #15. SELECT ALTERNATIVE 2, SUB-ALTERNATIVE 2C AS OUR
PREFERRED FOR ACTION 12
APPROVED BY COMMITTEE
APPROVED BY COUNCIL**

The Committee selected **Preferred Alternative 2** and **Preferred Sub-alternative 2** as preferred alternatives to be consistent with all other IFQs in place.

Note to IPT: In this action and other actions where appropriate, the Council wants included in the document sufficient description of the actual procedures that will need to be put in place to carry out their directions to be included in the Administrative Effects section for the action where the procedures are most relevant.

Action 13 –Establish criteria for new entrants program

Alternative 1. No Action. Do not create provisions that assist new entrants in entering the fishery.

Alternative 2. Set aside some amount of annual pounds for new entrants when quota is: (i) released as a part of a violation, (ii) lost quota (use it or lose it provision); and (iii) when the ACL exceeds 3 million pounds.

Alternative 3. Set aside 2% of the golden crab ACL each year to be auctioned off to permit holders that do not possess shares.

Alternative 4. Set aside 5% of the golden crab ACL each year to be auctioned off to permit holders that do not possess shares.

Alternative 5. Set aside 10% of the golden crab ACL each year to be auctioned off to permit holders that do not possess shares.

The Council asked Staff to develop new alternatives for Action 13 to be presented for review and discussion at Full Council. Below are the new recommended alternatives:

Action 13: Establish criteria for new entrants program

Alternative 1 No Action. Do not create provisions that assist new entrants in entering the fishery.

Alternative 2. When a golden crab permit is transferred to a new entity, the following minimum percent of the current total ACL must be transferred along with the permit:

Sub-alternative 2a. 1%

Sub-alternative 2b. 2.2727%

Sub-alternative 2c. 5%

The Council may wish to modify and/or choose a preferred alternative and/or sub-alternative at Full Council.

**MOTION #15A: MOVE ACTION 13 TO CONSIDERED BUT REJECTED
(OLD AND NEW WORDING)
APPROVED BY COUNCIL**

Note to IPT: We will need to look at the transcript of the Full Council Session to determine the Council's logic for moving this action to the "Considered, but Rejected" Appendix.

Action 14 – Annual pounds overage

Alternative 1. No Action. Do not allow fishermen to exceed their allotted annual pounds.

Alternative 2. A person on board a vessel with the shareholder's only remaining golden crab annual pounds may exceed, by up to 10%, the shareholder's annual pounds remaining on the last fishing trip of the year. Shareholders who incur an overage will be required to pay back the annual pounds overage in the subsequent fishing year.

Preferred Alternative 3. A person on board a vessel with the shareholder's only remaining golden crab annual pounds may exceed, by up to 20%, the shareholder's annual pounds remaining on the last fishing trip of the year. Shareholders who incur an overage will be required to pay back the annual pounds overage in the subsequent fishing year.

**MOTION #16. SELECT ALTERNATIVE 3 AS OUR PREFERRED FOR ACTION 14 AS
PER THE AP'S RECOMMENDATION
APPROVED BY COMMITTEE
APPROVED BY COUNCIL**

The Council selected **Preferred Alternative 3** as the preferred alternative to help prevent some discards of the resource that might otherwise occur should the final trip exceed the shareholder's allocation.

Action 15 –Approved landing sites

Alternative 1. No Action. Do not establish approved landing sites for the golden crab catch share program.

Preferred Alternative 2. Establish approved landing sites for the golden crab catch share program. All participants must land at an approved landing site to participate in the program:

Preferred Sub-alternative 2a. Approved landing sites will be selected by fishermen but must be approved by NMFS Office of Law Enforcement (OLE) in consultation with the appropriate state law enforcement agency prior to use.

Sub-alternative 2b. Approved landing sites will be selected by the Council and NMFS in consultation with the appropriate state law enforcement agency, based on industry recommendations and resource availability.

**MOTION #17. SELECT ALTERNATIVE 2 AS PREFERRED WITH CURRENT SUB-ALTERNATIVE 2-A AS A PREFERRED
APPROVED BY COMMITTEE
APPROVED BY COUNCIL**

The Council selected **Preferred Alternative 2** to be clear that it is also the preferred alternative along with previously selected **Preferred Sub-alternative 2a**. This combination of preferred alternative and sub-alternative allows fishermen to select their preferred landing sites subject to the approval of NMFS OLE and the state LE agency.

After the Council finished its discussion of the actions and alternatives for Golden Crab Amendment 6, NOAA GC recommended the Council consider a motion to make a wording change for Actions 1 and 4. The Committee recommended changes to ensure that the word “valid” appear before the words “golden crab permit”. NOAA GC recommended the Council consider revising the wording from “valid golden crab permit” to “valid or renewable golden crab permit” in Actions 1 and 4.

**MOTION #17A: ACCEPT THE FOLLOWING WORDING CHANGE (revising the wording from “valid golden crab permit” to “valid or renewable golden crab permit” in Actions 1 and 4).
APPROVED BY COUNCIL**

Additionally, it was suggested that the Council consider changing the use of the phrase “Catch Share” with “Individual Fishing Quota” or “IFQ” as appropriate throughout the document. NB: this is contrary to the direction given to staff for Action 5. However, subsequent to the IPT making its recommendation, the NMFS Office of LAPP/DM made this request in order to make this amendment’s terminology consistent with current IFQ programs already managed by NMFS SERO.

COUNCIL GAVE DIRECTION TO STAFF/IPT TO ADD A PARAGRAPH NEAR THE BEGINNING OF THE DOCUMENT EXPLAINING THAT THIS CATCH SHARE PROGRAM IS ACTUALLY AN IFQ AND THE TERMS “IFQ” AND “CATCH SHARE” ARE USED INTERCHANGEABLY IN THIS DOCUMENT. ANDY STRELCHECK VOLUNTEERED TO WRITE THE PARAGRAPH.

**MOTION #17B: ADD THE FOLLOWING ACTION (DEFINE ANNUAL POUNDS OWNERSHIP CAPS) INTO AMENDMENT 6 AND SELECT ALTERNATIVE 2 AS A PREFERRED
APPROVED BY COUNCIL**

Define annual pounds ownership caps

Alternative 1. No Action. Do not identify annual pound ownership caps

Preferred Alternative 2. Set the annual pounds cap equal to the corresponding share cap as defined in the “Define quota share ownership caps” action (Action 5) times the annual quota. For any single fishing year, no person shall possess annual pounds in an amount that exceeds the annual pounds cap. Anyone receiving annual

pounds in excess of the annual pounds ownership cap would not be able to purchase additional annual pounds. Anyone receiving annual pounds that were less than the annual pounds ownership cap could purchase additional annual pounds up to the amount of the annual pounds ownership cap.

Alternative 3. Set the annual pounds cap equal to:

Sub-alternative 3a. The share cap specified in Action 5 plus 1% times the annual quota.

Sub-alternative 3b. The share cap specified in Action 5 plus 5% times the annual quota.

Sub-alternative 3c. The share cap specified in Action 5 plus 10% times the annual quota.

Note to IPT: Since the Council removed “old” Action 13. This “new” action will become Action 13. This action had been removed by the Council at the September meeting, however on the advice of NOAA GC, it was added back in at this meeting.

**MOTION #17C: IN ORDER TO QUALIFY A PERMIT TO EXPRESS THEIR INTEREST IN AMENDMENT 6, PERMIT MUST HAVE LANDINGS IN 2 OF THREE YEARS (2008 THROUGH 2010); QUALIFYING PERMITS ARE ALLOWED TO EXPRESS THEIR INTEREST ONCE PER PERMIT; COUNCIL TO SEND LETTER AND THE INDIVIDUALS PROVIDE INPUT PRIOR TO MAY 18, 2012
APPROVED BY COUNCIL**

**MOTION #17D: THE STATUS OF GOLDEN CRAB PERMITS BE CONSIDERED AS OF YESTERDAY (3/8/12)
APPROVED BY COUNCIL**

This motion was made in reference to the direction given by the Council in the previous motion to indicate that when determining which permits would be allowed to express their interest in furthering Amendment 6, the Council wanted to make it clear that they wanted the status of the permit as of 3/8/12, determine whether or not the permit holder would be queried regarding their interest in the IFQ.

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

GOLDEN CRAB COMMITTEE

**Savannah Hilton DeSoto Hotel
Savannah, Georgia**

MARCH 7, 2012

SUMMARY MINUTES

Committee Members:

David Cupka, Chair
Dr. Wilson Laney
Charlie Phillips

Mac Currin
Jessica McCawley
Tom Swatzel

Council Members:

Ben Hartig
Tom Burgess
Dr. Michelle Duval
Duane Harris

Robert Boyles
Dr. Roy Crabtree
Lt. Robert Foos
Doug Haymans

Council Staff:

Bob Mahood
Kim Iverson
Roger Pugliese
Anna Martin
Dr. Kari MacLauchlin
John Carmichael
Julie O'Dell

Gregg Waugh
Andrea Grabman
Myra Brouwer
Dr. Mike Errigo
Dr. Brian Chevront
Mike Collins

Observers/Participants

Phil Steele
Red Munden
Anna Beckwith
Otha Easley
Dr. Bonnie Ponwith
Monica Smit-Brunello
Dr. Marcel Reichart

Brad Whipple
Martha Bademan
Scott Sandorf
Bob Gill
Dr. Jack McGovern
Andy Strelcheck

Other observers attached to the end of the document.

The Golden Crab Committee of the South Atlantic Fishery Management Council convened in the Madison Ballroom of the Savannah Hilton DeSoto Hotel, March 7, 2012, and was called to order at 10:40 o'clock a.m. by Chairman David Cupka.

MR. CUPKA: We're going to convene and take up the Golden Crab Committee. The first order of business will be approval of the agenda. Are there any changes to the agenda? Seeing none, then the agenda is approved. The next order of business is approval of the December committee meeting minutes. Are there any changes, corrections or additions to the minutes? Is there any objection to approving that? Seeing none, then our committee meeting minutes are approved.

That brings us down to Draft Golden Crab Amendment 6, and I'm going to turn it over to Brian. Let me just say that we had sort of wanted to try and take final action on this amendment at this meeting, but I don't think we're going to be able to. Right now we plan on trying to finish it up in June, but there are still a number of decisions to be made and some additional work to be done on the document. I'm going to turn it over to Brian and I guess the first order of business is the advisory panel meeting report.

DR. CHEUVRONT: As you all are aware, there are a number of things that need to happen still with this amendment. It has been out to public comment. We had an AP meeting at the end of January as well. Right now the council has 15 actions in this amendment, 8 of which that do not have a council preferred alternative.

That has made it rather difficult for staff to be able to fully complete this document as well as to produce meaningful codified text. What we would really like to try to accomplish at the meeting today is to get as much of these issues resolved as possible and then probably bring the document back to you in June for you to have a final review and comment period, and then probably at the June meeting decide to vote on whether you want to send this off to the secretary for review.

The AP met in January and the AP went over all of the actions that are in the amendment. The one that still provided some particular difficulty for the AP was again the new entrant's action. There has still been continued work on that after the AP meeting. The AP was involved and they continued work. We had some discussions that went on by e-mail and there have been further discussions still.

Now, what we did is we took all of the AP comments and we put them into the decision document. What I really would like to do is instead of going through each of the AP comments up front is to tell the committee what the AP decided and what their thoughts were on each of the actions as they occur and before the council takes up their discussion. I think it would keep it a little relevant and in time. Mr. Chairman, if you would grant me that privilege to be able to bring up those at that time, as we discuss each action, I think it will make it relevant then we won't have to remember what the AP said.

MR. CUPKA: I think that's a good way to proceed, and also Brian has included comments in there from the IPT as well as some issues that he has discussed with the regional office. I think the best way to proceed would be to go through that document and take those issues one at a time.

DR. CHEUVRONT: I do want to make some comments before we get into the actual document itself. Several of the AP members showed at different public venues. They basically came to express support for the decisions that had been made by the AP just previously. However, there were some public hearing comments that were made by those who were not members of the AP, and I'd like to give you very quickly a summary of those comments.

On Action 5 in the document, which is regarding owner share caps, there was one comment on limiting the percent of catch share to 35 percent, which is Alternative 4, because he felt that 49 percent ownership by a single entity was considered too much. In Action 9 there was a comment that – Action 9 is restrictions on where vessels can fish.

One commenter said that he would like to see an expansion of the northern zone. Actually, I had some offline comment with this person later on and explained that as long as you stayed out of closed areas he could fish anywhere he wanted to in the northern zone, all the way up to the North Carolina/Virginia Line.

In further consultation with this person and sending him maps and explaining where he could and could not fish, it appeared that what he really would like to see is an expansion of the golden crab fishing zone within the Coral HAPC that's in the northern zone. I don't have the map to show you right here, but I believe in Snapper Grouper Amendment 14 that set up those MPAs there were carved out golden crab fishing zones that were allowable areas within the Coral HAPC.

In the northern zone there is a north/south line that basically runs and then it stops and runs east/west. This person would like to see an expansion of the allowable fishing area, but that is not an issue that was being taken up in this amendment. Action 13 is the new entrant's criteria and we'll have a lot to talk about once we get there.

There was one commenter who said he would like to see the council increase the overall number of golden crab permits. Currently there are eleven. The argument that he used was that the ACL is more than double what has ever been caught in this fishery, and so he felt that there must be room for more participants. Those were the main comments that we got from the public hearings that were not made by AP members in support of the decisions that were made by the AP.

First off, one of the things I would like to do before we get into each of the actions is to have a discussion about the purpose and need section for this document. We've got projected right now a version of the purpose and need that the council had discussed previously but did not make its way into the document.

We'd like to make sure that it is reviewed once again by the council and then have the committee reaffirm whether they think this is fine or whether they would like to modify it at this time. The purpose is Amendment 6 to the fishery management plan for the golden crab fishery of the South Atlantic Region, Golden Crab FMP, consists of regulatory actions that would result in the development of a catch share program for the golden crab fishery.

The purpose and need of developing a golden crab catch share program is to develop a proactive approach to management and prevent derby fishing from developing; protect sensitive benthic habitat by ensuring fishery participants have a high level of knowledge of the fishery and its operation; modify management of the fishery to allow for flexibility due to vessel breakdowns and medical issues; reduce the potential for gear conflicts in the golden crab fishery and to ensure safety at sea; provide economic incentives for the fishery to operate more efficiently; promote optimal utilization of the resource and professionalize the fishery; maintain participation of fishermen with high-level knowledge and experience to protect sensitive deepwater coral habitats; and the development of the catch share program further addresses the objectives of the Golden Crab FMP as described in Section 1.2.

MR. CURRIN: Looking at those, David, it appears to me that there is not a heck of a lot of difference, if any, between the second one and the seventh one, protect sensitive benthic habitat and ensure a high level of knowledge of the participants; and then the seventh, maintain participants with a high level of knowledge to protect sensitive deepwater coral habitats; aren't they about the same?

MR. CUPKA: Yes, they look it to me.

MR. CURRIN: I've got no preference which we use, but I don't think we need to include both of them.

DR. CHEUVRONT: Okay, we're really like to get some direction from the council on how you would like to deal with that, then.

MR. CURRIN: Well, if I had to pick I'd suggest we keep number two, the second one, and eliminate the seventh one.

MR. CUPKA: Is that a motion, Mac?

MR. CURRIN: Yes, I'd make that as a motion, David.

MR. CUPKA: Okay, we have a motion; is there a second. Wilson seconds. Discussion on the motion? Is there any objection? Seeing none, that motion is approved. **The motion is to delete Item Number 7 of the purpose and need.** The reason for that, of course, is because it's redundant. Is there any objection to that? Seeing none, **then that motion is approved.**

DR. CHEUVRONT: Is there any other discussion or do you think we have captured adequately the purpose and need for this document? I know that at one point Roy and Monica had some concerns and I wanted to make sure that we addressed the issues that you had before we go on.

DR. CRABTREE: I think there is enough stuff there to write a purpose and need. Part of the problem I see, though, is then as you go through the actions in the document it doesn't really connect them. If a purpose is to maintain a high level of expertise in the fishery, why is the catch share program going to do that more effectively than the status quo; and how do the preferred alternatives we have selected, why are they the best to accomplish that?

When I've looked through the document, I don't see much that draws a connection of the program or the choices that are being made with the purpose and need. That's really to me at least part of the weakness here is explaining why this program is needed to accomplish the purpose and need.

MR. CUPKA: Brian, will you be able to work on that before it comes back to the June meeting?

DR. CHEUVRONT: Exactly, I think that's what we'll have to do is make sure that in the discussion of each of the actions show how each of the actions apply to the purpose and need. That's what I was writing down to make sure that we made that happen.

MS. SMIT-BRUNELLO: And I agree with that.

DR. LANEY: Brian, I was trying to find these in the document. They don't seem to match up with what is on Page 36 under purpose and need.

DR. CHEUVRONT: That is correct; when I first mentioned this, Wilson, I was saying that this was something that had inadvertently been left out. What we would like to do now is to start with each of the actions and go through the actions one by one. Some of the actions, like I said before, you already have a preferred, and we'd maybe like to have some discussion on that.

There isn't much needed discussion, but there are some areas where there may need to be some administrative enhancement to what we have in the action to help actually make this work. We've got Andy Strelcheck here who is going to help us to explain some of these administrative things that need to occur largely on the part of SERO to implement this program.

Action 1 is to establish criteria for a golden crab catch share program. Your current preferred is to restrict eligibility to valid commercial golden crab permit holders. Eligibility for participation in this catch share program is defined as having a valid commercial golden crab permit as of the effective date of the final rule.

Now, this basically says that the eleven permits that are currently in the fishery would stay in the fishery. That's what your current preferred is. The Golden Crab AP agrees with the council's preferred alternative at this point. However, since the last time you've seen this document, one of the things that was added to it was a section on administrative requirements that would have to go into establishing this.

Andy, would you like to take a moment and talk about some of that? If you would like to look in the document we're going to follow, if you want to look in the actual document that we're referring to, you were sent one on Friday that has the document put into new format that we're using for FMPs. It starts on PDF Page 109 or Document Page 94. This is under Chapter 4 in Action 1.

MR. CURRIN: I want to find the document first. Can you tell me which attachment or what the title is, Brian?

DR. CHEUVRONT: This was e-mailed to you last Friday by Mike Collins, and it's attached to revised GC Amend Catch Shares and it was dated 2012/03/02.

MR. CURRIN: Is that different than the Attach 2 Revised GC Amendment 6, whatever, catch shares with the date modified – it was modified the 2nd of March; is that correct?

DR. CHEUVRONT: That is correct, when it was modified the 2nd of March, and scroll down to the paragraph that starts Action 1.

MR. STRELCHECK: As Brian discussed, there are a lot of administrative details that pertain to catch share programs. You were sent a proposed rule that is on the order of about 30 pages double-spaced. A lot of that proposed rule pertains to the administration of the program, but it isn't necessarily specific to actions and alternatives that you've selected in this document.

We wanted you to be aware of the information that we are inputting into the rule as well as the general text and information that is being added to the document itself. The devil is always in the details and we don't want you to come back and say, well, we never discussed this or never voted upon it.

Ultimately it's NMFS' responsibility to implement the program, but there are some key considerations that are important. In terms of the amendment you have no actions pertaining to dealers. There is already a golden crab dealer permit. However, we require with an IFQ program or catch share program that the dealer set up a dealer account with our system to log landing transactions.

They also have to obtain a dealer endorsement that is free to them through that program. Those are the dealer requirements that we focus on with a catch share program, but they're administratively written into this amendment. There is no action and alternative pertaining to that. I wanted to draw your attention to that.

One of the discussions that we've had with some of the golden crabbers this week is about landing and offloading times. In the Gulf of Mexico, with the IFQ programs, we allow landing to occur 24 hours a day, so there is no restriction. However, offloading is restricted from 6:00 p.m. to 6:00 a.m., so you can only offload essentially during daylight hours. You can only offload between 6:00 a.m. and 6:00 p.m.

In talking with some of the golden crab fishermen, this window might not work well for them. At least one mentioned to me that oftentimes an offload begins at three or four o'clock in the afternoon and extends until eight or nine o'clock at night. That's something that probably needs to be discussed in more depth from an administrative standpoint and getting input from the fishermen as well as law enforcement as to what might be a viable option for offloading times.

With catch share programs, everything is done electronically in our system. We're looking to build the system analogous to our Gulf programs to work for the South Atlantic, so the dealer or the fishermen are going to have to have access to computers. They're going to have to set up

accounts with our system that are password protected. All of the administrative functions of the system will be done administratively through that electronic system.

In doing that, we are imposing some requirements in the event that they might not use computers often or may not have a computer. That is going another requirement that will be added in terms of participating in the program. Everything then gets tracked through that system. Other than that, I think when we walk through the actions and alternatives I can point out other administrative functions that we might need you to provide input on, but I wanted to just initially give you a brief overview of how the system is going to work from our standpoint.

MR. CURRIN: Andy, are you indicating that we need actions in the document to address the dealer licensing and the like or is that just an administrative function that you guys will take care of and you just want to make us aware of it?

MR. STRELCHECK: Yes, we want to make you aware of it. I think the key will be when you have a detailed proposed rule with all your preferred alternatives in it to take a very careful look at that and make sure that what we've done in terms of the text in the document and expanding on the administrative details is consistent with what you would recommend and as well as what industry is going to want to provide input on in terms of how this program functions.

Our goal is to set up this program as consistent administratively as possible with the other existing programs because it helps to streamline our work at the regional office in monitoring and administering the programs.

MR. CURRIN: Regarding the offloading times, is that again an administrative function or is that something we need to have some input obviously from the AP to figure out how we can make that work, but is that something we need in the document as well or is that something you guys will handle? I have got one more question regarding offloading times.

MR. STRELCHECK: We reference in the text of the document a 6:00 a.m. to 6:00 p.m. offloading window, but certainly input is beneficial from industry and from the council as to whether or not you would want to change that offloading window for golden crab fishermen. A new action would not need to be required.

MR. CURRIN: And regarding an offloading window defined in some way, the purpose of that is to allow for law enforcement or NMFS personnel to be available. Are they in fact always available or present when the offloading occurs or is it just to provide them an opportunity to select a time when they can be there and double-check some things?

MR. STRELCHECK: Certainly, law enforcement and NMFS personnel are going to more likely be available during daylight hours, but they do enforce the programs 24 hours a day. Not every offload or landing is monitored, but it gives them the opportunity to be present if need be.

MR. CURRIN: Regarding that and the comments from some of the golden crab folks, if they began an offload at three o'clock in the afternoon, within that window, and notified you that offload was going to occur, is it a real problem that it continues on beyond that six o'clock

timeframe or are the rules that stringent such that offloading must occur and be complete by six o'clock in the afternoon?

MR. STRELCHECK: The way the regulations work in the Gulf is that it must be complete prior to 6:00 p.m. Otherwise, the offload must stop at that point. Now, enforcement could certainly weigh in and provide some input on whether there could be some flexibility in changing that for golden crab.

MR. CUPKA: Okay, other comments? All these as I understand it are administrative details that could be worked out with input from the fishermen and they don't need to be in this document.

MS. SMIT-BRUNELLO: I want to clarify the record and just clarify in my mind, I guess, so we just had a discussion from Andy about the administrative details that are in the document, but that's different than having the council meeting to take action on certain things. You just said those were administrative details to be worked out that didn't need to be in the document. I just kind of want to know where –

MR. CUPKA: Well, what I meant to say is they need to be in the document and they need to be amended to where they need to be, but the committee and the council does not need to take action. It's not an action item. My understanding is that NMFS can do those without the council taking action and it's part of the administrative details. If I misspoke, I apologize.

MS. SMIT-BRUNELLO: No, that's fine because that's what I understand, too; but I think to the extent that the council wants to have input, it should go in the discussion and you should talk about it here so that we have a record as to why it's in the document. I agree; you don't necessarily need to take action on it unless you absolutely wanted to.

DR. CHEUVRONT: And, Monica, it will all be in the codified text as well and the council does have to deem that text once it's ready.

MS. SMIT-BRUNELLO: Right.

DR. CHEUVRONT: And we're a long ways from that right now.

MR. WAUGH: And some of these obviously have significant impacts on the fishery. When they were done in the Gulf, are those impacts analyzed in the proposed rule? Because if it's not an action in the amendment, then there is no analysis of those impacts on the fishermen; and so if it's all administrative and handled, does that mean you don't have to consider any of those impacts or are they analyzed in the proposed rule and presented there?

MR. STRELCHECK: For the Gulf and I think similar here, because you're approving a catch share program, they are ultimately part of the administrative effects' discussion of the developing that catch share program. To the extent that you're going encompass these administrative details, they would be part of the text in approving the program.

MS. SMIT-BRUNELLO: But I don't think that they're analyzed along with the alternatives in the proposed rule. Now, I kind of see where you're going, I think, so we should definitely have the fishermen, the golden crabbers – we'll talk about the AP in a minute, but they should discuss what works better for them and economically maybe why and we could build that into the document.

MR. WAUGH: And certainly in the future I think it would be helpful to have this level of detail in the public hearing document so that everybody can understand and know what the impacts are. I don't want to carry it to an absurd point, and I know NMFS wouldn't, but it's like because you're getting a catch share, then you have to deal with whatever we as the agency set as the rules regardless of the impacts and we're not even analyzing the impacts.

It seems to me at some point that should be presented so people know what they're buying and not just in the final rule or the proposed rule when it's just, as Andy said, here is the devil. We need to let them know what the devil is earlier in the process in the future. But now for this, if there is not going to be any analysis, then we just need, between now and the June meeting, to make everybody aware of all the details.

DR. CHEUVRONT: Okay, let's move on to Action2. This is the initial apportionment of catch shares. The council currently has a preferred subalternative. And just to clarify things in going through the previous motions and things, the council chose Preferred Subalternative 5B but never actually officially chose Alternative 5 as their preferred.

The council's current preferred, these two actions, Action 1 and Action 2, work together to figure out who is in the catch share program and then how much allocation do they get. The council's current preferreds allows in all eleven of the permits. However, the current preferred in Subalternative 5B only assigns allocation to ten of the eleven permits.

The council may want to consider revising its subalternative to make sure all of the permits get at least some allocation. One of the things I want to state at this point is that the decisions that you make here could actually have an impact on later actions in the document, particularly Action 13 that looks at new entrants – and we're going to talk about that when we get there – that if all of the permits get some allocation assigned to them up front, it will make it much easier for us to deal with new entrants later on into the fishery.

I don't know that you had that analysis before that showed that under your current preferreds all eleven permits stay in the fishery but only ten of the eleven permits would get an allocation. Now, one of the things that the council could do is if you chose Subalternative 5A, which simply changes the amount of landings that the permit has to have on it from 1997-2010 to 25,000 pounds from the 50,000 pounds, all eleven permits will get an initial allocation.

I just stand corrected here. We just need to choose Alternative 5 without either of the subalternatives and then everybody will have it. If the council chose its preferred simply just to Alternative 5 with no subalternative, that would get everybody an initial allocation.

DR. LANEY: Mr. Chairman, **I would move that we change our preferred alternative there to Alternative 5 as opposed to Preferred Subalternative 5B**, if I understood Brian correctly.

MR. CUPKA: Yes, and I think part of that would be to eliminate the two subalternatives, also.

DR. CHEUVRONT: Right. What this would do, if I remember correctly – and, Andy, correct me if I'm wrong – is that each permit would get at least 2.2727 percent of the overall ACL. Remember, the ACL for this fishery is now at 2 million pounds. In the past I believe the most that has ever been landed in a single year is 814,000 pounds.

So translating 2.2727 percent, it roughly comes out to about 44,000 pounds minimum that each fisherman or each permit would be assigned. That's out of 2 million pounds over. This would probably allow for, talking decent trips, about three trips. Of course, anybody who is in the fishery and has a permit and has allocation would then be eligible to purchase more allocation or more shares if they so desired.

MR. CUPKA: Okay, we have a motion but we never did get a second, I don't believe. Let's get a second before we –

MR. CURRIN: That's what I was going to do, David. I was going to second for discussion purposes. Is it as big a problem as we perceive it to be perhaps that there is somebody with a permit with no shares? I understand that in the Gulf with the red snapper ITQ that there were a lot of people – maybe no people with permits that didn't have some share, but the shares were so low, a pound or two or whatever, so low at a point where they were essentially useless.

They still had a permit or a license to participate in the ITQ and were eligible to purchase shares from other people within the fishery, I presume. You said something that I didn't quite understand, Brian. I believe it was regarding that, that it had some implications about new entrants into the fishery, and I'm not real clear what those implications are.

DR. CHEUVRONT: Well, the alternatives that you see in Action 13, when we get to it, what the AP and the IPT and all have discussed, they looked pretty different from what is there; so I think when we get to Action 13, we would consider asking the council to consider removing this action from this amendment.

The easiest way that folks have come with being able to allow for new entrants is to require a minimum percentage of allocation stay with every permit because that gets everybody in at a basic minimum level into the fishery. If the council chooses to change their preferred to Alternative 5 now at this point it will make it very easy to deal with alternatives in Action 13 because every permit will now have a small amount of shares attached to it, and that will make it easier to do that later.

MR. CURRIN: I understand what all the current permits would have, but to me a new entrant means adding an additional permit, which if they're all distributed to the existing permits now, unless there is additional ACL or quota or poundage available, then there would be no new permits with associated quota or shares.

DR. CHEUVRONT: We have treating this as new entrants as opposed to new permits in Action 13, so this would involve the transfer of a permit to somebody who is not currently participating in the fishery and keeping the permit number at eleven. If the council would like to increase the number of permits, we do not have an action in this amendment that allows for that to occur.

MR. CURRIN: All right, that clears it up then for me. Thank you.

MR. STRELCHECK: And then to get back to your motion up here, Alternative 5 essentially addresses two permits that would not get shares under Alternative 5B. Now, one of those two permits is held by an entity that has multiple permits, so they're going to get shares with other permits that they have, so it's not necessarily a loss to them.

The other is a permit that was purchased within the last year and a half that just didn't have a landings history, but that person is now operating and participating in the fishery, so this would accommodate at least that individual from not receiving shares under Alternative 5B. The bottom line is what happens with shifting from 5B to 5 is that there are five permits that increase their share holdings by 2.27 percent and six permits that decrease their share holdings by 1.9 percent, something like that.

MR. CUPKA: Other comments or questions? We have a motion before us which is to change the preferred alternative in Action 2 to Alternative 5 and to eliminate the two subalternatives. Is there further discussion on the motion? Is there any objection? Seeing none, then that motion is approved. Brian.

DR. CHEUVRONT: Okay, moving on to Action 3, establish criteria and structure of an appeals process, the council currently has a Preferred Subalternative 2A, which Alternative 2 was not selected and probably at some point if you want to stay within this range probably does need to be selected as a preferred.

Now, you've selected 3 percent of the golden crab shares will be set aside for appeals. The Golden Crab AP passed a motion at their meeting to set the preferred from Subalternative 2A to 2D, and they would like to set it at 2 percent. Now, the IPT has also suggested that some language get added to the Alternative 2 that would say something to the effect if the amount set aside for the appeals is exceeded, then shares and annual pounds of all IFQ shareholders would be proportionately adjusted.

That would be in case, for example, whether you chose 3 percent as your preferred and for some reason it turned out that was not enough to satisfy all of the appeals, that somehow you would then have to adjust the initial allocation proportionately to account for that.

MS. SMIT-BRUNELLO: Brian, since the percentage set aside for appeals is only for a finite period of time, 90 days or whatever, what was the rationale of the AP to ask a change in the percentage?

DR. CHEUVRONT: Their rationale was that they would like to have as much distributed initially as possible for a couple of reasons. One is there are so few permit holders they didn't think that there were going to be that many appeals, but then there is going to be several fishermen who are going to get relatively small number of shares. So, if they're only going to get enough to allow them to do three trips, they could potentially do that within the first 90 days of the program.

MR. CUPKA: Other questions? What is the will of the committee? Is it to stay with our current preferred or to switch preferreds to Subalternative 2D? Regardless if we choose any of those subalternatives, we also should choose Alternative 2 as the preferred and then whichever subalternative you wish to go with.

DR. CHEUVRONT: And also whether you'd like to add that one sentence that would allow for an adjustment in case that the amount of set-aside was not enough.

MR. CUPKA: Mac.

MR. CURRIN: We definitely need to add the sentence to account for a possibility. Personally looking at it I don't see a heck of a lot of difference in 2 and 3 percent. In practicality I guess it could have an impact. As long as we've got a provision to distribute the shares that are needed in the case of a successful appeal, which I assume we would if we had that verbiage Brian just suggested. I'm fine if the AP wants to do 2 percent. It doesn't really matter to me. I don't think it makes a heck of a lot of difference.

MS. SMIT-BRUNELLO: Just thinking about this from a calendar year, if the idea is to get this implemented at the start of the calendar year of January 1, when do the fishermen – do they fish during that time period?

DR. CHEUVRONT: Yes, they are fishing then.

MR. CURRIN: David, **I'll offer the motion to change the preferred to select Alternative 2, Subalternative 2D as the preferred, 2 percent to be set aside for appeals.**

MR. CUPKA: And add the verbiage to adjust it?

MR. CURRIN: Yes, if you need that as part of the motion, I'll add that as well.

MR. CUPKA: Yes, it needs to be in there I believe, Mac.

DR. CHEUVRONT: Gregg is typing all that up now and I've just given him the wording; so before you vote and get your second and all that, maybe we need to get that language up there.

MR. CURRIN: Then I'll read it.

MR. CUPKA: Okay, Wilson seconds.

MR. CURRIN: The motion is to select Alternatives 2 and 2D under Action 3 as preferreds and add “If the amount of set-aside for appeals is exceeded, then shares and annual pounds of all IFQ shareholders would be proportionately adjusted.

MR. CUPKA: Okay, we have a motion before us. Is there any further discussion on the motion? Is there any objection? **Seeing none, that motion is approved.** Brian.

DR. CHEUVRONT: Okay, moving on to Action 4, Action 4 is to establish criteria for transferability. Currently the council has no preferred alternative. Alternative 1 is no action, do not establish criteria for transferability. That’s really not something you can do in a catch share program so you have to probably choose Alternative 2 or 3.

Alternative 2 is shares or annual pounds can only be transferred to golden crab permit holders. Alternative 3 is shares or annual pounds can only be transferred to golden crab permit holders during the first five years of the catch share program and all U.S. citizens and permanent resident aliens thereafter.

Now, the IPT does recommend adding the word “valid” before “golden crab permit” where it occurs in Alternatives 2 and 3. The Golden Crab AP made a motion requesting the council to make Alternative 2 their preferred. The AP members were concerned that someone from outside the fishery could try to hold shares for speculation or other purposes, and the goal for this catch share program, which does fit one of the purpose and need objectives, was that the goal is to have as many shares possibly actually being fished. That was their reasoning behind recommending that the council choose Alternative 2 as their preferred.

DR. LANEY: Mr. Chairman, **I would move that we add the word “valid” before the term “golden crab permit” in Alternatives 2 and 3 and that we designate Alternative 2 as the council’s preferred. That’s for Action 4.**

MR. CUPKA: We have motion; is there a second? Mac seconds. Okay, the motion is to add the word “valid” before “golden crab permit” in Alternatives 2 and 3 and designate Alternative 2 as our preferred for Action 4. Is there any discussion on the motion? Is there any objection? Andy.

MR. STRELCHECK: I can’t vote on this but I wanted to I guess make a couple of comments. Based on what was just said about trying to keep the shares and allocation within the industry and prevent speculation, I think some text probably needs to be added to these alternatives. What it is says is that pounds can only be transferred to golden crab permit holders, but what can happen after the initial development of the program is that if you had a golden crab permit to start the program, you can transfer that permit away, but it allows you to maintain those shares and allocation.

It sounds like that’s not the intent of the AP that you can only possess shares and allocation if you have a permit. We had this situation in the Gulf and so functionally it operates very different. This just pertains to the transfer, but I think you really want to discuss whether or not you also want it to pertain to someone continuing to possess shares and allocation.

And then I'll add this is probably more for the new entrant's discussion in Action 13, but with the transferability if a new entrant option is added that requires a certain percentage of shares to go with that particular permit when it's transferred to someone else, then at a minimum we need to have discussion and possibly text in one of these actions that says that no person can transfer – or a minimum amount cannot be transferred so that it prevents people from transferring that away before they transfer their permit. Hopefully, that makes sense.

MR. CUPKA: Wilson, do you want to amend your motion or, Andy, do you have some suggested wording in there?

DR. LANEY: Well, Mr. Chairman, I'll amend it. If Andy will give me some suggested wording for it, I think that would be good.

MR. CUPKA: **Yes, that's going to need a little work, so what Andy is suggesting is that we come back to this one at full council and give them time to work up some verbiage. If that's okay, we'll I guess table this motion until full council. Okay, we'll postpone it then and we won't need a motion to untable. Brian.**

DR. CHEUVRONT: Action 5 is to define quota share ownership caps. The council's current preferred alternative is Alternative 5, no person including a corporation or other entity may individually or collectively hold share in excess of 49 percent of the total shares. As we've had discussions prior, if you're basing your initial allocation – if there was not a cap on there, there would actually be a participant in the fishery that would have more than 49 percent. There had been discussion about whether the council felt that was appropriate or not. At the last meeting the council chose 49 percent as their preferred.

MR. CUPKA: There is also a note by the IPT I guess to change "IFQ" to the phrase "catch shares" in Alternative 2, which is kind of a housekeeping thing, I guess. Does anyone wish to change our current preferred? Seeing none, then do you want a motion for the housekeeping thing or do you just want to change it?

DR. CHEUVRONT: No, I don't think we need a motion for that as long as everybody is – that was in Alternative 2 the term 'IFQ' appears in there and we change that word to "catch shares". Okay, I don't think there is a motion that's needed for that.

MR. CUPKA: Yes, I don't see a motion to change the preferred either, so, Brian, let's go ahead.

DR. CHEUVRONT: Okay, Action 6 is the use-it or lose-it policy. Currently the council does not have a preferred alternative. The council has three alternatives, some with subalternatives. Alternative 1 is no action; do not specify a minimum landings requirement for retaining shares. Alternative 2 is shares that remain inactive for three consecutive years would be revoked and redistributed proportionately among the remaining shareholders.

Inactive is defined as less than 10 percent of the aggregate annual average utilization of the catch share quota over a three-year moving average period. Subalternative 2A says that you would use

only landed crabs to calculate that value. Subalternative 2B is that you could use the actual landed crabs and/or transfer of annual pounds.

Alternative 3 is exactly the same as Alternative 2 except that you would have to utilize 30 percent of the aggregate utilization. The council does not have a preferred. The Golden Crab AP passed a motion requesting the council to make Subalternative 2A their preferred. The AP thought it would be too difficult to account for share usage by tracking transfers in this, and they wanted to make sure that the shares are actually fished.

Subalternative 2A they thought would help reach that goal. The AP also thought that selecting 10 percent makes it easier for permits to continue to qualify in case of problems such as temporary health or vessel issues. They also felt that keeping shares active could prevent issues later on if there is no stock assessment and the SSC has to make ABC decisions based on landings alone.

I think they were kind of concerned about what they had seen what happened with wreckfish where the ABC was set based on landings alone and there was a huge reduction in that ACL as a result of that, so there was some concern there. However, we need some clarification from the council as to what exactly gets revoked should somebody find themselves in this position?

I think some folks have been working from the assumption that it is the difference between their average landings and what they're required to land. Say, for example, over a three-year period they only landed 7 percent of their allocation. The assumption would be then they would lose 3 percent of their allocation that would go back into the pool and be redistributed to the other participants; or, does the council mean something else other than that. We need some clarification because that language actually is not currently in the amendment.

MR. CUPKA: Any discussion on the issue of what would actually be revoked; if it would be the difference or whether it would be the entire amount? Mac.

MR. CURRIN: Well, I'd like to have some clear guidance and input from the AP and the golden crab fishermen about it. We just got a letter handed to us around the table, and these people indicated that they'd like to see a use-it or lose-it provision but with almost no detail on it. I think it's a great idea. In looking at the alternatives, I think they're pretty lenient.

Somebody is going to have to almost have to try to lose either their quota shares or permits or either have a real, real hard over three years of not being able to fish. To me use it or lose it is you don't use it you lose it. You don't lose part of it, what you don't use. You lose all of it. We want active participants in the fishery. That may be a harsh approach, and again I'd probably like to get our AP's recommendations and other golden crab fishermen's recommendations on this before I bring that big heavy hammer down.

MR. CUPKA: Have there been any discussions that you're aware of, Brian, on this issue by the AP?

DR. CHEUVRONT: I have talked with a couple of fishermen about this issue, but with the AP this specific aspect of this action was not discussed at our AP meeting in January. Since then I have had an opportunity to talk to a couple of the participants in the fishery who are also AP members, but it has not been brought up before the entire AP.

They understood it to mean that they would lose that difference between what was caught and whatever percent you all chose, and they would see this as a penalty like a violation sort of a thing for not doing what they're supposed to do at the minimum level that would get revoked back; and eventually if somebody just stopped fishing even under this program, they would lose all of their shares eventually.

MR. PHILLIPS: I agree this, had we had something like this in wreckfish, we would probably have never ended up where we did. We would have had people working. Ten percent to me is on the lenient side. I agree it needs to be landed crabs only. Otherwise, you transfer stuff back and to and it's a meaningless exercise.

I'm inclined to want to add an Alternative 4 and use the same wording and use the 20 percent. If we're going to give them these – do a catch share and give them the ability to catch this fish and this product and nobody else, I'd like to see this product get to the people. I'd like to see the public get this resource.

I think if we bumped it up to 20 percent, it may encourage them to either fish it or sell it to somebody that can fish it, and it would kind of split the difference between being lenient and 30 percent being a heavy hammer. I think I would make that motion.

MR. CUPKA: Okay, do you want to give Gregg your motion?

MR. PHILLIPS: It will be the same as Alternative 2 or 3 except we'd just use 20 percent as the aggregate, and I'd make that to be the preferred and a subalternative – I guess it would be 4A, landed crabs only.

DR. LANEY: Mr. Chairman, while Gregg is getting that up there, relative to the health and vessel issues that could arise, Andy, is there any provision in the catch shares guidance for any sort of a hardship provision that would kick in if a situation like that arises. It's certainly germane to why a particular fisherman might not have been able to use their shares within a given year.

MR. STRELCHECK: I'm not aware of any guidance or information in the catch share policy pertaining to this. In the Gulf of Mexico they wrestled with use it or lose it for some time and ultimately found it I think difficult to ultimately implement and track. There are a lot of complexities to this in terms of people buying and selling allocation and utilizing that.

There is obviously the ebb and flow of fisheries and you might have a good year and you might have a bad year, so there are going to be things that prevent you from harvesting that maybe are outside your control. The Gulf Oil Spill, for instance, is a good example. I guess also from an economic standpoint it doesn't make a whole lot of sense for someone to sit on shares and

allocation if there is value to them and there is a willing participant that wants to buy that from them.

So, yes, from the standpoint of landing the crab the use-it or lose-it policy would be good because it keeps those shares and allocation in the hands of fishermen that are going to actually utilize them; but from the standpoint of those that have shares and allocation in the Gulf, we don't see a lot of people just letting them – do nothing with them. We see them transferring them to other entities so they can be used in some form or fashion.

MR. CUPKA: Okay, we have a motion; Mac seconds. Further discussion? Mac.

MR. CURRIN: I may have asked this question before and if I have forgive me, but I'm still having a very, very hard time wrapping my head around exactly what an aggregate annual average utilization is. Can somebody explain to me what that means?

MR. CUPKA: Well, as I understand it, Mac, they want it to be based on the actual harvest and not the ACL level. If you had an ACL, say, of 2 million pounds but you only harvested a half million pounds, that percentage would apply to the half million and not the 2 million pounds. If for some reason the harvest fell off drastically, you would still be able to meet that requirement. At least that's the way I understand it. Monica.

MS. SMIT-BRUNELLO: Well, I had some similar questions that Mac did. I vaguely remember discussing this before but it's not laid out in the document to me as to tell a fisherman what an aggregate annual average utilization means. I think we need to give proper notice to people as to what it means because in the document it seems more of a discussion on the 10 or 30 percent and maybe now 20 with Charlie as to that portion of a person's overall catch share allocation.

That's one thing. I think we need to make that clearer, and I'm wondering whether you need aggregate annual average utilization, but maybe you do. The other part is when is that going to be figured out? If this is a three-year running average or moving average, when will people know what the previous year's total was so that it can be factored in? Do you see what I mean? It just seems to be a little complicated. Maybe it's necessary but I think we need to get into some of those details a little bit more at least in the document to explain them.

MR. CUPKA: Well, it is complicated and I don't know if we could use an example to show specifically what is meant. Also, if you read down a little further where it talks about impacts under socio-economic, there is a portion there that says that it would force them to fish annually, which is my understanding that's not the case.

You could miss a year or maybe even two depending on what level and still qualify if you caught enough to meet that three-year average figure. It does need some more work on it without a doubt. I talked to Brian earlier about that and it is hard to tell exactly what is meant there and how you're going to calculate and implement it. If there was a simple way to do it, it would be a lot better because this is kind of confusing. Brian.

DR. CHEUVRONT: Yes, that's noted, Monica, and we'll make sure that we give a better discussion of what those things mean.

MS. SMIT-BRUNELLO: Also, maybe you could discuss somewhere in here as to why three years was chosen; you know, why not four, why not five, why not two? I don't know but there should be – and I don't recall what the record was or is for why the council chose that period. Maybe that came from the AP, I'm not sure, but there should be some discussion as to maybe we need three, it can't be two or one because of whatever reason, so we should – and if you know it I'd be glad to hear it right now. If you have to look in the minutes, then that's fine, too. You have a hand up behind you maybe to that point, I don't know.

MR. CUPKA: Brad, do you want to address that issue?

MR. WHIPPLE: Brad Whipple, golden crab fisherman. Mr. Chairman, I'd like to try to address both of those issues. With the use-it or lose-it provision, the wording the "aggregate annual average utilization" is unfortunate language. The intention of this action is to say if a fisherman has allocation of 100,000 pounds, and depending on which alternative was picked, let's say the 20 percent alternative was picked, he would have three years in which to land the 20,000 pounds. You could land them all in one year and not fish –

DR. CHEUVRONT: 60,000 pounds.

MR. WHIPPLE: 60,000?

DR. CHEUVRONT: Right.

MR. WHIPPLE: Oh, because it's each year, yes, right, I'm sorry, so it's 60,000. You can catch all 60,000 in one year and not fish the other two years or you can catch 20 each year or however it added up. You've got a three-year window to catch the 60,000 pounds. The reason for the three years is because we thought that was – in the case of maybe a major vessel breakdown or modifications that might need to be done or the case of maybe a serious illness or other personal considerations, the feeling was that three years was a respectable window to be able to accomplish – given the percentage and the amount of time, it was a good window to accomplish that.

MS. SMIT-BRUNELLO: Thank you, so that kind of gets into Wilson's hardship question as to if that would build in enough time presumably to allow those kinds of vessel breakdowns, those kinds of things to be taken care of. So if it's as you described, why do we need aggregate annual average utilization language in there? I won't ask you, Brad, but I'm curious. If the staff doesn't know, that's okay, we can figure that out because there was probably a good reason. I just don't know what it is.

DR. CHEUVRONT: That language predates me on this amendment. What the staff could do is come back in June with alternative suggested language that might simplify what was really meant in that usage.

MR. CUPKA: Again, I think when it was originally discussed they wanted to get away from the idea that they wanted that amount to be based on the ACL, but rather they wanted it to be based on what the actual harvest level was. Now, it is bad wording. The way Brad explained it, it was a lot simpler. You could follow that as opposed to this, so I think what staff needs to do is to simplify the wording on this, but that was the intent.

MS. SMIT-BRUNELLO: But I think that's an important point because if your ACL is 2 million pounds, if you're talking about harvesting 20 percent of whatever amount you're given versus what the average landings have been – I mean, that's not quite right, but that's quite different.

MR. CUPKA: It is and when Brad used the example, he didn't say where that 100,000 pounds came from, whether it was based on the ACL or on their portion of the ACL, and that is an important distinction. It could make a tremendous difference.

MS. SMIT-BRUNELLO: Sure, and one would be a lot more flexible for the fishermen.

MR. STRELCHECK: Let me see if I can offer some clarification on the language. Inactive is defined as less than 20 percent of a shareholder's average annual pounds over a three-year moving average, period, or maybe 20 percent of a shareholder's annual pounds over a three-year moving average, period. That gets rid of the language "aggregate average utilization".

DR. CHEUVRONT: But then that gets rid of – that would work if they were catching the full 2 million pound ACL. I think what they're getting at here is whatever the percentage of the actual overall annual landings are, so that's part of the – so, like, for example, the most they've ever landed in one year is 814,000 pounds, then they would have to catch their percentage that would be equal to their proportion of that 814,000 pounds. It gets very complicated.

DR. LANEY: I think the one word that's throwing me off is the word "aggregate". To what does "aggregate" refer; is that referring to what's being aggregated; is it the catch of each of the eleven permit holders that is being aggregated?

DR. CHEUVRONT: It's the aggregated landings of the individual fisherman across the three years.

MR. CURRIN: I thought I understood what Brad said and it was very appealing to me because it was simple. If I misunderstood and the way Brian and David just described it is in fact the way it's going, then that looks like a moving target to me. It's changing every year dependent upon what the rest of the fleet does.

I could envision scenarios where it would impossible for somebody to catch X percentage, whatever we pick, because they didn't have enough of the overall allocation of 2 million pounds to allow them to do that. If the rest of the harvest was down on the rest of the fleet, somebody could be working their butt off and catch everything that they were allotted; but if it's not 20 percent of what the fleet caught, then they're losing shares over it. We don't want to get into that if I understood it, but the way Brad described it, it is pretty simple. It's 20 percent of whatever your amount of shares are, the way Andy was describing it. That's very appealing to me.

DR. CHEUVRONT: Let us sort of wordsmith this a bit and bring it back to you.

DR. DUVAL: That's all I was going to say. I'm not on your committee, Mr. Chairman, but I was going to say I didn't think the way – basically what Mac said, the way Brad described it made sense to me and it sounded to me like it was the 20 percent of an individual's share and not of an overall quota.

MR. PHILLIPS: Mr. Chairman, I think it might be helpful to, one, have some examples; and, two, should shares get transferred or sold, some examples of how that would figure in to the math equation, too, because it's going to get complicated if we do aggregate shares. Like Mac says, it may be simpler to just do whatever they're allocated, but we need to look at the numbers and see if it looks like they're going to be able to get there or not. The analysis would be very helpful to see.

MR. CUPKA: Well, I guess we can have staff – if you want to wordsmith this, can you bring it back to us?

DR. CHEUVRONT: Yes, and we'll bring some examples back to you.

MR. CUPKA: Well, we'll postpone the motion until full council. Brian.

DR. CHEUVRONT: On Action 7 is the cost recovery plan. Currently the council has chosen Preferred Subalternative 2B. Alternative 2 is cost recovery fees would be calculated at time of sale at a registered dealer. Preferred Subalternative 2B is cost recovery fees would be based on standard X-vessel value of landings as calculated by NMFS.

Alternative 3, fee and submission shall be the responsibility of – and the preferred is Preferred Subalternative 3B, and that's the dealer. Alternative 4 is that fees would be submitted to NMFS and the preferred subalternative is 4A, quarterly. There has been a suggestion that perhaps this could be dealt with administratively by the regional office.

Currently – and Andy will correct me if I'm wrong – the cost recovery values in other programs like this are based on actual X-vessel values of landings, and they are submitted by the dealer, but currently they're only submitted annually and not quarterly.

MR. CUPKA: Let me ask Andy is this something that can be dealt with administratively or could we possibly take this action out of here?

MR. STRELCHECK: I think that's a question for Monica more than me.

MS. SMIT-BRUNELLO: So is your question whether Action 7 can be taken out as an action and just put in the document?

MR. CUPKA: Yes, do we need to leave this in here as an action or can it be handled administratively as part of setting up the program by NMFS?

MS. SMIT-BRUNELLO: I think I would prefer that you keep it in as an action. It's obviously mandated under the Magnuson Act as something that has to be done. At this point leave it in and let think about that a little bit further. By the time we get to council maybe I'll figure out that we can eliminate it, but at this point I think I would prefer you kept it in as an action and discussed. I think we did that in the red snapper IFQ plan but we may not have in the other plans, the Gulf plans.

MR. CUPKA: Well, we can defer action on this I guess to Full Council. It will be another thing we've deferred, but if we're going to leave it in there I guess we need to make sure those preferreds are right and that's the way it operates, Andy?

MR. STRELCHECK: I believe I spoke to you either in December or September and I think led you down the path of standard X-vessel pricing, but you had some questions about how it works. Like any good council motions, sometimes we change our minds and at this point I'm recommending that you change your mind on this, so my apologies.

In the Gulf of Mexico, like Brian said, we do collect actual X-vessel prices. These are reported at the time of the dealer landing transaction with the fishermen. They're collected quarterly and essentially they're paid by the shareholder, but they're collected by the dealer. Standard X-vessel prices are done in other regions of the country.

It is calculated by NMFS, but there is a lot of additional administrative procedures that go along with this that we're thinking with such a small fishery probably aren't worth our time and effort. Primarily, we've have to a Federal Register Notice with the price data. We'd have to send cost recovery calculation forms to each of the shareholders.

The shareholders would have to respond as to whether they agree or disagree with those numbers and ultimately reach final agreement in terms of what the cost recovery would be paid. With all that said, the IPT or at least me personally overseeing the program would recommend that you change your preferred alternatives to actual X-vessel value. It would still be collected by the dealer. With Preferred Alternative 4, we do it quarterly in the Gulf but annually would also work for the golden crab fishery, so either one of those. Annually would just reduce the number of times that we have to interact with the dealers in terms of collecting the cost recover.

DR. LANEY: Mr. Chairman, based on what Andy just recommended, I would move that for Action 7 we change the preferred under the first subalternative from 2B to 2A.

MR. CURRIN: Second.

MR. WAUGH: Don't we also have to select Alternative 2?

MR. CUPKA: We have to select 2, 3, and 4, also, as preferreds. The question under 4 is whether to leave it quarterly or as Andy has suggested maybe changing it to an annual submission rather than a quarterly submission. We do need to select 2, 3 and 4 as our preferreds, also.

DR. LANEY: Okay, I'll add that to the motion to select Alternatives 2, 3 and 4 as preferred, and I think I heard Andy say it didn't make any difference whether it was quarterly or annually for the golden crab fishery so just leave that one the way it is.

MR. CUPKA: Well, he said it wouldn't make any difference. I guess what he meant was either one would work, but it might be less of a burden if we went with the annual; is that a fair interpretation?

MR. STRELCHECK: Yes, the advantage of doing annual is that we don't have to go three more times a year and collect that money. The disadvantage is the dealer accumulates all that cost recovery and has a payment that is typically four times larger.

It might be worth getting some input from any dealers in the audience to see if they have a preference. Because we're dealing with a much smaller universe of dealers in the golden crab fleet, I'm not concerned one way or another what you select in this instance.

MR. PHILLIPS: Andy, what happens when you have a dealer that goes out of business in the fall and he is sitting there with this pot of money that he has collected, which is kind of why I'm inclined to not let this money pile up.

MR. CUPKA: That's a good point. Andy, have you had situations like that in some of the other fisheries in the Gulf?

MR. STRELCHECK: We have never had a situation where we haven't received payment. We have had a couple of instances where payment extended well beyond 90 days after the payment was due, and there are administrative procedures that we can get the Treasury Department involved for collection of fees that are owed regardless of whether they're in business or not. It's certainly a hassle on our end, but there are procedures in place for us to follow.

MR. CUPKA: Wilson, is that your motion up there or did you want to change the last part of it?

DR. LANEY: Well, since I think the AP's preference was for quarterly, I'll just leave it as is. If somebody else wants to amend it to change it, that's fine.

MR. CUPKA: Okay, we have a motion, then, for Action 7, change the preferred from 2B to 2A and select 2, 3 and 4 as preferreds. I think we had a second on that, so is there further discussion? Is there any objection? Seeing none, that motion is approved. It's a little bit after twelve and we've still got quite a few actions to go through. I would suggest maybe we break for lunch for an hour and a half and come back at 1:30 and we'll resume our Golden Crab Committee then. We'll recess until 1:30.

(Whereupon, the meeting was recessed at 12:05 o'clock p.m., March 7, 2012.)

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WEDNESDAY AFTERNOON SESSION

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The Golden Crab Committee of the South Atlantic Fishery Management Council reconvened in the Madison Ballroom of the Savannah Hilton DeSoto Hotel, March 7, 2012, and was called to order at 1:30 o'clock p.m. by Chairman David Cupka.

CHAIRMAN CUPKA: We'd like to reconvene the Golden Crab Committee Meeting. Before we go forward with this document, Brian and Andy were good enough to get together over lunch and work out some wording for our consideration on a couple of these earlier things. I think we'll start with them and then pick back up where we were.

DR. CHEUVRONT: Gregg, can I get you to back up to Action 4, please? As Chairman Cupka said, Andy and I spent lunchtime working out some of the things that you all had been sort of perplexed over and asked us to do prior to full council, but we thought it might be just a little bit easier if we could bring it up in the committee meeting and try to address the issues here; and then when we get to full council, we don't have to slow down and figure this out.

In Action 4 you had requested some clarification as to exactly who could possess allocation and felt that it wasn't clear enough in the alternatives that were there that would say that somebody could not own shares or annual pounds without a permit, which seems to be the intent. What we did is we just created an extra sentence that could be – I think currently you're leaning towards Alternative 2 as your preferred.

We would like to suggest that you also want to add this additional sentence to Alternative 2, which would say, "Participants cannot possess shares or allocation without a valid golden crab permit." That would be under all situations.

MR. CUPKA: Do you need to add it to 3, also?

DR. CHEUVRONT: Yes, that could be also added to 3 as well.

MR. WAUGH: Can you read it one more time?

DR. CHEUVRONT: Sure, "Participants cannot possess shares or allocation without a valid golden crab permit." We thought this might capture what your concern was about that possession problem.

MR. CUPKA: And, Gregg, I guess we need to add that to Alternative 3, also.

DR. CHEUVRONT: That certainly could be added there; it would make sense there as well.

MR. WAUGH: I'm sure Joe is going to point this out but you've got a motion here that we were postponing so you're going to have back to this motion and then we can add that sentence to that motion or deal with this motion and then add that sentence to them.

MR. CURRIN: David, I'd offer a motion that we add the suggested language to Alternatives 2 and 3.

MR. CUPKA: Don't we still have to take the other motion off, though? Without objection, we'll withdraw that and start over. Do you want to give us your motion, Mac. It would be the original motion plus add the sentence in.

MR. CURRIN: My motion is to add "valid" before "golden crab permit" in Alternatives 2 and 3 and add the following to Alternatives 2 and 3, "Participants cannot possess shares or allocation without a valid golden crab permit" and designate Alternative 2 as the preferred for Action 4.

MR. CUPKA: That I think covers it. Okay, Wilson seconds it. Is there any discussion on the motion? Is there any objection? Seeing none, **then that motion is approved.** Brian.

DR. CHEUVRONT: Thank you, I think this is going to make things a little simpler. Action 6, however, the discussion was a little more complicated than it was in Action 4. Andy and I spent most of our time working out this. We came up with a couple of examples as well and some suggested language change that could be added to Alternatives 2, 3 and then the new Alternative 4 that was suggested, and I think you were leaning towards that as your preferred alternative, which was 20 percent being in between the 10 and 30 percent.

Here is what we suggest the wording of all three of these alternatives be with the only difference being the percentage, so Alternative 2 is 10 percent, Alternative 3 is 30 percent, and Alternative 4 is 20 percent. I'm just going to give you the wording for Alternative 2 right now, and this is our suggested change; "Shares that remain inactive for three consecutive years will be revoked and redistributed proportionately among the remaining share holders", and the next sentence that begins "inactive" would be removed from the first part of the alternative.

Now, Subalternative 2A would now read "Inactive is defined as landings less than 10 percent of a shareholder's annual pounds allocated over a three-year running average." While Gregg is getting that in, let me give you some of the examples that we had talked about how this could work.

Let's say, for example, someone had received 5 percent of the total ACL as an allocation. That would give that fisherman 100,000 pounds. In Year 1 that fisherman could fish 20,000 pounds; Year 2, 20,000 pounds; Year 3, 20,000 pounds and they come up with the 60,000 pounds that they would need to have to meet it; or, the fisherman could in Year 1 not fish at all; Year 2, 40,000 pounds; and in Year 3, 20,000 pounds and still come up with the 20,000 pounds average; or, Year 1, zero pounds; Year 2, 60,000 pounds; Year 3, zero pounds. In each of those scenarios they always come up with the total of 60,000 pounds that they need.

We thought about this a little further. What happens if their allocation changes during one of those years? Let's say this same fisherman in the first year had that 5 percent, but in the second

year bought an additional 2 percent of the allocation, so now their overall allocation is 140,000 pounds.

So in the first year that fisherman would have had to have averaged 20,000 pounds and in Year 2 28,000 pounds and in Year 3 28,000 pounds. That fisherman now has to have 76,000 pounds over three years to meet the requirement, and that's using the 20,000 pound example that you're leaning towards as your preferred right now. It was just an example of how we could take care of any changes in allocations that might occur adding or subtracting.

MR. PHILLIPS: Okay, that I understand, but we're doing this on an three-year running average. If we're back to the 100,000 pounds, he caught all 60,000, didn't catch any in the next year two or year three, then year four he better go back and catch 60,000 pounds again to stay in that three-year consecutive running. I just want to make sure we're clear on this.

DR. CHEUVRONT: You are exactly right. Yes, Gregg, that is the revised wording and what we have would be Alternative 2 and then only differences between Alternative 3 and Alternative 4 would be the percentage. Alternative 3 would be 30 percent in the subalternatives, and in Alternative 4 the subalternatives would be 20 percent.

MR. CURRIN: Just for some clarity in the verbiage that I'm going to suggest may not be the best verbiage, but I think just to make it perfectly clear – and I don't believe it is now – it ought to say something like "Inactive is defined as landings less than 10 percent of a shareholder's annual pounds allocated annually over a three-year running average." Do you see what I'm getting at? It's not clear that you have to land 10 percent each year of the three years, so that needs to be very, very clear, and I'm not sure of the best way to go about it.

DR. CHEUVRONT: Well, you don't have to land in this case 10 percent each year. It just had to be over the three-year running average you would have to have –

MR. CURRIN: Well, you've got to land 30 percent, but that ain't real clear either from here. My intent is to make it clear that on average 10 percent annually has to be caught over the three-year period. Do you see what I'm getting at?

DR. CHEUVRONT: We mean the same thing. We've just got to get the words right.

MR. CURRIN: Yes, it's just a clarity thing and I just want anybody misunderstanding.

DR. CHEUVRONT: It seems a little bit redundant, but that doesn't bother me.

MR. CURRIN: And I'm willing to let you think about it but it's just a concern that I have for the clarity of it now and give you direction to figure out the best verbiage for it is fine with me.

MR. CUPKA: Yes, it says allocated annually and landing annually. Jessica.

MS. McCAWLEY: Just to clarify because I'm still a little bit confused; are we talking about 10 percent in any one year or 10 percent summed over the three years?

DR. CHEUVRONT: Yes, it comes out to being in this case 30 percent of 300 percent of what the allocation is, if it's the same. So, in other words, in the example I gave, if you 100,000 pounds allocated to you and it's 10 percent, you would have to land 30,000 pounds out of 300,000 pounds that you had been allocated over three years.

MR. PHILLIPS: And I don't want to get in the weeds too far, but back to the examples, we need to land 60,000 pounds in three years, didn't land anything the first year, building the boat; the second year you land 20,000 pounds; the third year you see your projected landings being another 20,000 pounds, so you sell X amount percentage so you don't lose it before the end of the third year, that's something that's going to fall in the realm of how this is all going to work?

MR. STRELCHECK: And we talked about this at lunch; that's certainly an added complexity to this is to what happens when there are shares being bought, shares being sold, the annual pounds are released at the beginning of the fishing year. So we're basing it on just what they have at the beginning of the fishing year; what happens if they transfer the annual pounds?

There are I think more administrative details that we have to work out, but this at least provided some more clarification as to what you're meaning by inactive. I don't have a good answer in terms of how we will make sure that this gets codified in the regulations, but what you're asking is essentially some of the details we still need to hammer out.

MS. SMIT-BRUNELLO: And to that point, Charlie, if council members have an idea of when they would like to see that determined, at the end of the year or at the beginning of the next year or what, I think that would be great to get on the record.

MR. PHILLIPS: And to that point, I'd like to maybe see some options from staff, working with Andy, on how it may have been done in some other fishery. Sometimes I'm good at seeing little options and problems, but I'm not really good at figuring out exactly what the answer is right off the bat. Maybe they could give us some options and things like that; whether we get it at this meeting or they just bring it back in June.

DR. CHEUVRONT: Yes, I think we're going to be inserting "annually" in both of those according to Mac's recommendation.

DR. LANEY: Relative to the timing of when it would have to be done, wouldn't it have to be at the end of the fishing year? As you complete each year, then you would redo your running average, so it seems to me you would have to have it based on a complete fishing year, so it would have to be the end of each fishing year when you would have to redo the calculations.

DR. CHEUVRONT: Where we just inserted "annually" for Mac, I think if we change "annually" and put in "summed" instead, "annual pounds allocated in sum over a three-year running average" or "summed".

DR. DUVAL: Is it possible to include in here one of those examples or a couple of those examples so that people reading this can read it plainly?

DR. CHEUVRONT: It would go into the discussion. What you might want to do now that we have gotten the issue covered that you had discussed, you had also postponed a motion on this action I believe as well. You may want to handle that at this point.

MR. WAUGH: My recollection is we just broke for lunch. We didn't table it or anything so it's still just active.

DR. CHEUVRONT: Actually we did get through Action 7, the cost recovery plan, so we got to this and we stopped and then went on to Action 7 because we did actually deal with Action 7 before lunch.

DR. LANEY: Mr. Chairman, I think Charlie made that one, but the only thing we need to do now, if I understand our previous conversation correctly, is we just need to change the language the same way we did for Alternative 2 for Alternatives 3 and 4. Does that mean Charlie has to do like we did on the last one, withdraw this one and then make a new one that incorporates the additional changes?

MR. CUPKA: Charlie, do you want to withdraw it?

MR. PHILLIPS: Mr. Chairman, **I'd like to withdraw my motion so we can remake it, Action 6, Alternatives 4 and 4A. Mr. Chairman, I'd like to make the motion that we have a new Alternative 4 wording according as Alternatives 2 and 3 are with the exception that it would be a 20 percent.**

DR. CHEUVRONT: Charlie, I think what is going to end up happening is you're going to need to totally reword the alternatives for this action, Alternatives 2, 3, and 4 is technically a new one and you haven't voted on that yet. You're wording Alternatives 2 and 3 and adding Alternative 4; and then I think if you all are ready to, you could also choose one as your preferred.

MR. PHILLIPS: **Well, Mr. Chairman, I would so move and choose Alternatives 4 and 4A as the preferred.**

DR. CHEUVRONT: Charlie, if you wouldn't mind changing your motion to say something like reword Alternatives 2 and 3 and add Alternative 4 as per staff recommendation and then choose alternatives, and then we don't have to read in all of the language that we just added.

MR. PHILLIPS: **Mr. Chairman, the motion would be to reword Alternatives 2 and 3 and add new Alternative 4 as per staff recommendations and choose Alternatives 4 and 4A as preferred.**

MR. CUPKA: Does anybody want to second that?

MR. CURRIN: Yes, I'll second it.

MS. McCAWLEY: This is on Action 6, right, because that's not up there. I just wanted to clarify that we're on Action 6.

DR. CHEUVRONT: This is Action 6.

MR. CUPKA: Any other questions or comments? Is there any objection to the motion? Seeing none, **then that motion is approved.** Go ahead.

DR. CHEUVRONT: On Action 7, I believe you had passed a motion selecting preferred alternatives. It was approved and the one thing that we had left hanging was deferring whether this action ought stay in this amendment, Monica, would like to address that. We had a brief discussion about that.

MS. SMIT-BRUNELLO: That is the cost recovery action, correct? Yes, it should stay in the amendment as an action by the council.

MR. CUPKA: Okay, that settles that.

DR. CHEUVRONT: Action 8 now; this is to establish boat length limit rule. Currently the council has no preferred alternative. The no action alternative basically says to obtain a permit for the middle or southern zone via transfer, the documented length overall of the replacement vessel may not exceed the documented length overall or aggregate documented lengths overall of the replaced vessels by more than 20 percent.

Alternative 2 is to eliminate the length restrictions for obtaining a permit for the middle and southern zones via transfer. The AP met and discussed this issue and they really would like to see the council add a new alternative that the wording would be similar to the no action alternative. However, it would be instead of 20 percent, which is status quo, they would like to change that to 35 percent.

The AP would like to have an Alternative 3 that reads: "To obtain a permit for the middle or southern zone via transfer, the documented length overall of the replacement vessel may not exceed the documented length overall or aggregate documented lengths overall of the replaced vessels by more than 35 percent.

MR. CUPKA: A couple of things here; one is that we were to add that new alternative, where does that put us? I've talked with Monica about that and it seems to me like that would be an alternative that is within the range that we took out to hearing because we've got 20 percent versus doing away with it completely, so it could increase a thousand percent if you wanted to.

Monica may want to address that. The reason the industry I think wanted a larger percent was because going to these refrigerated saltwater systems for keeping the crabs it requires a larger vessel and they wanted to make sure they could get those larger vessels in. Monica.

MS. SMIT-BRUNELLO: Yes, I agree that it's within the range, but I don't think you have to be so tied what is within the range in this particular amendment because it's not an environmental assessment under NEPA – excuse me, it's not an environmental impact statement under NEPA; it's an environmental assessment, so you have much more flexibility on even choosing an alternative that is not within the range, so to speak, because you can get public comment here

and you can get public comment on it at the next council meeting. It will be published as an amendment and those sorts of things. Within the range really, it comes into my mind for NEPA concerns especially when you have an environmental impact statement, so you have a lot more latitude here.

MR. CUPKA: Thank you for that clarification. Brian, do you want to add anything?

DR. CHEUVRONT: And also the IPT recommended – the title of this action currently is “Establish Boat Length Limit Rule”. Well, there already is one established so what the IPT had suggested is renaming this action to “Revise Boat Length Limit Rule”.

MR. CUPKA: What is the pleasure of the committee? Charlie.

MR. PHILLIPS: Mr. Chairman, I would so move according to the IPT’s suggestion.

MR. CUPKA: So your motion is to approve the IPT’s suggested wording change?

MR. PHILLIPS: Yes, Mr. Chairman.

MR. CUPKA: And nothing else at this point? Mac.

MR. CURRIN: David, I’d like to offer a friendly amendment, Charlie, to accept the IPT’s recommendations for a wording change as well as add the new alternative suggested by the AP and to select that new Alternative 3 as the preferred.

MR. CUPKA: Is there a second; seconded by Wilson. **The motion is approve the IPT recommendation which is to rename this action from “Establish Boat Length Limit Rule” to “Revise Boat Length Limit Rule”; add a new Alternative 3 from the AP and choose the new preferred Alternative 3 for Action 8 as our preferred.** Wilson.

DR. LANEY: And I think, Mr. Chairman, that also it needs to say “revise Alternative 1 language to read “Do not revise boat length limit rule” unless you think that’s captured once up there already because it just says rename the action. The IPT actually recommended two wording changes; one was that rename and the other one was within Alternative 1.

DR. CHEUVRONT: Yes, and that was really kind of an optional thing. It was just a way of shortening Alternative 1, Wilson, because there were some on the IPT who felt that the entire content of the regulation didn’t necessarily need to be in the alternative, but I guess that was kind of a moot thing.

MR. WAUGH: I think Monica is going to address this, too, but there has been an increased emphasis on accurately stating what the no action alternative is, so I would encourage you to leave it the way it is.

MR. CUPKA: Was that your point, Monica.

MS. SMIT-BRUNELLO: No, but I like it. My point was going to be that there is discussion in the document right now as to why eliminating the length restrictions would be a good idea, and I'm not sure why 35 percent was chosen by the AP, but I'm assuming that we'll get information from the AP and we can put that discussion into the document so the council and others can see why that would be a good choice.

MR. CUPKA: You mean why they wanted the 35 as opposed to the 20?

MS. SMIT-BRUNELLO: Yes.

MR. CUPKA: Well, my understanding is they want it to give them allowance to get a large enough vessel to accommodate these new saltwater systems to keep the crabs alive.

DR. CHEUVRONT: But why not larger than that?

MS. SMIT-BRUNELLO: Well, there is eliminating entirely the length restriction so –

DR. CHEUVRONT: Yes, that was part of the concern that existed about inordinately large vessels coming in from other areas and basically catching all the crabs very quickly.

MR. CUPKA: Further discussion on the motion? Tom.

MR. SWATZEL: I'm just going back to the overall purpose for the boat length limit to start with and that was basically to eliminate larger boats that they were I guess fearful of coming in catching up large numbers of crabs, but yet you're saying that there is a benefit by having larger boats. I'm not sure if the purpose of having the limit is really useful anymore to me.

MR. CURRIN: And if I don't do an adequate job, Brad had his hand up and he can explain, but what I recall these guys discussing is that with exceedingly large boats carrying lots and lots of gear, there was a fear and a real possibility that longer and longer trawls of traps being laid in and around and more importantly over the existing boat's gear could cause all kinds of problems; and that with some limit on the size of the boats, they minimize that. That was my understanding as to one of the main reasons that wanted some – not to do away with the length limit on the boats. If that's not correct, then you can correct me.

MR. CUPKA: Well, I think it is because it allows them to increase the size enough to meet their needs, but it doesn't open it wide open where these larger boats can come in and create gear conflicts. I know it's something they wanted to maintain. Gregg.

MR. WAUGH: There are also the habitat impacts. Remember, we created allowable golden crab fishing areas that are very close to delicate habitat, and the concern is that you get larger boats in there with more gear it's going to be more difficult for them to keep the gear out of the habitat. That was a consideration as well.

MR. CUPKA: Brad, did you want to add anything to that?

MR. WHIPPLE: Unless you're satisfied with the explanations, I can maybe go into it a little more detail, if you'd like. The vessel length limit rule originated at the beginning of this fishery because the fishermen who were going to be getting into this fishery had been banned from fish trapping. They had vessels that were built and designed for fish trapping.

Part of the concern was larger vessels being able to dominate the fishery and having a competitive advantage against the smaller vessels that these fishermen already possessed. Now that was a concern before we had an ACL; and now with an achievable ACL it's even a greater concern. The AP wants to keep this action as long as – you know, without catch shares in effect, without the other actions in effect, we feel that the boat length limit rule still serves as a safeguard against potentially one vessel dominating the fishery. If other actions are approved, then the boat length limit rule becomes superfluous I guess after that. That's the genesis of it.

MR. CUPKA: Further comments? All right, we have a motion on the board. Charlie.

MR. PHILLIPS: And just a quick comment to Tom's point, even though we have a known universe of fishermen and we pretty much know what they've got to work with, like Brad said, conceivably somebody could go out there and buy a super-sized boat to fish his traps and could have gear problems or possibly even coral problems fishing a whole lot of gear. I would think going up 35 percent would be a reasonable thing compared to the other options. I would speak in favor of it.

MR. CUPKA: Further comments? Okay, you see the motion on the board and we've already read it into the record. Is there any objection to the motion? Seeing none, **then that motion is approved. Brian.**

DR. CHEUVRONT: Action 9 refers to restrictions on where permitted vessels can fish for golden crab. The council's current preferred is a vessel with a permit to fish golden crab can use annual pounds in any of the three golden crab fishing zones. This preferred alternative in essence would get rid of the zones altogether in the golden crab fishery.

However, the AP actually still prefers Alternative 2, participants can use quota in any zone for which they possess a permit. What they are saying is that – the state of it now is that several of the fishermen have permits for more than one zone. What they would like to be able to do is say if they have a southern and a middle zone permit, would like to be able to fish their quota for either of those zones on either of those permits.

For example, if a fisherman has 20,000 pounds on a southern permit and 20,000 pounds on his middle zone permit, he'd like to have the option of being able to fish 30,000 pounds in the middle zone permit and 10,000 in the southern zone or however else they wanted to work it out, but they want to keep the zones. That's the bottom line.

The Preferred Alternative 3 would get rid of the zones. The reason they want to keep the zones is because of gear conflicts and to prevent some degree of effort shifting or all the effort getting concentrated in just one area. That was the reasoning that they would really like to keep Alternative 2 as the preferred.

MR. CUPKA: Do you want to go through some of these comments while you're at it, Brian?

DR. CHEUVRONT: Yes, that the AP's comments. The fishermen are concerned that conflicts would increase if the zones go away. There already has been problems reported with gear conflicts, trawl lines crossing over each other, and that's very costly for the fishermen not to mention just in time but in gear.

The IPT has recommended changing the name of Action 9 to "Modify Regulations on Golden Crab Fishing Zones" because the one that is there now is not really descriptive of what they were trying to get at with this. The IPT had suggested a no action alternative to read, "Do not modify regulations on golden crab fishing zones."

However, in light of the fact that more is better in terms of being descriptive, then you might not want to take that IPT's recommendation. As the language is now that shows all of the regulation in Alternative 1, it includes a subsection of the regulation stuck in the middle that refers to just the subzone.

What is included now is from beginning to end the entire description that applies to this. There was a suggestion that we could pull out the language related to the subzone, but then that splits up the regulation. I wasn't quite sure whether Monica would weigh in on telling what would be recommended for that.

MS. SMIT-BRUNELLO: Well, getting back to Gregg's comment on the no action and having it read precisely, let's just look at that as the IPT and then we can think about whether we can just put an ellipse in there with the subzone language being taken out and whether it's still as descriptive as it needs to be. We can work on that no action.

DR. CHEUVRONT: Certainly, and this could come back to the council in June for them to make their final decision on this as we go through these actions.

MR. CUPKA: Okay, is there any desire on the part of the committee to change our preferred on this? You've heard the AP recommendation? Charlie.

MR. PHILLIPS: Mr. Chairman, **I'd like to move we make Alternative 2 the preferred, and then I've got some questions about that.**

MR. CUPKA: Okay, we have a motion; is there a second? Seconded by Mac. Charlie.

MR. PHILLIPS: Mr. Chairman, one of the questions I have is a fisherman that has a permit to fish in the southern zone only, and then you've got another fisherman that has got permits for the middle and southern zone or several of those fishermen; is there the possibility that these fishermen could move down there and fish the southern zone, possibly deplete the resource where the fishermen in the southern zone wouldn't have the opportunity to move north; is that going to be a problem?

DR. CHEUVRONT: I don't think that – I mean, that could happen, but I don't think it would largely because I don't think the fishermen who have the option of being able to fish in multiple zones, if it was heading towards depletion, they would continue fishing in that area where the crabs would be more plentiful in another zone. That doesn't make sense that they would hang around in an area that would be problematic, but Brad could answer that.

MR. WHIPPLE: I understand the concern and that could happen right now without any of the other actions. The reason we want to maintain the zones is because if you look at the eleven remaining permits, the designation of those permits effectively balances the effort across the allowable golden crab fishing areas. I think that is an adequate safeguard against the problem that you raised there.

MR. CUPKA: Okay, the motion before us to make Alternative 2 our preferred alternative for Action 9. Is there any further discussion on the motion? Is there any objection? Seeing none, that motion is approved. Mac.

MR. CURRIN: Brian, maybe you guys are clear on this, but there was a note there that the IPT wanted clarification on Alternative 3 and whether that in fact intended to do away with the zones. I think that was the intent. That is my understanding.

DR. CHEUVRONT: Yes, I think it was and I think because the council has now chosen Alternative 2 as their preferred that maybe it's not as urgent that we have a more beefed up rationale behind that and why they would choose that. I think as long as the council agrees that the reason that Alternative 3 was in there was to get rid of the zones altogether, that's probably enough explanation, and the reason Alternative 2 was chosen was because Alternative 3 would not achieve those goals.

DR. LANEY: Mr. Chairman, I was going to make a motion that we concur with the IPT recommendation for changing the name of Action 9 to modify regulations on golden crab fishing zones.

MR. CUPKA: Okay, we have a motion; is there a second; Mac. The motion is concur with the IPT recommendation changing the name of Action to "Modify Regulations on Golden Crab Fishing Zones". Any further discussion on the motion? Any objection? **Seeing none, that motion is approved. Brian.**

DR. CHEUVRONT: Moving on to Action 10, to modify the small vessel subzone restriction; currently the council has no preferred alternative. Alternative 1 is a no action, do not eliminate the small vessel subzone in the southern zone that was originally established to protect against very large vessels fishing in the subzone.

Alternative 2 is eliminate the small vessel subzone within the southern zone that was originally established to protect against very large vessels fishing in the subzone. In talking with the AP, they think that the small vessel subzone should be removed. Basically the vessels that was designed to protect early on are no longer in the fishery; and that basically folks seem to be ignoring it anyway. The Law Enforcement AP was in favor of also eliminating the subzone.

DR. LANEY: Mr. Chairman, I'll take a shot at it. It looks to me like we need have a motion to revise the no action alternative as recommended by the IPT and to designate Alternative 2, eliminate the small vessel subzone as our preferred alternative.

MR. CUPKA: I think that will do it, Wilson. Second by Charlie. Okay, the motion is to revise the no action alternative as recommended by the IPT and designate Alternative 2 in Action 10 as our preferred. Is there any further discussion? Is there any objection? Seeing none, that motion is approved. Brian.

DR. CHEUVRONT: Action 11 is now currently establish criteria for permit stacking. If you'll remember at the December meeting, the council asked the IPT to come up with some alternative language that would avoid using the term "permit stacking". The IPT has come up with this alternative language.

In Alternative 1, no action, do not modify the one vessel one permit policy for golden crab. I would like to back up a second because they also would like to rename the action first to "Modify the One Vessel One Permit Policy for Golden Crab", and that gets rid of the term "permit stacking" in the title. Alternative 1, no action, I read. Alternative 2 would be allow multiple permits to be issued to one vessel so that any zones for which the vessel has a permit can be fished in one trip.

Subalternative 2A would be two permits per vessel; Subalternative 2B would be three permits per vessel. There are currently three zones. There are no vessels I believe that have a permit for all three zones. There would be no advantage to a vessel having, say, two middle zone permits on the same vessel. That's not going to happen.

Alternative 3 is allow an unlimited amount of golden crab permits on a single vessel so that any zones for which the vessel has a permit can be fished in one trip. Now, in looking at this and setting this up, the IPT realizes that Alternative 3 is pretty redundant with Alternative 2, Subalternative 2B, because there are three zones at this point, and so both alternatives, Subalternative 2B and Alternative 3 achieve the same result.

MR. CUPKA: What is the pleasure of the committee on this one?

DR. CHEUVRONT: And just to give you the AP recommendations, they would like under the newly revised version that we set this out based on what they had recommended, they would prefer Alternative 2, Subalternative 2B as the preferred.

MR. PHILLIPS: Mr. Chairman, because I have this letter here from Robert Palma, would it be in order – and they seem to speak against permit stacking. Would it be proper to have them tell us why they feel like the AP's choices doesn't fit them so we can have a good discussion on where we want to go.

MR. CUPKA: Yes, we can do that briefly. I don't want to get to the point where we start going over all of these. If they're here and would like to address that for the committee –

MR. PHILLIPS: And I'm not even sure if they're back there.

MR. PALMA: My name is Robert Palma. On the stacking of the permits, one of the things that we see is that there is only five or six boats in the fishery and having boats come from – you know, being that the shares are allocated and whatnot and they come to different zones to fish areas – like someone here had a concern of overfishing that area; that's what we're pretty much concerned about is to be able to – you know, if you have a permit for the middle zone or the southern zone, you should be able to fish either/or and not just to be able to come back and forth.

MR. PHILLIPS: So basically you're worried about overexploitation in your zone when you can't leave it; is that what I'm hearing?

MR. PALMA: Yes, we're stuck on one and other boats that have two are able to have more choices on where to fish because of the permit system.

DR. CHEUVRONT: Yes, and actually right now shareholders – the participants in the fishery that have more than one permit, they can fish in, say, the middle zone, then they have to come back into port, transfer the permit to the vessel, and then go back out and fish the other permit. What they're asking for with this is to avoid having to come back in and do that transfer and going back out again. I'm not sure that this would achieve their goal that they've just asked about.

MR. PHILLIPS: And I just wanted to – because of the letter, I just wanted it clear so everybody knew. It was in the discussion. I'm inclined to agree, it's the inconvenience for that boat that has two permits to come in, but he can still work that zone, anyway. I just wanted to make sure everybody was clear on what the options were and were not.

MR. CUPKA: Well, what is the desire of the committee on this action? Wilson.

DR. LANEY: Well, I'll take a crack at it, Mr. Chairman. I would move that we adopt the IPT recommendations for renaming Action 11 as "Modify One Vessel One Permit Policy for Golden Crab" and then change the alternatives as recommended by the IPT.

MR. CUPKA: Did you want to select a preferred while you're at it?

DR. LANEY: I think I heard the AP's preferred was 2B; yes, I would recommend that we select Subalternative 2B as a preferred.

DR. CHEUVRONT: Wilson, one of the things that I had mentioned earlier is that Alternative 3 is now kind of redundant with the 2B so you not want to include Alternative 3 if you want to follow along with the IPT recommendation.

DR. LANEY: Okay, so should we just drop it or move it to the considered but rejected alternative appendix?

DR. CHEUVRONT: It was never considered, so you just –

DR. LANEY: Okay, then let's just drop Alternative 3 and include that in the motion. The motion is to adopt the IPT's recommended language changes, rename Action 11 as "Modify One Vessel One Permit Policy for Golden Crab" and change the alternatives as recommended by the IPT (delete Alternative 3) and choose Alternative 2, Subalternative 2B as the preferred.

MR. CUPKA: Okay, there is the motion before you. Is there any further discussion on the motion? Mac seconds it. Is there any objection? Seeing none, **that motion is approved.** Brian.

DR. CHEUVRONT: Action 12 is monitoring and enforcement. Right now the council has no preferred alternative or subalternatives. Alternative 1 is no action, do not require additional monitoring and enforcement. Alternative 2 has several different requirements that would install VMS on these vessels.

The Golden Crab AP talked about this at length at the AP meeting. Their concern about VMS was largely the fact of the nature of the fishery, which is that where they deploy their gear sometimes in the allowable golden crab areas within the Coral HAPCs, sometimes the vessels will drift out over the coral areas where they're not allowed to deploy gear, but the gear are not there. There was some concern about would they be vulnerable to a violation should that situation occur.

Since the AP meeting, there have been discussions with the Law Enforcement AP and NMFS OLE and some of the fishermen, and I think there has been some resolution that NMFS has said that they would not issue a violation in that kind of a scenario unless there was something clearly – that somebody was fishing in the wrong place. Maybe, Otha, if you'd like to comment to help clarify to make sure I didn't misrepresent anything that you have had in discussions.

MR. EASLEY: Your rendition is pretty much right on. We had the discussion with the industry yesterday as well as the LEAP discussed the issue. There are different processes that we have in enforcement to deal with the VMS that allow us to make better judgments of when this industry would be not in the open areas and when they would be almost regardless of where the boat would be positioned as far as where it is on the VMS screen. We had the discussion with industry and we have a process that we plan to take if this goes forward where we can help make sure that's not the case or help ensure that's not the case.

DR. CHEUVRONT: And also some of these recommendations that appear in the decision document really now for this action are really not relevant now that some of these issues have been resolved. The AP had recommended to avoid having VMS, having a hail-in and hail-out provision, perhaps putting pingers on traps and all that, but I believe this agreement with NMFS OLE is going to resolve those issues.

Now, currently I believe every catch share type program in the southeast region has VMS as a requirement in that catch share program. We have several subalternatives under Alternative 2 about who pays for the VMS. I believe Subalternative 2C is the one that seems to be the most logical and the most palatable to everybody at this point.

It's the purchase of VMS equipment will be reimbursed by National OLE VMS Reimbursement Account if funding is available. Installation, maintenance and communication costs will be paid for or arranged by the shareholder. I believe at the LEAP meeting the other day, Otha, you said there were several million dollars in that account right now.

MR. EASLEY: Correct, as of last week there is \$7 million in there, so we should be able to handle this pretty easily.

MR. CUPKA: And Subalternative 2C is the norm that all these programs are operating under and is the best way to go. Are there any questions for Otha? Mac.

MR. CURRIN: No, not a question, David, but I want to thank you, Otha, and everyone else who was involved with the discussions and negotiations with the golden crab fishermen on this. It's a very unique situation but we have similar fisheries well, so I'm glad to see the ability to put those instruments on the boats.

I think if we can spend some time analyzing some of the data as we did for a rock shrimp fishery in some of our earlier actions years ago, we may learn enough about the operation of that fishery that we can actually utilize the VMS in the future to predict or determine what these guys are actually doing out there.

I think they're more than happy to work with us and provide actual information on what they're doing when the VMS tracks show some particular pattern. If we've got resources to do that in the future, I think it will put us well down the road toward monitoring this fishery and perhaps other similar fisheries as well. I would move, David, that we select Alternative 2, Subalternative 2C as our preferred under this Action 12.

MR. CUPKA: Okay, we have a motion; is there a second; Charlie. **The motion is to select Alternative 2, Subalternative 2C as our preferred for Action 12. Is there any discussion on the motion? Ben.**

MR. HARTIG: I'm not on your committee, but I guess, Otha, there was still funding available, if I'm not mistaken?

MR. EASLEY: Yes, sure is.

MR. STRELCHECK: Just as way of background in terms of how this is administered, with VMS requirements there is a hail-out requirement where they have to report that they're going fishing for golden crab, the gear they're going to be using, and where they're going to be going fishing. Once they're at sea, the VMS unit pings the vessel once an hour for position coordinates.

It can get coordinates more often if they're near a protected area or in a closed area. When they return to shore, outside the VMS requirements there is a landing notification requirement. That landing notification is to indicate when and where they're landing, who they're selling to, and the amount of crab that they would be landing.

Currently this is administrative action that is discussed where they would have a three- to twelve-hour window prior to landing to submit that landing notification. I just wanted to make you were aware of that as well as the industry if they want to comment on that landing notification window.

MR. PHILLIPS: Andy, when a boat goes out and they call and declare where they're going to be fishing, obviously if a boat only has one zone he just says, "I'm going to that zone"; but if a boat has permits for two zones does he just declare both zones or one and then if he decides to fish in the other one then he calls back and tells you that he is going to the other one; kind of how does that work?

MR. STRELCHECK: The VMS is more generic than that because it applies to all the vessels that would have a VMS unit. Are you aware of the updates that are ongoing right now with VMS? It wouldn't necessarily be declaring the zone that you're fishing in; just the general area that you would be fishing in.

MR. EASLEY: I think it's more for declaring the fishery is the bigger issue; you know, whether you're fishing for that species or not. If they're not in the open area, then we would like to know that they had declared beforehand that they're not fishing for golden crab.

MR. PHILLIPS: And to that point, well, say they're going golden crabbing, would you use that information to know if they were in the proper zone or not or do you just know that they're crabbing? I'm a little confused.

MR. EASLEY: Well, the devil is in the details, I guess. If the committee or council wants to go forward with just doing away with the separate zones and just say that's not an issue, which seems like that is not the case, but if there is a restriction on which zone they can fish in on the trip, which might not be the case, then it's of less importance.

MR. STRELCHECK: If there is ever a question about someone using their quota share in a zone that they are not supposed to be in, that's a monitoring system data that could be utilized by enforcement to validate where they were fishing relative to the zone that they're permitted to fish in.

MR. CUPKA: Okay, other comments? If not, then you have the motion before you. Is there any objection to the motion? Seeing none, **then that motion is approved.** Brian.

DR. CHEUVRONT: Okay, the next action is Action 13, establish criteria for new entrants program. There has been an awful lot of work that has gone into this and it has changed around a lot. Given what you've now chosen already as your preferreds, we now have on other actions, particularly Action 2, we have an opportunity here to greatly simplify this action.

Right now Alternative 1 is no action. The council has no preferred action for this. Alternative 2 is to set aside some amount of annual pounds for new entrants when quota is; one, released as a part of a violation or; two, the quota is lost under the use-it or lose-it provision; or three when the

ACL exceeds 3 million pounds. That alternative has a lot of problems with it in terms of where it is.

Starting from “some amount of annual pounds”, we would need to be really specific there. There are actually parts of this that is redundant with an earlier action regarding lost quota, and whether it’s set aside for new entrants, but in the earlier use-it or lose-it provision we have it lost quota goes back into the pot for the existing participants. Alternative 2 has got problems.

Alternatives 3, 4 and 5 all require an auction to be held to distribute part of the golden crab ACL each year. To be honest, SERO would probably prefer not to have an auction when you’ve only got eleven permits, and at most you might have one or two permit transfers in a given year, if any at all.

In thinking about this and talking with the AP members, what you have now selected as your preferred alternative under Action 2 would require that each permit in the initial allocation would get roughly 2.2727 percent of the golden crab ACL at a minimum. What the IPT, thinking about this, would like to do is to have you just send this action back to us with direction to develop alternatives that would simply require that when a permit is transferred a certain percentage of the ACL is required to be transferred along with a permit, at a minimum would have to be kept with the permit.

For example, we could have when a permit is transferred there could be a – as one alternative would be a minimum of 1 percent of the total ACL must remain with the permit and be transferred with the permit; or, that initial allocation which is 2.2727 percent will remain with the permit at all times. We could come back with a couple of alternatives for you at June and a decision could be made then. We have discussed the idea of doing this with Monica; and if she will weigh in to verify that we’re correct, the council could take action on that.

It could be discussed and have a public hearing at the June meeting as part of the normal process, and this action could stay with this document if the council then, after the public hearing, decided to approve the document in June and send it forward. Is that correct, Monica?

MS. SMIT-BRUNELLO: Yes. I think it would be great if we could develop it maybe sooner rather than later potentially so that the affected fishery could know what is going on and have an opportunity to maybe comment on it.

MR. CUPKA: Most of them will be involved in the development of it, really, when you think about it.

DR. CHEUVRONT: Yes, they’ve been involved in the discussions all along. This is such a small fishery that a lot of the guys know what is going on as we’re developing this stuff. I mean not everybody knows; and you’re right, we need to get it out there as quickly as possible. We’ll see if maybe we can come up with some potential language by full council.

That’s something Andy and I did not work on at lunchtime today. What we would like to do is to get some direction, some go ahead from the council that you would like for us to develop something like this. This would greatly simplify this new entrants; and it’s just when you get a

permit, you're going to automatically have some allocation attached to that permit so you can fish.

MR. CURRIN: I think it's a great suggestion, Brian, and I particularly like the one that is associated with the 2.2 point, whatever that is percent, which is the minimum anybody is going to get from the very beginning. I guess the thing that concerns me a little bit about this is there are kind of two ways to think about new entrants.

I guess when you transfer an existing permit to someone who didn't have one before, you could call that a new entrant. But, when I think of new entrant, I think about getting new people into the fishery, expanding the fishery with the additions of permits. We haven't talked about that and we don't have to necessarily at this point, but somewhere down the road if things work out right and ACLs go up and all of that and people are still not able to catch the existing ACL, then at that point the council may want to look at adding permits and new people into the fishery – additional permits I should say.

DR. CHEUVRONT: Two points related to what you had said, Mac; one of the public hearing comments you might remember addressed that issue specifically with the idea that no more than 814,000 pounds in a given year have been landed in this fishery and yet the ACL is now 2 million pounds. He was wondering, well, maybe it's time to add some more permits.

That was a comment that had been received. However, you also have to remember that this is a demand-driven fishery because this is a very, very perishable product. These guys are only going to go out and catch what they know they can sell, and so they're not going to speculate on catching more crabs than they know they can sell.

The idea is that with this additional ACL, they're hoping that they're going to be able to open markets even more than what they have. If they're right, we ought to be within a few years seeing increased landings in this fishery. That's the hope.

MR. CUPKA: That is a good point, Mac, and there is nothing that would preclude us from coming back in the future, once we see how things are going to shake out, and change that if we need to. Charlie.

MR. PHILLIPS: And I agree with Mac, and I've heard all the concern about tangled gear and the narrow edges that they work on. I've talked with some of them and they believe there are crabs in other places they've never fished before; maybe on the east side of the Coral HAPCs. This is really deep water and there are places that they really haven't gone yet.

We're going to need to probably use some of that information from the VMS on where they work, how often they work there, work it in with their trip limits, their trip tickets, and I see all that information going into an assessment at some point in time and then maybe we can look at some other areas and let some new people in, and then we'll know a lot more about how this fishery really can be used. I'm like Mac, I eventually want to see more than eleven people in there and see just what the ranges are, where we can work or where they can work, rather, and get resource to the people.

MR. HARTIG: I agree with both what Mac and Charlie had said, but basically Action 13, establish criteria for new entrants in the program, you can't have any new entrants unless you have a permit, unless you add additional permits. Basically, we don't have anything to add permits, so you're not going to be able to add new people. I don't understand how this can even be in there with –

MR. CUPKA: It depends on how you define that. You can get new people in; you just aren't increasing the number of permits.

MR. HARTIG: By transfers, right.

MR. CURRIN: Yes, you're really changing people; you're swapping people. The other thing I guess that I'm sitting here wondering is whether we need this action at all because maybe somebody would buy a permit with no pounds, but you'd have hard time selling one to me without something, that if I intended to fish it, without an adequate number of pounds to make it to have some value to me. I don't know, are we really accomplishing that much by putting some minimum on a transfer requirement really is all we're doing. I'm not sure it's titled correctly. I'm just wondering.

MR. STRELCHECK: I guess I'll give you some context as to what a share costs for red snapper in the Gulf of Mexico. It's \$35 a pound. Now, will golden crab ever be \$35 a pound; I'm not sure. There are two things that could happen here. One is this is going to drive up the price of permits, and those that are serious about being golden crab fishermen are the ones that are going to buy a golden crab permit; or, two, you're going to give whoever buys a permit at least that initial buy-in to the fishery to participate as a seed to become a bigger participant, so they don't have to go out and spend a tremendous amount of money potentially up front to become a participant; but then if they want to build their business they're going to have to obviously buy more quota share in order to gain more of the overall annual catch limit.

But in this instance one of the big complaints we have with the Gulf program, especially for smaller-scale fishermen that wanted to get into the industry, is that the share prices are cost prohibitive. I think that's really the direction that this is coming from is that this gives people an opportunity to get something when they enter the fishery to help start their efforts.

MR. CURRIN: In view of that, then maybe we ought to suggest that we look at some percentages over and above the minimum 2.22, whatever that is, as well. I would maybe suggest up to 5 percent at least as an alternative to consider.

MR. CUPKA: Okay, you want staff to try and work on some verbiage and bring it back to full council and take another crack at this? Brian.

DR. CHEUVRONT: Yes, we can do that and come back. Probably it will be two actions, and the one action we'd probably have three subalternatives of 1 percent, 2.2727 percent and 5 percent. Okay, I'm sure we can do that for you. Action 14 is annual pounds overage. The council does not currently have a preferred.

Action 1 is do not allow fishermen to exceed their allotted annual pounds. Alternative 2 is a person on board a vessel with the shareholder's only remaining golden crab annual pounds may exceed by up to 10 percent of the shareholder's annual pounds remaining on the last fishing trip of the year. Shareholders who incur an overage will be required to pay back the annual pounds overage in the subsequent fishing year.

Alternative 3 is a person on board a vessel with the shareholder's only remaining golden crab annual pounds may exceed by up to 20 percent of the shareholder's annual pounds remaining on that last fishing trip of the year. Shareholders who incur an overage will be required to pay back the annual pounds overage in the subsequent fishing year.

The Golden Crab AP passed a motion requesting the council choose Alternative 3 as the preferred. Part of the reason why they wanted to have the larger amount is because some of the fishermen in the initial allocation will have a fairly small share and they could actually end up in the scenario where to try to fish their entire share they could still have another trawl even set out that haven't brought in when they hit their total allocation, and they would like to be able to bring all those extra crabs in or at least as many of them as they possibly can so that the resource is not wasted. This would apply only to the very last trip that they would take for that year, so they could not do this multiple times.

MR. CUPKA: Brian, is that a true statement under the current preferred alternatives for Actions 1 and 2 where there will be several permits that would receive less than 1 percent? I thought we now had a minimum.

DR. CHEUVRONT: That was under your old preferred for Action 2. You remember you had Action 2, Subalternative 5B was your preferred coming into this meeting, and we changed it to 5, so now everybody will be getting at least 2.2727 percent, according to your current preferred actions.

MR. CUPKA: Well, I understand that and I just wanted that out in terms of some of the rationale that we got from the AP.

DR. CHEUVRONT: Well, still even 2.2727 percent is only about 44,000 pounds. I think you guys can correct me, you can get 15,000 pounds easily in a trip? Yes, even having only 44 or 45,000 pounds allocated to you you're talking three trips, and they just want to be careful that if they accidentally go over on that last trip, that they would at least try to be able to bring in those last remaining crabs or as many of them as they could.

MR. CUPKA: Yes, and the other point to make sure everyone is perfectly clear, because I've heard it interpreted both ways, but the way I read this is that on that last trip they would get a percentage of the remaining part of their allocation that they could be over. It wouldn't be that percentage applied to their annual allocation for the whole year. I think some people may have thought it applied to the whole annual allocation, but it's not. It's just the remaining portion of that allocation.

DR. CHEUVRONT: Thank you for clarifying that and to make sure that is exactly what the council's intent is.

MR. CUPKA: What is the pleasure of the committee? Wilson.

DR. LANEY: **Mr. Chairman, I would move that we select Alternative 3 as the preferred alternative per the AP's recommendation.**

MR. CUPKA: Okay, we have a motion; is there a second; Charlie.

MR. PHILLIPS: Monica, are we going to run into a problem if everybody hits their allocation and everybody goes over a little bit, that we actually go over the TAC because of these last trips? It's highly unlikely but would we have a problem there?

MS. SMIT-BRUNELLO: It is conceivable that if everyone went over we could exceed the ACL. However, the ACL is – I guess you'll just have to monitor this in the next few years and see how much is landed, because you can see by the landings in the last so many years it doesn't get close to the ACL, that close to the ACL, so, sure, but it's conceivable.

MR. HARTIG: My same concerns – I mean, when dealing with the ACL Amendment, we couldn't do a two-year – we couldn't have overages. It seems to me like if this is a problem and it looks like it may be a problem – I mean, if we can do AMs for the commercial fishery, which it looks like we're probably going to have to do with the overages we're having, with no kind of provision to give back some of that quota at least for one year – it seems like NMFS could revisit their guidelines to allow those kinds of things to happen, to be able to do that. I think there has been enough – we see this happening here – are there any provisions in the Gulf? Did they ever do that with any of the Gulf provisions, Andy, with the grouper or tilefish or red snapper?

MR. STRELCHECK: Yes, we have very similar regulations in the Gulf. If there is an overage, it does get deducted off the allocation in the subsequent fishing year, so that fisherman ultimately gets less allocation at the start of the next fishing season, so they're paying it back up front. I guess to add to that, red snapper has been the longest-running IFQ in the Gulf, obviously a very different beast than golden crab, but we've had probably 20 or 25 fishermen each year that tap into their 10 percent overage. It amounts to a couple thousand pounds usually at the end of the year, so a very small amount. We get to 97, 98 percent of that quota each year, so there is a small amount that remains unused; so even with the overage, because there is unused quota, we don't go over the catch limit.

MR. CUPKA: Other questions of comments? Okay, we had a motion and a second. **The motion is to select Alternative 3 as our preferred for Action 14 as per the AP's recommendation. Is there any further discussion on the motion? Any objection? Seeing none, then that motion is approved.** Brian.

DR. CHEUVRONT: Okay, we finally made it to the last action, and this is approved sites. The council does have a preferred subalternative, which is approved landing sites will be selected by

the fishermen but must be approved by NMFS Office of Law Enforcement in consultation with the appropriate state law enforcement agency prior to use.

The IPT would like, if the council would like to continue this as their preferred subalternative, that they would go ahead and choose Alternative 2 as a preferred. The Law Enforcement AP supported Alternative 2 as a preferred and the Golden Crab AP supported the council's Preferred Subalternative 2A as well.

DR. LANEY: Mr. Chairman, I would move that we select Alternative 2 as preferred with Preferred Subalternative 2A as already selected.

MR. CUPKA: We have a motion; is there a second; Charlie. Discussion on the motion? Is there any objection? **Seeing none, then that motion is approved.** That gets us through the document. Is there anything else, Brian?

DR. CHEUVRONT: Yes, Andy would like to say something in regards to that administratively as to how that might work, and I believe Monica has something to say as well.

MR. STRELCHECK: I'll let Monica speak first.

MS. SMIT-BRUNELLO: Were you going to speak to that particular alternative? Okay, I had a couple of things. Of course, you knew I would. One of them has to do with Action 4. I believe we said "valid permit". It would be appropriate if we said "valid or renewable"; so that if someone was within the time period to renew, they would still have the option of being able to carry out whatever is listed in Action 4. I don't know if that's also true with Action 1. Why don't you take a look at that, Brian and Andy, and see; and if appropriate you can think about adding it in.

The one other thing that I was doing, I read the Magnuson Act, which is always a useful thing to do for me, and when I reread the section on limited access privilege programs I noticed that there was an item that the council needs to consider. It doesn't necessarily need to approve but should consider as an option. That is under 303A(d). It's entitled "Auction and Other Programs".

I'll read it first and then I'll tell you my solution I think and we can discuss it a little bit. "In establishing a limited access privilege program, the council shall consider and may provide, if appropriate, an auction system or other program to collect royalties for the initial or any subsequent distribution of allocations in the limited access privilege program if the system or program is administered in such a way that the resulting distribution of limited access privilege shares meets the program requirements of this section; and, two, revenues generated through such a royalty program are deposited in the Limited Access System Administration Fund established by Section 304H(5)(b) and available subject to annual appropriations."

When I spoke with Shepard Grimes about the IFQ amendments that he has dealt with in the Gulf, they did have this as an alternative so that the council could consider it in accordance with the Magnuson Act. My recommendation is go back to Action 2 and add as Alternative 7 – and Action 2 is the initial apportionment of catch shares – and as Alternative 7, "Distribute initial

IFQ shares through an auction system. All eligible entities as determined in Action 1 are allowed to place bids.”

And then I would work with the IPT to discuss a little bit in the discussion section of what that would be, and then that would be for you to consider now or especially in June when you get the document back. But I think if you add that alternative in, it will have met the intent of what you should consider under the Magnuson Act.

It does discuss also you should do this for subsequent distribution of allocations, but I don’t believe that you have an action in this amendment to address subsequent distribution. They did in the Gulf for many reasons, including the fact that the ACL might change from year to year and that would affect the distribution.

I guess we could face subsequent distribution down the road when you face changing the ACL and distribution among shareholders. That is my recommendation is to add an Alternative 7 to Action 2 to take care of the idea of royalties, economic grant, I guess, and that’s another word for it, but for royalties.

MR. CUPKA: Okay. And, Gregg, we did call them catch share and not IFQ. Does anyone wish to take an action on that? Charlie.

MR. PHILLIPS: Mr. Chairman, **I would so move that we add Alternative 7 to Action 2 per Monica’s –**

MR. CUPKA: Well, read the language that’s up there.

MR. PHILLIPS: Okay, **“Distribute initial apportionment of catch shares through an auction. All current permit holders would be able to participate.”**

MR. CUPKA: Okay, we have a motion; is there a second; Wilson. Monica, is that –

MS. SMIT-BRUNELLO: Yes, I had “eligible entities as determined in Action 1” just in case you choose a different way of going in your Action 1, but “current permit holders” adequately describes your preferred alternative now. Actually, if I look at Action 1, I’m not sure that you have anyone else to be chosen except for, so I think that’s fine.

MR. CUPKA: All right any further discussion on the motion? Is there any objection to the motion? Go ahead.

DR. CHEUVRONT: Andy just pointed out that says “all current permit holders”. Wouldn’t that be “valid permit holders at the time of implementation of the final rule”?

MS. SMIT-BRUNELLO: We could go back to “eligible entities” if you want “as determined in Action 1. I’m not quite sure; that might be a better descriptor.

DR. CHEUVRONT: That actually might be a better description and then we don't have to get into that language again and we make sure that it just references what is in Action 1.

MR. CUPKA: Okay, friendly amendment.” **Okay, the motion is to add a new Alternative 7 to Action 2 which would distribute the initial apportionment of catch shares through an auction. All eligible entities as determined in Action 1 would be able to participate.” Is there any further discussion on the motion? Any objection? Seeing none, then that motion is approved.** Brian, I think that completes all we have to do at this point until we come back –

DR. CHEUVRONT: Unless Monica has more.

MS. SMIT-BRUNELLO: I'm just throwing this out there for discussion. I was reading some other catch share kinds of ideas. I think you've probably got it covered, but just in case you haven't you've been talking a lot about reporting and how important reporting is to the entire system.

You should think about whether you are getting adequate reporting now or if there are any other kinds of reporting requirements you think would be valuable that you're not getting from the golden crab fishermen. You could add that in this document now. It's just fuel for thought I guess; and maybe at full council, by then you'll have time to think about it.

MR. CUPKA: Okay, thank you. Andy, you had something to add?

MR. STRELCHECK: Yes, I have three quick items and maybe one that you'll want to take a little more time with. We noted in going through the regulations that the permit renewal requirement for golden crab is six months and all of the other South Atlantic permits I believe now are one year renewal requirements.

I don't think this can be added as an administrative action, although I yield to Monica. She is shaking her head no, so this might be something you want to consider in a subsequent amendment if you feel the need to change that just to be consistent with other fisheries. A similar line, another action maybe for another day is in the Gulf of Mexico with the accountability measures for IFQ programs or catch share programs we designate the catch share program as the accountability measure.

The only way you can actually exceed the quota is if you have illegal harvest or unreported harvest, so in this instance because you have an IFQ program or a catch share program in place, you would designate it as the accountability measure. That maybe could be done when you revamp your annual catch limits with the new MRIP estimates; so something to keep in mind.

For purposes of the proposed rule, if you've looked at the proposed rule and what we bring back to you in June, we're requesting that we refer to the program as an IFQ program. Although the amendment is referring to it as a generic catch share program, this is an IFQ program. All of the components are the same as the other IFQ programs. The reason we're asking this is we have a lot of things that are standardized and generic in our office that we mail out to participants.

As part of the IFQ programs we have an IFQ customer service, so we refer to IFQ quite frequently, so we're just wanting to use that terminology to be consistent. Presumably you'll agree with that and appreciate that the government is trying to save time and money. And then the last item I think which is the most important for discussion, there was a lot of discussion today about where allocation could be used and concerns about allocation being used in one zone versus another.

I noted that for multiple permit holders that have a permit for each zone, there is nothing that is going to prevent them from potentially transferring all of their shares and allocation from one permit or one vessel to another vessel. I don't know if you guys want to talk about that, if that's a concern of yours, but there is potential for shifts to occur within a particular region because we're not limiting where the allocation can be used by subzone.

There is also a potential for someone to go out and buy allocation from another permit holder that may fish in another zone but then use it for the zone that they have a permit for. It's something to be aware of. If it's a concern, you might want to discuss it and how it could be addressed in the amendment.

MR. PHILLIPS: I think that's a very good thing to bring up. It kind of gets back to Robert's point of people having two permits and I guess maybe part of their middle zone permit was associated with X amount of quota shares at some point in time and then moving it all to the southern zone.

It may be a good idea to go ahead and when we give out these quota shares, the quota shares equal a zone and if you want to move from – if you've got two permits and you want to go catch some of your southern zone, then you just go ahead and go do it, but you pull it off of that southern zone quota or the middle zone quota, and that kind of will guarantee that, one, you're going to have fishermen spread out and they're not going to be all piled up in one place.

I think that's a very good idea and we may very well want to consider that the quota shares that they get go to certain zones and you have to catch it in those zones. If you've got multiple zones, then you can go back and to but you still have to – when you're doing your tickets, X amount of pounds came out of this southern zone and X amount out of the middle zone. I think that's probably a path we may want to go down.

MR. CUPKA: Gregg, was thinking along the same lines I am, that we're dealing with a situation here that we don't even know it's going to be a problem. We need to move this ahead and get it in place. We can always come back to it. I think to some degree it's going to be self-regulating. I don't know; we start adding actions in here and we're going to be sitting here next year trying to get this thing in place, but whatever the wish of the committee is. Gregg.

MR. WAUGH: And before we finish we'd just like a little guidance. I know that we're going to talk about workload and priorities when we get to full council, but we'd like some guidance that you've taken final actions here. A couple of years ago we tried to build into our schedule where you take final actions at a meeting, it comes up at the next meeting and you see the completed document with all the analyses.

As a staff we kind of hold our breath when we do that because we don't want you to then in June add more alternatives and make more changes and we just get in this do-loop and don't get rid of this amendment. I see Phil is shaking his head over there; he knows what we're talking about. At some point we just want guidance.

You have had your final shot at this, you gave staff some alternatives to bring up, we may get some clarification by full council, but for June what we're looking at is a final document and you all make sure everything is right, and then we're finished with it and done. If your intention is something else, then let us know it's something else.

MR. CUPKA: Well, we might be finished but I don't think we'll ever be done, but at least we might finish with this amendment. Mac.

MR. CURRIN: Gregg, I promise you I will not be offering any motions to add any alternatives to this document in June and would almost be willing to shed blood over that.

MS. SMIT-BRUNELLO: Don't throw anything at me but I was noticing in the Gulf IFQ for I guess it's grouper and tilefish, they had a cap on the amount of allocation that could be owned by a participant in the program each year. Their preferred alternative was setting that allocation equal to the corresponding share cap that they had previously identified.

We have an action in this amendment for excessive shares dealing with a cap on the amount of quota shares someone can have. It's worth considering I think whether you want an action to deal with the cap on the amount of allocation that an individual can have. Andy, do you want to speak anymore on that point?

MR. STRELCHECK: Phil and I were briefly discussing it and I guess we need to check to see if it's required, if that was a provision that was mandated as of the 2007 reauthorization. We do not have a cap in red snapper, but that was implemented prior to the reauthorization. For grouper/tilefish it's essentially the equivalent pounds resulting from whatever the share cap is set at summed across all the grouper/tilefish category.

For golden crab it would be 49 percent times the 2 million pounds, which 980,000 pounds would be the allocation cap if you chose to use that as the allocation cap. There is potential for a shareholder that's at the cap to go out and lease allocation and actually have more allocation than what they were initially allocated based on their quota share, and so that's why there is an allocation cap in place.

MR. CUPKA: Is there any way you could check that, Andy, before the full council?

MS. SMIT-BRUNELLO: And I will, too.

MR. CUPKA: Other items? Brian.

Golden Crab Committee
Savannah, GA
March 7, 2012

DR. CHEUVRONT: Thank you all very much. We got a lot done on this today and I think we can actually have a document for you in June that you will be ready to approve.

MR. CUPKA: Okay, thank you, Brian, and thank Andy and all the input we got. We're going to go ahead and break for about five minutes and then we're going to start our SEDAR Committee.

(Whereupon, the meeting was adjourned at 3:15 o'clock p.m., March 7, 2012.)

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Certified By: David Cupka Date: June 14, 2012

Transcribed By:
Graham Transcriptions, Inc.
April 2, 2012

**SUMMARY REPORT
FROM THE
GOLDEN CRAB COMMITTEE MEETING
ORLANDO, FLORIDA
June 14, 2012**

The Golden Crab Committee met on June 14, 2012. The Committee discussed the results of the “Indication of Interest” in participation in a catch shares program by permit holders who had landed at least one pound of golden crabs in two of the three following years: 2008, 2009, or 2010. The Council gave direction to staff to convene a meeting of the golden crab permit holders to discuss the catch share program prior to the September 2012 meeting and try to avoid the Florida spiny lobster opening in August. The Committee reviewed confidential data relative to the golden crab fishery and then discussed Amendment 6 of the Golden Crab Fishery Management Plan.

The Committee made the following motions and gave the following direction to staff.

MOTION #1: Continue with the development of Amendment 6. Motion approved by committee. Motion approved by Council.

Purpose and Need

MOTION #2: Accept the proposed language change for the purpose and need:

Historical fishery participants came to the Council and requested that a catch share program be established with the following purpose and needs: ~~The purpose and need of developing a golden crab catch share program is to:~~

Motion approved by committee. Motion approved by Council.

The Council gave direction to staff to provide additional rationale for the purpose and need such as for:

5. Provide economic incentives for the fishery to operate more efficiently;

Need to explain how having the catch share will allow the fishermen to determine whether it is economically feasible to install a “refrigerated sea water system” based on whether the amount of annual pounds a given fishing entity.

Action 2

MOTION #3: Create an alternative that distributes 35% of share allocation equally among all permit holders and distribute the remaining 65% using historic landings for years 1997 – 2010. Motion approved by committee. Motion approved by Council.

MOTION #4: Remove sub-alternatives under alt 4 to the considered but rejected appendix. Motion approved by committee. Motion approved by Council.

The Council gave direction to staff – work up annual pounds allocations based on Action 2 alternatives.

Action 4

MOTION #5: Accept the IPT recommendation to remove the phrase “or renewable” from the alternatives. Motion approved by committee. Motion approved by Council.

Action 5

MOTION #6: Change the preferred alternative to alternative 4 (35% share cap). Motion approved by committee. Motion approved by Council.

Action 6

MOTION #7: Accept IPT’s recommended wording change for action 6, alternatives 3 & 4: “Shares that remain inactive for 3 consecutive years will be revoked and proportionally redistributed among the remaining shareholders (subject to share cap restrictions) based upon the amount of shares each holds immediately prior to the redistribution.” Motion approved by committee. Motion approved by Council.

The Council clarified their decision that participants who have shares revoked in any given year cannot participate in any redistribution of shares revoked by other catch share participants in that year.

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

GOLDEN CRAB COMMITTEE

**Renaissance Orlando Airport Hotel
Orlando, FL**

June 14, 2012

SUMMARY MINUTES

Committee Members:

David Cupka, Chair
Dr. Wilson Laney
Tom Swatzel

Mac Currin
Charlie Phillips
Jessica McCawley

Council Members:

Ben Hartig
Tom Burgess
Dr. Michelle Duval
Duane Harris
John Jolley

Mel Bell
Dr. Roy Crabtree
Lt. Robert Foos
Doug Haymans

Council Staff:

Bob Mahood
Dr. Brian Cheuvront
Kim Iverson
Dr. Kari MacLauchlin
Roger Pugliese
Andrea Grabman

Gregg Waugh
Mike Collins
Dr. Mike Errigo
John Carmichael
Anna Martin
Julie O'Dell

Observers/Participants:

Monica Smit-Brunello
Phil Steele
Dr. Bonnie Ponwith
Andy Strelchek

Dr. Jack McGovern
Otha Easley
Bob Gill
Karen Raine

Other observers attached to the end of the document.

The Golden Crab Committee of the South Atlantic Fishery Management Council convened in the Vienna Ballroom of the Renaissance Orlando Airport Hotel, Orlando, Florida, June 14, 2012, and was called to order at 3:30 o'clock p.m. by Chairman David Cupka.

MR. CUPKA: We'll go ahead and convene the Golden Crab Committee Meeting. The first order of business is the approval of the agenda. Are there any changes to the agenda? Seeing none, then the agenda is approved. Next is the approval of the March 2012 committee meeting minutes. Are there any corrections or additions to the minutes? Seeing none, then the minutes are approved. That brings us down to our next item which expression of interest in catch shares, and I'm going to ask Brian to walk us through that.

DR. CHEUVRONT: If you will remember in your March meeting after public hearing there was a discussion about wanting to determine the level of interest in pursuing a catch share program for golden crab. The council set up some parameters that they wanted us to follow. First they wanted us to look at each of the permit holders in the fishery of which there are 11 permits, and each permit was allowed to express its interest in the catch share as long as that permit had at least one pound of landings of golden crab in either 2008, 2009 and 2010.

At the time of the March meeting, 2010 was the terminal year that we had for landings for golden crab so we did not have 2011 landings available to us at the time. As a result of the criteria that you chose, five of the eleven permits qualified to participate in expressing their interest; six did not. All five of them were contacted and we got back from those five their interest and level of catch shares. Three of them were in favor of continuing the catch share program and two of them were not.

MR. CUPKA: Questions for Brian? Roy.

DR. CRABTREE: So we had five permits that voted; how many unique individuals voted?

DR. CHEUVRONT: Four.

DR. CRABTREE: And what was the total in terms of the vote counted in terms of unique individuals?

DR. CHEUVRONT: Of unique individuals it was two and two.

MR. CUPKA: Other questions for Brian? Well, what we need to do before we go any further is we need to decide if this committee wants to recommend to the council to move ahead with Amendment 6 or not and then a couple of things. There are some actions in the amendment that don't pertain to catch shares, so we could even make a decision to move ahead with those if the committee decides not to move ahead with the catch share program. That's another issue that we would need to look at depending on which way you all want to go with this.

Also, if we make a decision to move ahead, one of the things that we've really had a lot of trouble with is the council members have not been really able to look at the catch history on

these things because of confidentiality. We did write a letter and got a response back from Sam Rauch indicating that in this particular instance that we could get permission to look at that data.

If we decide to move ahead you will have an opportunity to do that. You will have to sign a statement of confidentiality I guess before we can get it, but NMFS is prepared to hand out the forms we would need to sign as well as the information itself. If we do look at that we need to be very careful in our discussion that we don't disclose any confidential information. I don't know if Monica has anything she wants to say about that. Did you have anything that you want to add on that, Monica?

MS. SMIT-BRUNELLO: If we get to that point, David, I can say a little bit more just to explain things.

MR. CUPKA: Okay. So, again at this point what we need to do is decide whether or not we're going to recommend moving ahead with the amendment or not. What is the pleasure of the committee? Mac.

MR. CURRIN: As most of you if not all of you are aware this is an issue that has been before this council for at least five years – I believe I'm correct – and perhaps even six. We've received a tremendous amount of input on it. It has been in development.

I mean it is almost analogous to the MPA development. It didn't take quite as long, but it has been a very deliberate and deliberative process. **I would speak in favor of moving forward with the amendment. There may be some tweaks that need to be done here, but that would be my preference.**

MR. CUPKA: Are you offering that in the form of a motion?

MR. CURRIN: Yes, I'll make that as a motion, David.

MR. CUPKA: Okay, we have a motion by Mac; is there a second?

MR. HARTIG: I'll second it.

MR. CUPKA: Second by Ben. Discussion on the motion? Jessica.

MS. McCAWLEY: First of all, Ben is not on the committee.

MR. CUPKA: Nice try, Ben. Charlie did second it. Tom.

MR. SWATZEL: Well, it seems pretty clear that there is not a significant majority support for pursuing a catch share program for the golden crab, so I'm going to vote against the motion.

MR. CUPKA: Just to remind people I guess, the committee members are Mac, Wilson, Jessica, Charlie and Tom and myself. Jessica.

MS. McCAWLEY: I can't support this motion. I know that we have been working on this for a long time. I originally thought that this fishery was a good candidate for a catch share program, but I don't feel like the majority of the participants in the fishery support this program, and so I'm going to vote against this motion.

MR. PHILLIPS: Mr. Chairman, I think we're all torn with how to proceed with this. I seconded but I think it probably needs some tweaking. I also think that we will have a derby fishery if we don't do something. I think that is contrary to the public's interest in the resource; and so with that reasoning I'm going to support the motion knowing that there will be maybe a considerable amount of tweaking with it.

MR. CUPKA: Okay, but the only way we'll get to tweak is if we continue working on it. That is not to say that we're approving it. What we're really voting on here is whether or not to continue working on it and see if there are any changes that could be made to improve it. Also, like I say there are actions in this amendment which really don't pertain to catch shares. We've got four or five of the actions that probably could be separated. The only way to continue working on those would be to continue developing this, so that's kind of where we are. Wilson.

DR. LANEY: I guess as the Fish and Wildlife Service representative on the council, my first and primary responsibility in some respects is to the habitat and to the crabs themselves. That is not to say that I don't certainly consider the human dimension of things as well. I know one of the justifications for moving forward has been stated as habitat protection.

Charlie makes a good point I think about the derby fishery and not only the consequences that might have for gear conflicts and human interactions but also for habitat interaction. To the extent that establishing this program would afford additional protection to the habitat, I could support the motion.

Now, if there were some assurance that there would remain adequate protection for the habitat in the absence of a catch share program, I guess I could go either way on it. As far as I could tell from the materials that have been provided to us, it seems that there would be some potential additional measure of protection for the habitat, so I could support it from that perspective.

MR. CURRIN: And along those same lines, I think it is worth reminding the council that the golden crab fishermen who were most active in helping us designate those fishable areas in Coral HAPCs are the folks that are also supporting moving forward with this amendment. I express concern about the habitat and I'm not sure that we'd be that far along without their participation and assistance in that effort.

MR. HARRIS: Mr. Chairman, I'm not on your committee but I want to echo what Mac just said. I don't think we would have had those deep sea coral HAPCs if it hadn't been for the support and cooperation that we received from those golden crab fishermen.

MS. McCAWLEY: I was just going to say what I said at the previous meeting that I thought the council was on record saying that we weren't going to support catch shares unless we had an overwhelming majority of people that supported it, and I don't feel like we have that here. I

know about how we polled and I know about what we decided. I don't necessarily agree with the way that we polled. We got those additional letters. I took that into consideration, too, so like I said before I'm going to vote against it. I appreciate the habitat concerns but I wish that we could look at some other way to protect the habitat other than this catch shares program.

MR. CUPKA: Well, I don't know that we ever said overwhelming, and I think that is part of the problem that this council does not have a clear policy on catch shares, and it is something that irregardless of what we do here we might want to refer to our catch share committee to develop a clear statement on just what the council's policy is in regard to catch shares, but that is something for another time. Ben.

MR. HARTIG: One of the things that is significantly different in this case is when we have been entertaining going down the catch share path we've asked at the beginning of a program if there was support for it and we haven't got it. This is a different case. I don't think there was any question in my mind in the last four years as we were developing this that the majority of the participants in the fishery didn't want to go to a catch share program.

To me it was clear for the last four years that the majority of the fishermen wanted to move ahead with this program, so now we're being faced with a vote in the eleventh hour that is asking us to decide whether to go ahead with a program we've been developing for five years. That's the problem I have. I think the majority of the fishermen were clearly in favor of the program that started or we wouldn't have gone down the path to begin with.

We're here because that up front majority of fishermen who wanted it and now at the end we're at a hiatus where we've taken this vote at the end, which I had problems with to begin with. The other thing is what we should have done probably is when this came up, when we found that there were a number of people who weren't supportive of the catch shares is to bring everybody back to the table; is there anything we can do in tweaking these motions to help you support this plan that we have developed. I think we've kind of missed that opportunity, but it may not be all the way out the door. That's the way I feel about it.

MR. JOLLEY: I would reiterate some of what Ben has said. I have a real concern that the council is already bogged down in so many issues, and this thing has had plenty of planning behind it. My understanding when I first came on was that this thing was pretty well set up for catch shares. While I may not be the biggest proponent of that avenue, I think we need to move ahead because we've got so many other serious pressing issues to address. I'm leaning in that direction and I support Ben in that.

MR. CURRIN: David, just one more point, and I know last night Roy asked one of the golden crab fishermen who made a comment and had some questions about landings and whether he had seen a spike in landings, and his response was that he didn't anticipate any great increase in the number of landings.

That is contrary to the information that I've received from a couple of other people that participate. In fact they suggested that landings would be on the order of 1.5 million pounds. This is in a fishery that has operated well under 50 percent of the ACL. Who knows where that

is going to go in the future if and when we get an assessment for that. To me, assuming that is correct, there is a clear indication that the derby has begun, and it is one of things that I think was the rationale for moving forward with this to prevent that kind of activity.

DR. CHEUVRONT: I want to go back to something that Jessica said regarding the council's statement on pursuing catch shares in the future. The motion that the council made was that they were not going to pursue catch shares, but they specifically excluded golden crab and wreckfish in their motion. The council's intent at the time was to continue the development of catch share programs in golden crab and in wreckfish.

DR. CRABTREE: Yes, and I recall that motion, Brian, but there have been other occasions where we've made statements about wanting to see a majority in it. Probably the best you can say about this situation is we're 50/50. I understand what Ben is saying and it's true that we have been working on this for four years, but we didn't choose all of the preferred alternatives on this until the last council meeting.

I think if you go back a year ago, this was a very rudimentary document at that point, so I'm not sure it's fair to expect people to have made up their mind about this so far in advance. Now, with respect to whether a derby fishery has developed, I think I've talked to all the golden crab guys who were at this meeting this week.

I have heard some say that it is already happening and they may go over a million and a half pounds this year, and I've heard others say they don't think that is going to happen. I did ask Andy to look into what we could find in terms of 2012 landings; and while they're only partial landings I think if you're interested Andy could give you a view on what seems to be happening.

Also, having talked to most of these guys, they have indicated to me they would be willing to sit down and have a meeting. I don't know if anybody's mind is going to change or not on it; but if what you want to do is make one more try to see if they couldn't work something out, I think there is a possibility of that.

Also, I agree with you, David, there are things in this amendment that are separate from the catch share and it might be worth asking them to take a look at that again, but they indicate that they would be willing to meet. If you're interested, Andy can give you what we do know what is happening with landings.

MR. STRELCHECK: I contacted the science center and asked for them to provide us as up to date of landings as they had available to them. They have landings through May. In looking at the landings data, it looks like probably April and May are not complete. If you just take the months of January through March, it is the highest level of landings in the last seven or eight years. That is just the period I looked at. I didn't look prior to then.

Certainly, we don't know what will be landed the rest of the year; but based on the catch rate over about the last eight to twelve months we'd project out close a million pounds, maybe a little bit less than that, maybe a little bit more than that. Talking with industry, it sounds like some fishermen have started fishing this year or the tail end of last year. It would probably be best to

talk with them directly to find out their actual activity levels and how those have changed or not changed in the most recent twelve months.

DR. LANEY: I guess a question for Roy and that is relative to the potential for getting people together to take another crack at developing a more robust consensus; is that something that we would have to wait to do until after we vote this motion up or down and move through the decision document or is that something that you would suggest be done before the council took any action, in which case I guess we could just table this until a time certain.

DR. CRABTREE: Well, I think in my view if we decide to convene these guys to take a look at it, that means we have decided to continue consideration of this. To me if you vote this down and say we're done with it, you still might want to convene them to look at the other parts to this; I don't know. I'm not on your committee, Wilson, so I guess you will have to figure out what to do with this motion.

MR. CURRIN: Roy makes some very good point. It would be very instructive I think to have these guys get together as soon as possible. To me it would be wonderful to be able to determine whether the opposition that we've heard about at our last meeting is a philosophical opposition, which I have strong feelings that it is – I don't know that – i.e.; that is, just a general opposition to catch shares in any fisheries and this idea or feeling that if one catch share ever gets put in, then, boy, that just starts the ball rolling down the hill and we're all doomed, they're coming into everything.

I don't believe that, but I would be interested in whether that is the basis or whether there is a general concern about the structure of this particular catch shares; i.e., whether they're allocation issues and share cap issues and things that the council could address with some advice from the fishermen to make it more acceptable. I see some value in these guys – getting them in a room and making sure if they're willing to do that.

DR. CRABTREE: I will say one thing. Regardless of procedurally how to do this in a motion, I've looked very carefully at the plan and I could support it with the current suite of preferred alternatives now. There are things about the plan that I would want to revisit and make changes. I think if what we're going to do is reconvene this panel and have them relook at this, we probably ought to have some discussion about things that we're concerned about. We ought to have them make sure they focus on the things we're concerned about and then, of course, we want to hear the things they're concerned about as well. I think if that is the decision to convene these guys, then we ought to talk about some of the concerns with the plan.

MR. CUPKA: I wonder really if we did have a meeting and they met, to me it seems like that wouldn't preclude us from moving on this motion. If we decide to continue with development, the first step would be to convene these guys and see what, if anything, could be worked out and give us some input on that. I don't see it being necessarily mutually exclusive. Duane.

MR. HARRIS: Mr. Chairman, these preferred alternatives that are in the plan right now were developed without the council having access to confidential data. We've had some very general

discussions that as a result of that access some of these recommendations that are in the plan currently could change.

I hope that this committee will vote to move forward with the development of this plan. I like Roy's suggestions and Mac's suggestions; I would like to see these guys get back together and see if they can work out some of these issues. If this committee will move through this document today, with the access to the confidential information, it may well be that some of these preferred alternatives will change. I think we at least owe it to ourselves, having worked on this with a lot of very dedicated fishermen for so long, to at least try to see what we can do with the thing.

MR. CUPKA: Other comments? Okay, we're going to go ahead and take a vote then on this motion. The motion is to continue with the development of Amendment 6. I'll ask all those in favor to signify by raising your hand; opposed. Okay, the vote is three to two so the motion is approved.

I guess where we need to go from here then is to – well, obviously, we want this meeting to occur and we'll ask Brian to see if we can't arrange something on that, but it seems like the next step would be to look at this confidential information and maybe look that over for a few minutes before we go through the amendment itself and decide if we want to change any of the preferreds that are currently in there.

Again, this thing won't obviously get approved at this meeting, so we will have an opportunity to change the preferreds before we move ahead with it. Is there anyone that has an objection to that approach to move forward? Seeing none, then, Roy, I guess your people have that data that can be distributed?

DR. CRABTREE: Yes, Jack is going to come around and hand you a disclosure form, which you're going to need to sign, and once you sign it Jack will give you a folder that contains a table or two and a figure. You can look at that and then we will have a discussion, but in the discussion you need to be very careful in what you say and make sure that you don't inadvertently divulge confidential data.

Confidential data would mean that you divulge an individual's landings in any fashion. Be careful when you talk about percentages and this and that because people may be able to calculate something out of that. It is going to be a little bit awkward but that is what we need to do. Monica.

MS. SMIT-BRUNELLO: And Roy discussed that very well with you. You should know what you're signing is a statement of non-disclosure and that is attached – you don't have it, but I will tell you what it is attached to. It is attached to a NOAA Administrative Order 216-100 for the protection of confidential fisheries statistics.

Council staff sign this probably routinely every year because they're allowed under the Magnuson Act to see confidential information. You are not as council members allowed to see confidential information under the normal circumstances, but your executive director requested

that in this case you be given access to confidential information and the Fisheries Service agreed with that.

You probably have seen the letter that got sent back to Bob Mahood stating that you would be allowed to see is. That is why we're asking you to sign the statement and then you will be given the confidential information. That information will be retrieved by the Fisheries Service at the end of this committee meeting and taken back because they're under an obligation, the Regional Administrator particularly, to protect the confidential nature of that information.

As best you can, please think about what you're going to say before you say it on the record once you've seen this information because you should try not to divulge the confidential information. I think that the way it is presented and not identifying any particular fisherman but just giving it in numbers, like Permit 1 and Permit 2 and Permit 3, which is not the number that is assigned by the Fisheries Service to that particular permit, but it is just for your consideration.

It is not identifying a specific individual. It is just allowing you to see landings which is something that is protected under the Magnuson Act as confidential information; so take your charge seriously and once you sign the form Jack will be giving you the information.

MR. BELL: If we're not on the committee, do you want to restrict us from access or are we just going to give it to everybody?

DR. CRABTREE: No, I think we're going to distribute this to all council members.

MR. HAYMANS: Just a question; this is the same form we sign for ACCSP for state agency folks, right?

DR. CRABTREE: I don't know; just sign it again, but I don't know if it is or isn't.

MR. CUPKA: Okay, if everyone will do that and then Jack will give us the folder and we'll take about ten minutes to look it over, and then we'll get back in session.

MR. CURRIN: Mr. Chairman, a question for you on the type of data – and maybe you said it and I didn't hear – is this special data and is there a source for that? On the form there is a column on the right-hand side.

MR. CUPKA: I think the only thing you need to do is sign that last page, up in the middle of the page where it says name, date and signature.

MR. CURRIN: We don't have to check boxes and all of that?

MR. CUPKA: I don't believe so.

DR. CRABTREE: And I guess what we can do, David, is there are some legends and things in there and give folks a minute to read the legends and look at it; and then if anyone has questions about what you're looking at, you can ask Jack, Andy, or Brian and they can try to explain it.

MR. CUPKA: Okay, Brian is going to make some comments on the table.

DR. CHEUVRONT: Okay, if you're looking at the table that has just numbers and things on it – well, there are actually three tables on there – the very first table shows that there are eleven permits. The columns on that table show each year from 1997 through 2011 and it shows how many pounds total were landed in that calendar year by that permit.

Now, understand that there are a couple of permits that are owned by more than one individual, and in some cases an individual owns more than one permit. If you go to Table 2, you will see that the far left-hand column is called "entity"; there are nine actual entities that have ownership or at least partial ownership in a golden crab permit. If you look at the maximum pounds, the next second column to the right it says "maximum pounds, 2008 through 2011"; so in that four-year period the numbers that you see in that column for that entity tells you how many pounds they landed maximum in that four-year period.

That is not a total across the years. It is the most number of pounds they landed in 2008, 2009 or 2010. It is only one year but it is the highest year. And then if you look, there are four boxes that come after that and what that tells you is those are your four alternatives that you have under consideration under Action 6, which is the share cap provision.

Your current preferred alternative is a 49 percent share cap; so looking under the 49 percent it shows what percentage of the total ACL that entity would receive under your preferred alternative at this point. That tells you the percent. Right next to the percent is the number of annual pounds that entity would receive under that alternative if that was to go into place.

Then the column that says "difference" is the difference between what they had landed – that highest year landings between 2008 and 2011 and what they would be allocated. Now, if you look down the difference columns and things and you see a number that is in parentheses, that means that is a decrease from their highest landings that had landed between 2008 and 2011.

If the number is not in parentheses, that shows you the increase. The way you can simply do that is if you look at the thing that says "annual pounds" and you subtract the maximum number of pounds that is in that second column from the annual pounds, that will give you the difference. That is what difference number comes from, so that is where you can end up with a positive or a negative number.

And then those four boxes then tells you under the four scenarios or the four alternatives that you currently have under Action 6, the share cap action, that tells you how many annual pounds each entity would be allotted under that scenario. Right now, remember this is with an ACL of 2 million pounds, which is what we currently have.

Table 3 is similar to what you have in Table 2 but it does a couple of "what ifs" scenarios; what if the ACL is reduced. We don't if that is going to happen. This is totally hypothetical. If the ACL was reduced to 1.5 million pounds, you see the same kind of information again given for each entity based on the different share caps; or if the ACL had been reduced in half, to a million

pounds, you would see how the distribution of annual pounds would go. Does anybody have any questions about what those tables represent?

MS. SMIT-BRUNELLO: That is very helpful, Brian; thank you for the discussion. I would note under the “what if”, which is Table 3, if the ACL was reduced, that would take action by the council to reduce the ACL at which point if you wanted to change the share cap allocation or something else that you wanted to change’ if you went ahead with Amendment 6 and if it was implemented, at some future date and time if the ACL was reduced you could also make tweaks and make changes to the catch share program.

MR. CUPKA: I think what you were trying to show, Brian, is if it was reduced, that there would be differential impacts across the permits or the entities or whatever. Wilson.

DR. LANEY: So, Brian, is there any reason to look at a “what if” if the ACL went up? I mean that would be possible, I suppose, wouldn’t it, once a new stock assessment is conducted?

DR. CHEUVRONT: Wilson, I think that right now until there is a stock assessment I’m not sure that there would be a change in the ACL, anyway. I think it is pretty much understood that if the ACL went up, then proportionally the share distribution would increase across the board for everybody, so it would be a positive gain for everyone. If it went down, as you can see in some of those scenarios some folks would have some pretty significant losses.

MR. CUPKA: Other questions for Brian. Brian, did you do the figure, also?

DR. CHEUVRONT: I did not do the figure, but I think what I can do is explain to you what is on here; and if I don’t do something right, Andy or Jack, I’m sure, will jump in and help correct me. If you look on the second drawing that has the bar graphs on it, the first figure refers to person one through nine.

What is called a person on here is the same thing as I called entity on mine. For each person there is a maximum of four bars. One bar is the average landings of 1997 to 2011; their average landings across all those years. The purple bar is the maximum landings from 1997 through 2011, which is the entire time series of the permit program.

Then the red bar is the maximum landings of the last four years, which is the most recent data that we have for folks, and then the blue bar shows the number of pounds that the person would be initially allocated, but I’m not sure – Andy, what alternative is the blue bar based on under six; is that the current preferred?

MR. STRELCHECK: Yes, that is the current preferred.

DR. CHEUVRONT: Okay, so that is then based on the 49 percent share cap. The figure looks at the total annual golden crab landings from 1997 through 2011 relative to the 2012 annual catch limit. Basically what that is showing you is – and because these data are combined, I believe the data in Figure 2 are not confidential, isn’t that correct, because it is across all participants?

MR. STRELCHECK: Correct.

DR. CHEUVRONT: That is correct, so I can tell you then that if you're looking at this, we have a 2 million pound ACL that in no year between 1997 and 2011 has a million pounds even been landed. I believe the highest has been in the low 800,000 pounds. But as a weigh to try to help orient you to all this information, because I because there is a lot there, if you go back to the one that has all the tables and if you look at Table 1 you can see some definite patterns among the permits. You'll notice some permits had significant landings in early years and there are some that really had more landings in more recent years and a couple that had landings most every year as well as a couple of permits that had very little or no landings in most or all the years.

MR. CUPKA: Another thing, too, from that first figure I guess it indicates that in all cases the average landings are lower than the annual pounds that would be initially allocated, right?

DR. CHEUVRONT: That is correct, but I believe it is not the case that the annual pounds initially allocated would be higher than the maximum landings that they've had over the time series under consideration.

DR. CRABTREE: A couple of things that stand out to me and are bothersome to me; one, the share cap at 49 percent, so that is 980,000 pounds. You can see that the entire fishery in none of the years that you have has ever caught that much, so the share cap we're setting is above what the whole fishery catches and far above what any individual catches.

Now, in the document that is currently written I do not believe there is any rationale or certainly not sufficient rationale for the share cap and why that would be appropriate. To me it is exceptional that we would have a share cap that high. There are fisheries where we do have a share cap that high. Wreckfish is one and I believe tilefish in the Mid-Atlantic is one, but those are different cases because in those cases someone was actually catching that amount of fish.

What makes this fishery different is because they've never come really close to catching the total allowable catch. I think we have problems with the share cap, number one. Then the other thing is we have this long time series that we're using, 1997 through – I think it is through 2010 in the document that the allocation is based on.

But, as Brian pointed out, you have permits that have landings say only in the first half of that time series and then you have other permits that have ramped up in more recent years, but it produces some odd situations where you have permits that may not have had any landings at all in seven or eight years and yet are getting among the highest amount of allocation based on landings that occurred back in the 1990's and then you have some of the permits that have been active for the last five or six years or so who don't get enough allocation to even cover their recent landings.

What bothers me about that is that I think you need to have some rationale for why would you give the same credit, so to speak, to landings in the 1990's as you're going to give to landings in 2008 and 2009. Personally to me it would seem like we would give more credit to somebody

who is fishing in the last five years or so than we would to a permit that hasn't fished in a long time.

There may be good reasons for these but I think the problem with the program right now is we haven't articulated the reasons for these and that opens us up to some real vulnerabilities if we decide to move through with this program. Then the last is everybody does get more than what they've caught; but if you look at this, some get a lot more than what they've caught and others just get a little more than what they've caught. That is a little disturbing to me so I think it raises questions about equitability and those kinds of things that are admittedly very difficult issues to address.

MR. CUPKA: Again, that is part of the problem that when you don't have the data to look at and you're trying to pick preferreds and develop a program and you don't have the data you need to work with. That has been a problem throughout this whole process. Bob.

MR. MAHOOD: I just had a question kind of pertaining to what Roy said, but now there are a couple of permits that obviously had landings in the nineties but really not any recent landings for the last seven years. Did those permits transfer to someone else; are they still with that individual; what is the status of that, Brian?

DR. CHEUVRONT: I don't know if I can say that without revealing confidentiality.

MR. MAHOOD: Okay.

DR. CHEUVRONT: Because it deals with individual characteristics which I don't think we can reveal.

MR. PHILLIPS: Roy, to your point, do you think we should do the same type allocation that we have done on a lot of other stuff and look at it from a point of using Boyles' Law? Do you think that would be a fair way to look at this?

DR. CRABTREE: Well, I don't know, Charlie, because I don't know what Boyles' Law would result in if you did apply it. I believe the document has alternatives for different time periods and obviously if you used a time period that was more recent and didn't look at those older years, that would put more crabs in the hands of participants who are active now.

I think what you have to deal with is how much credit should a permit get for being in the fishery a long time and active early on, and that is tricky to say. Boyles' Law might smooth some of these things out. If you look at these scenarios with different share caps and lower share caps, as you bring the share cap down, if you bring it bring it down far enough, then it starts reducing the amount that some individuals get and then that gets redistributed among some of these other folks, and that tends to smooth it out some as well.

But I think you would have to work through different allocation scenarios to see how it goes. It is true that it is very difficult to do that when you don't see what is happening, and I know that

has been one of the big problems we've had is no one has been able to see what actually happens if you do this.

DR. CHEUVRONT: There is one thing that I wanted to talk about; remember, the share cap is one thing that plays into this, but the initial allocation has two parts. The catch share policy that NMFS has out there describes the scenario that one of the things that you can do to get allocation to newer participants in a fishery is to have an equal distribution of shares across all the participants.

In this fishery what is proposed in the plan right now is that 25 percent of all the shares will be equally distributed amongst all of the permits. The remaining 75 percent is then distributed according to catch history. So really what you've got here are two elements that you can play with if we're going to be opening this up.

As far as I know the council has never considered anything other than that 25 percent equitable distribution among all the permits. The catch share policy does not dictate, as I recall, what that level of equitable distribution ought to be or give suggestions on that. I don't know how that number was chosen. It may have been chosen based on other catch share programs that exist. That is playing into all this as well.

MR. CUPKA: Let me just ask Monica if we start changing things like that, then we'd have to go back out to public hearing and whatnot, right, because it would be a new alternative that wouldn't be within the range we considered before because I don't think we considered a range. It was just a single value.

MS. SMIT-BRUNELLO: Brian, refresh my recollection, I'm a little embarrassed about this, but this was not a DEIS, correct; it was an environmental assessment?

DR. CHEUVRONT: Yes, it was an EA.

MS. SMIT-BRUNELLO: So you have a little more flexibility in changing alternatives without needing to go out under NEPA, under the National Environmental Policy Act. If you as the council want to take it out for additional public hearings, that's fine. You'll also have a public comment period at council meetings. I think you've got some more flexibility built in there.

MR. CURRIN: It was to Roy's comments. I looked at the table again and in fact I did see one entity where there were some landings early on and no recent landings, but there is also an entity with – and I think you used the term large landings, Roy, and so that's what I focused on. In fact, they do have some landings in recent years but not nearly at the level of the landings in the early years.

DR. CHEUVRONT: And also remember some of the permits have changed hands over time, so the landings from early years and later years may not be by the current – they may have been by different owners of the permit.

MR. MAHOOD: As I recollect in the wreckfish program, when we did the initial allocation, 50 percent was divided equally among all participants or permit holders and 50 percent was done by catch history. I'm not sure how we ended up with 25/75 but I know it was discussed. That is certainly one way that kind of evens up the initial allocations is if you give a higher percentage equally to everybody.

DR. CRABTREE: That is an alternative in the document right now. Alternative 4 would distributed 50 percent equally and 50 percent among eligible participants. You have some alternatives in here that certainly would even things out some more.

MR. JOLLEY: I'm not on your committee, but what did you say the landings were, through May, was it?

MR. STRELCHECK: Through March of this year about 240,000 pounds. They're incomplete for April and May.

MR. JOLLEY: Well, we know they're going to be a lot higher.

MR. HARTIG: This really changes my whole concept of the plan, looking at these numbers. As I envision and look at how the catch shares were supposed to be developed taking into historic and recent participation – I mean the time series is fine with me. I'd just split it in half and do the two, one historical and one in the most recent, and see how that shakes out. That is what is done in most of these programs; you have a historical and a shorter timeframe and that is how we do it or it has been done in the past. This really throws a monkey wrench to me in the whole thing.

MR. CUPKA: How would the committee like to proceed with this?

MR. HARTIG: I'm not on your committee.

MR. CUPKA: Well, I know that. Are there anymore questions on the data? I guess we'll have to remember all this as we move ahead. Would the committee want to start going through the amendment at this time or maybe looking at some of the actions in there based on what you know now about some of these landings. Also, like I say, there are actions in there that shouldn't be a problem. They're separate from catch shares but they're in there. Do you want to lead us through the document? I guess you need to collect these back first or we hold on to them until the end of the committee meeting.

MS. SMIT-BRUNELLO: Sure, let's collect them at the end of the committee.

DR. CHEUVRONT: Okay, the document we're going to be looking at is the decision document that is in your briefing book for golden crab. You have chosen preferred alternatives for all of the actions, and there are a couple of actions –

DR. CRABTREE: Brian, what is the tab number?

DR. CHEUVRONT: It just says DC, Decision Document, June 2012.

MR. CURRIN: You're talking about 2A.

DR. CHEUVRONT: David reminded me that one of the things that we had talked about at the March meeting was that the purpose and need was discussed at that time. The council reviewed those and actually modified them, but there are some unusual characteristics about a catch share program for particular fishery; one of which is that most the catch shares have been put in place in a fishery that is dealing with overcapacity or bycatch problems, a derby fishery.

We may be heading in that direction according to some of the things that we were hearing at this meeting. We don't know yet; we don't have the concrete information on that; and there is nothing in the FMP that indicates that those conditions are occurring. The NMFS Catch Share Policy describes some scenarios under which a catch share could be implemented.

By no means was it meant to be exhaustive but they mentioned things like overcapacity and bycatch. One of the reasons that they give for a reason why a council might want to consider a catch share and this particular program is because fishermen have come to them and asked for it. We have been working under the supposition in the past that this is why we were doing it, because the fishermen had come to the council and asked for it.

As a way to help clarify this in the purpose and need, because this is a different scenario, I actually looked at the purpose and need and came up with some suggested wording change that you might want to consider in the beginning of the document that describes the purpose and need. None of the bullet items for the purpose and need did I revise.

I showed you just as a starting point something that I had thought about was what is the reason behind why this catch share program is even being considered in the first place. I had suggested that the council might want to consider some verbiage similar to historic fishery participants came to the council and requested that a catch share program be established with the following purpose and need and replace the sentence that precedes what you have in there now.

It says, "The purpose and need of developing a Golden Crab Catch Share Program is to"; so basically what I did was just give some suggestion as to the reason why that this catch share program was being considered in the first place.

MR. CUPKA: Do we want to revise that part of the amendment and include some of this verbiage? Mac.

MR. CURRIN: Yes, David, I think that is appropriate. If we need a motion, I'll make it or we can just ask that the staff change it, but I would be happy to move that we accept the suggested change in language for the purpose and need, if you need it.

MR. CUPKA: We have a motion; is there a second? Second by Charlie. Roy.

DR. CRABTREE: In fairness, somewhere in the document it probably ought to reflect that since that time when they came to us another segment of the fishery has come to us and asked us not to go forward with it. If you could go back to the purpose and need a minute, a couple of things that I haven't been able to draw the connection on.

One is number two, "Protect sensitive benthic habitat by ensuring fishery participants have a high level of knowledge of the fishery and its operation"; it is just not clear to me how the catch share results in a change in that from the current situation. The fact is the people in the fishery are the same people now as will be in the fishery in the catch share. While that is an admirable goal, it is not entirely clear to me how the catch share program necessarily furthers that goal. I think an explanation there –

DR. CHEUVRONT: Yes, I think this is in reference to the future. We know that is the case for current participants, but under the scenario that exists now anybody could get a permit. There is nothing to say that they have to have any experience or anything in the fishery to be able to get a permit.

DR. CRABTREE: Yes, that's true, anyone could buy a permit, but under the catch share program anyone could buy a permit and buy allocation.

DR. CHEUVRONT: We need to look at that but I think that was considered and changed. Let's bring that up again when we go through the transferability thing. I can't recall the exact details off the top of my mind, but I thought we had tried to deal with that issue in the transferability action.

DR. CRABTREE: And some of these other ones, I can see how the flexibility for breakdowns and gear conflicts – I can see in the event that a derby fishery developed this would provide flexibility for that, so I can see that. I think you could probably build some safety at sea in this, but those are all things that are contingent upon the derby fishery developing.

So operating on the assumption that we're not likely to approve this and submit it to the secretary at this meeting, I think when we come back in September we'll have even more landings available for this year; and to the extent they do show that effort is ramping up and catches are going up, I think that would be useful to include in here as well.

MR. CUPKA: Well, obviously staff will work on this some. I don't want to get too far down in the weeds or we'll never get through this thing today. Ben, you had something?

MR. HARTIG: Yes, I just had a question. Have you included in the purpose and need – and I was looking for it – the raw seawater systems and what it significantly changed in this fishery and why we're even thinking about entertaining this? That is probably one of the most important reasons in my mind why we're looking at the golden crab catch share program because of the change in the fishery in the recent years.

DR. CHEUVRONT: I think number five captures some of that because if you have a catch share program, participants are going to know that they have specific annual pounds allotted to them,

and they will be able to determine whether it is economically advantageous for them to have a refrigerated seawater system on board their vessel or not.

If a derby fishery was to develop and there was no catch share program, it would be hard for a participant in the fishery to know whether it would be economically feasible or to their advantage to put out the huge amount of money it takes to put one of those systems on board their vessel.

MS. SMIT-BRUNELLO: I just want to echo what Ben said. I thought that was a strong rationale and support for the idea of the catch share program, too; so to the extent where we can put that in and discuss it, I think that is an excellent idea.

MR. CUPKA: Okay, so noted. Do you want to go ahead and take us through these?

DR. CHEUVRONT: Mr. Chairman, you have a motion on the table right now.

MR. CUPKA: Is there any further discussion on the motion? Is there any objection? Seeing none, then that motion is approved. Obviously we won't be taking any final action at this meeting, but it would be helpful to staff to give them some direction on which actions you may have some concerns about and you may want to look at some different alternatives.

Let's go through those actions and now that you have had a chance to see the data, if there are some that gives you particular heartburn, then now would be the time to let staff know and hopefully we'll have some kind of meeting before the next council meeting to get some input back from the fishermen, too, on some of these. Brian.

DR. CHEUVRONT: Okay, there are 15 actions in this amendment, but I think most of them we will be able to zip through pretty quickly. As I see it right now there are definitely three of them that we need to talk about, and I'll make sure we point those out as we go through. The first action is to establish criteria for a golden crab catch share program. Your current preferred alternative is to restrict eligibility to valid or renewable commercial golden crab permit holders. Eligibility for participation in this catch share program is defined as having a valid or renewable commercial golden crab permit as of the effective date of the final rule. Basically everybody who has got a permit would be in the catch share program; nobody gets excluded. Nobody wants to change any of that?

Okay, Action 2 is the initial apportionment of catch shares. This is something that you may want to discuss because your current preferred alternative is Alternative 5, distribute 25 percent of initial catch shares equally among eligible participants and distribute 75 percent of initial catch shares among eligible participants based on the aggregate annual golden crab landings from logbooks associated with their current permits during the time period 1997 through 2010. Now you've got several different other options here that you may want to give some direction to staff what you would like to consider.

MR. CURRIN: Brian, can you point me within the document itself, within the amendment, Attachment 2B, to the analysis regarding this action; what page does that begin on in the actual amendment.

DR. CHEUVRONT: Give me a second and let me pull that up.

MR. CURRIN: Okay, at some point; I just wanted to look at the impacts of the various alternatives here because they're not in the decision document.

DR. CHEUVRONT: Again, in the analysis that is in the amendment we have to be very careful because of confidentiality and how we can describe things.

MR. CURRIN: I think I found it; 120 it starts.

DR. CHEUVRONT: Yes, that is correct; 120 is where the analysis begins. That's PDF Page 120. Are you saying you want to take the time to go through that analysis now?

MR. CURRIN: Well, I think the information I'm seeking is probably not in here because of the confidentiality, but it would be very informative I think to me in particular if I could have some assessment of that confidential data so I could see the distribution of the percentage of shares among the shareholders and how that sorted out; do you know what I mean?

DR. CHEUVRONT: Perhaps what we could do is go through these alternatives that you have now and like the tables that we worked up the share cap thing, we could work out potentially what the allocations would be of annual pounds based on the different alternatives that you have here. I don't know whether we'd have to request yet another opportunity to show you some confidential data, but I'm sure that could all be worked out by the next meeting.

MR. CUPKA: Yes, I had the same question and maybe Roy can address it.

DR. CRABTREE: No, I think if you change your preferred on these, you're going to want to see what does that do, so we'll get that together and we'll either look at that at the next council meeting. If you changed some preferreds today, it might be possible to work up what it does and have it for you tomorrow at full council; I don't know. I don't think you need to ask again.

MS. SMIT-BRUNELLO: You don't.

DR. CRABTREE: The understanding is until we're done with this document we're going to have access to looking at this so you can tell what the impact to your decisions on this is.

MR. CURRIN: And, David, I'm not interested at this point in changing the preferreds, but I'd like to have that information to consider to determine whether I'd like to offer a motion to change a preferred. I guess it will have to be done in the future, though.

MR. PHILLIPS: Mr. Chairman, since I believe we're going to be looking some more options and the preferred is 25 percent of the initial catch shares and Alternative 4 is 50 percent of the

initial catch shares; would it be in order to have an alternative in there with like 35 percent for initial catch shares just so we'll have something to look at while we're looking at these ranges? That would give the participants that don't have a lot of landings, that would pick their initial shares up by close to probably 45 percent. It may go a long ways to helping everybody try to come to some kind of compromise.

MR. CUPKA: Well, we could certainly put that in there if you want to make that in the form of a motion.

MR. PHILLIPS: Mr. Chairman, I would make that in the form of a motion, and I think I would like to see the other 65 percent looked on the allocation of Boyles' Law.

DR. CHEUVRONT: Okay, this is going to take a second to work out because you're asking for two different things. Just to make sure I get this right, you want to create one alternative that looks at 35 percent equal distribution among all permits.

MR. CUPKA: And the other 65 according to Boyles' Law.

MR. PHILLIPS: I think that makes sense but I'm open to any suggestions to this motion providing I get a second.

MR. CUPKA: Second by Wilson. Let's get the motion up there on the screen. **The motion before us to distribute 35 percent of the share allocation equally among all permit holders and distribute the remaining 65 percent using Boyles' Law for years 1997 through 2010.** That wasn't part of your original motion, the years, but is that all right with the maker of the motion?

MR. PHILLIPS: Yes, Mr. Chairman.

DR. LANEY: Well, just a question to clarify from Charlie, so, Charlie, by putting Boyles' Law in there for that remaining 65 percent, it somewhat complicates comparing it to the other alternatives, which didn't use Boyles' Law; did you think about that?

MR. PHILLIPS: Wilson, what I'm trying to do – and it may be too complicated to do, but my thought process was this is how we allocate a lot of other stuff, and it gives weight to the new and the historical. I'm trying to follow as closely as I can what we've done on other allocations. The only difference is what we're going to take off the top.

MR. CURRIN: Charlie, I tend to agree with Wilson; I think it complicates things unduly. If you look at what we've got, if you just drop the Boyles' Law stuff, we'd have a fairly regular progression of alternatives that I think would encompass the range of whatever this would result in. It is going to be probably halfway in between the 35 and the 25 and the 35 and the 50.

It is going to move one direction or the other depending on the distribution of the catch over those years. I think it is going to give you a different sort of look and it may not give you the

intended look at an intermediate sort of measure. I think it would be cleaner to take that Boyles' Law average out, but that is just my assessment and recommendation.

MR. PHILLIPS: Mr. Chairman, I'll take that as a friendly amendment.

DR. CHEUVRONT: So then how do we want to modify the motion? Are we going to withdraw the motion; is that what you're saying or what; take out the Boyles' Law part?

MR. CUPKA: Right.

MR. PHILLIPS: Whatever is simpler; I can withdraw the motion and just –

MR. CUPKA: We had a friendly amendment to just take out the Boyles' Law part. **Okay, the motion now reads distribute 35 percent of the share allocations equally among all permit holders and distribute the remaining 65 percent using historic landings for the years 1997 through 2010.** Is there further discussion on the motion? Mac.

MR. CURRIN: Yes, Mr. Chairman, my intent is that this alternative mirror exactly the other two alternatives at 50 and 25, so to give the staff license to create that new alternative using the same language but just with a different value.

DR. CHEUVRONT: There is one thing, also, that I wanted to point out to you, at the March meeting – I'm going to go back up here and show you the Alternative 4, you'll see you have a 4A and a 4B – we had similar subalternatives for Alternative 5.

When that was chosen as the preferred, those subalternatives were taken out because it would have resulted in some participants getting zero allocation, and that was not the council's intent. The analysis hasn't been done for this here, but my guess is that it would end up with the result, so you might want to consider removing Subalternatives 4A and 4B, but that would be done in a separate motion, I believe.

DR. CRABTREE: And just for information, I think the way your preferred is laid out now everyone gets at least 46,000 –

DR. CHEUVRONT: About 44 or 45,000 pounds.

DR. CRABTREE: 44,000 pounds, so that is the 25 percent distributed evenly. If you went to 50 percent they would get 88,000 pounds at a minimum even if they have zero landings.

DR. CHEUVRONT: You still have a motion on the table right now.

MR. CUPKA: Any further discussion on the motion? Is there any objection to the motion? **Seeing none, then that motion is approved.**

DR. CHEUVRONT: Do you want to consider removing Subalternatives 4A and 4B. Especially we're going to do an analysis, I think it is pretty safe to bet that you're going to have some

permits that won't have any allocation if you leave 4A and 4B, and I think it is the intent of the council at this point to make sure that everybody has something.

MR. CURRIN: I'd make that motion, David, to remove the subalternatives under Alternative 4.

MR. CUPKA: Okay, we have a motion; second by Charlie. Any discussion on the motion? **The motion reads remove subalternatives under Alternative 4 to the considered but rejected appendix. Is there any objection to the motion? Seeing none, then that motion is approved.**

DR. CHEUVRONT: Okay, I think that takes care of Action 2. Action 3 is to establish criteria and structure of an appeals process. What you've got is a lot of verbiage here. You've got a preferred Alternative 2.

MR. CUPKA: I don't think we need to go over that.

DR. CHEUVRONT: Yes, I don't think we need to redo that one.

MR. CUPKA: It's our standard appeals –

DR. CHEUVRONT: It is the standard one.

MR. CUPKA: – process so is there any desire on the part of the committee to change that? Okay, let's move ahead.

DR. CHEUVRONT: Okay, Action 4 is establish criteria for transferability, and the preferred is shares or annual pounds can only be transferred to valid or renewable golden crab permit holders. Participants cannot possess shares or allocation without a valid or renewable golden crab permit.

The IPT has some recommended language change. At the last meeting we had suggested – you had put in “or renewable”, but to be consistent with other transfer procedures that exist for other southeast catch share programs they wanted to remove the word “renewable” because having those words in there could allow for maybe a little bit of shady transfers going back and forth of permits.

DR. LANEY: Mr. Chairman, I would move accepting the IPT recommendation to remove the words “or renewable” from the text.

MR. CUPKA: Second by Mac. Discussion on the motion? **The motion is to accept the IPT recommendation to remove the phrase “or renewable” from the alternatives. Is there any objection? Seeing none, then that motion is approved.** Roy.

DR. CRABTREE: Brian, coming back to the question I asked earlier, when I read this it looks to me like anybody – I guess you have to be a U.S. citizen or permanent resident alien – can come in and buy a permit and buy allocation.

DR. CHEUVRONT: I was trying to remember what the details were when we were talking about it because I know this has been discussed before, and I couldn't remember what its inclusion was in here.

DR. CRABTREE: I'm not suggesting a change to the alternative or anything. I think it ought to probably be that way. It is just that one statement in the purpose and need that is still difficult for me to draw the connection.

DR. CHEUVRONT: Action 5 is to define quota share ownership caps. Right now your preferred is no person, including a corporation or other entity, may individually or collectively hold catch shares in excess of 49 percent of the total shares. This is the thing that you had said you wanted to talk about. That is your current preferred. I don't know how you want to handle that. One of the things that we do need is that whatever you choose in this Action 5 is it would be helpful that we get some really good rationale for your choice if you decide to change your preferred alternative.

MR. CURRIN: I would like to offer a motion change the preferred. I guess I have a question, Brian, as to whether my rationale might be disclosing confidential data. That is my concern and I don't want to get in the middle of that.

DR. CHEUVRONT: I know what you're referring to, Mac.

MR. CURRIN: I can say that my support for the current preferred at 49 percent was based on an entity who was catching at some point that portion of the quota or the landings at least so that's a reasonable alternative to include. If you remember our discussion on that, I think everybody had a little bit of heartburn because I think we had an alternative that was 50 percent at one point, and that just seems like it is too much. It's almost a majority of the catch.

I guess 49 percent was a compromise in my mind to some degree, but we also had a very small fishery with very, very few active participants at the time. So with that understanding, it didn't concern me as much. I guess I would like to consider a lower share cap because I think that may be one of the sticking points that some of the folks who were not excited about catch shares in this fishery going through, it may make them feel a little bit differently about it.

I don't know that, but just because it may help move this thing along in the future, I'd go ahead and make the motion that we change our preferred to Alternative 4, which states that no person, including a corporation or other entity, may individually or collectively hold catch shares in excess of 35 percent of the total shares.

MR. CUPKA: Okay, we have a motion and a second by Charlie. Discussion on the motion?

MS. McCAWLEY: I'm going to vote this motion partly because I would prefer Alternative 3, I believe it is; the one with 25 percent.

MR. CUPKA: Further discussion? **Okay, the motion is to change the preferred alternative to Alternative 4, which is a 35 percent share cap. All those in favor signify by raising your hand; opposed. Okay, four in favor and one against; the motion carries.** Roy.

DR. CRABTREE: Where that leaves you is right now there is no one who has more than 35 percent in terms of what they would be allocated, so I guess part of your rationale now is you're lining this up with what the most anyone would get. Part of the problem we've had is why; why was 49 percent the right one; so now my question to you, okay, why is 35 percent appropriate? We need some record because this is a big deal. In talking to folks, this is one of the bigger deals in the amendment.

MR. CURRIN: So, Roy, I have a question for you then; why would 25 percent be an appropriate one, because it cuts somebody who is currently landing a level at the chosen percentage in that alternative? I mean, is that –

DR. CRABTREE: Well, I'm not saying that 35 percent isn't a good one and I'm not saying 25 percent is a better one. I'm saying we need to build a rationale for why. Now, if you look at the tables you have you can see 35 percent is 700,000 pounds, and so you can look in here and see what people are catching and you can tell is anybody going to be restricted by that to less than what they have been catching.

You can look at 25 percent, which is 500,000 pounds and you can look and see how that affects things. Mostly what those share caps do is it changes the amount of growth that any one individual is going to be able to have. The guys who have a lot of landings right now, if you bring that share cap down to 25 percent, they're not going to really have much room to grow their operation from where it is. I personally think 49 percent is too high.

Now, whether 35 percent is right, 25 percent is right, or even 30 percent is right, I don't have a strong opinion of that, but I think the key thing here is whether you choose 35, 25 or 30, whatever you choose, is articulated in a good, strong rationale for why you think that is appropriate. Maybe you don't develop all of that today.

I think we're going to convene this group and have them look at it and we can add to it; but before we vote this thing up, if we ever do, we're going to need to have a good reason behind it, because this is a fundamental part of the amendment, and we want to make sure that we aren't open to the charge that our decision is arbitrary and capricious. It has to have some solid, rational foundation.

DR. CHEUVRONT: Roy, I know you have raised that question before, so one of the things that I did since the March meeting was go around to the different catch share programs between the Mid-Atlantic and the Gulf and look at the rationale that they gave for the share caps that they had there.

One that I found that seemed to be kind of – that maybe you may all consider to be relevant to this fishery was the 49 percent share cap that currently exists in the Golden Tilefish IFQ Program in the Mid-Atlantic Council. They gave three reasons why they chose that. The first was the 49

percent share cap would keep a single entity from being able to control the market. Secondly, if the ACL goes down, the historic highliners might have to curtail their operations more so than recent participants, including down to levels below their previous historic landings. Third, one of the goals of their management plan was to make the fishery as productive as possible without going over the ACL.

The Mid-Atlantic Council decided that the historic participants were the ones who would probably be most likely to help achieve the goal of reaching the ACL because of their past records of higher landings.

DR. CRABTREE: I think that is all helpful. To me the key thing here is obviously we don't want anybody to have control over the fishery. You know what folks are catching. The question is what do you think is an appropriate amount of growth to allow an individual to have that is reasonable without allowing them to have what would seem to be an inequitable control over the fishery. Remember what someone gets in terms of more is less for the rest of these folks because there are 2 million pounds. But I think that is the key is what is a reasonable amount of growth to allow without allowing anyone to get an excessive amount of it.

MR. CURRIN: Yes, and I think equally as important perhaps, Roy, is to look at the implications of a quota reduction or an ACL reduction in that, and, of course, the people that are near the share cap now would lose substantially more than other people that would be in at a lower level. I think that warrants some consideration as well.

MR. HAYMANS: Mr. Chairman, I'm not on the committee but I think when we impose ACLs we have already capped growth in some form; and so just adding the catch shares into that is not necessarily inhibiting growth. It is the ACL itself when you can't grow beyond what the ACL is, so I don't know if that is that big of a concern.

DR. CRABTREE: Well, if I could, Mr. Chairman, if you didn't have the catch share program, then, yes, someone's growth I guess is potentially limited by the ACL, but in this case they're limited by 35 percent of the ACL, so that is a different thing. In an unconstrained – except there is an ACL fishery, if you could fish much faster and more efficiently than somebody, you could potentially go out and catch up half the quota, I guess, but in this case that is taken off the table.

MR. CUPKA: Other comments? If not, we're going to move on to Action 6.

DR. CHEUVRONT: Okay, Action 6 is the use-it or lose-it policy that we have talked about. Currently your preferred alternative is that shares that remain inactive for three consecutive years will be revoked and redistributed proportionately among the remaining shareholders. Preferred Subalternative 4A says that inactive is defined as landings less than 20 percent of a shareholder's annual pounds allocated in sum over a three-year running average.

The IPT has some recommended wording change. For Alternatives 3 and 4, the IPT recommends revising the wording as follows; "Shares that remain inactive for three consecutive years will be revoked and proportionately redistributed among the remaining shareholders subject to share cap restrictions based on the amount of shares each holds immediately prior to

the redistribution.” The IPT does not recommend changing wording the subalternatives, and then there is also a clarification that the IPT would like to have.

MR. CUPKA: Is there a motion relative to their recommendation?

DR. LANEY: **Well, Mr. Chairman, I'll move that we accept the IPT's recommended wording change.**

MR. CUPKA: We have a motion; is there a second? Charlie. Discussion on the motion? The motion is to accept the IPT's recommended wording change. This is for Action 6. Monica.

MS. SMIT-BRUNELLO: Brian, is the wording change proposed just for the preferred alternative or for 2, 3 and 4?

DR. CHEUVRONT: The IPT's recommendation was for Alternatives 3 and 4, both.

MR. CUPKA: Further discussion? Is there any objection to the motion? **Seeing none, then that motion is approved.** Roy.

DR. CRABTREE: This was another one of the issues that came up in my discussions with some of the fishermen as problem with some of them. I guess there are some of them who switch in and out of different fisheries and may not fish for some period of time, and they were concerned about losing their allocation or chunks of it due to use-it or lose-it provision.

DR. CHEUVRONT: There was one other point that the IPT would like to have clarified here. There could be a scenario where more than one fishery participant could end up revoking shares in one year. What has not been discussed is that if a participant is having shares revoked and somebody else has shares revoked; do they get part of the redistribution of somebody else's shares. The thought was that perhaps you were thinking that if somebody who is having shares revoked they did not get to participate in any redistribution that year, but the IPT would like to have some clarification from the council as to what you were thinking.

MR. CUPKA: I thought we had discussed that; and that was my understanding, that we didn't want people who were getting part of their shares revoked to receive part of a redistribution from another.

DR. CHEUVRONT: Okay, we just wanted to make sure that was clear, that was the council's intent.

MR. CUPKA: Anyone else have any different thoughts on that? I see people shaking their head no. Okay, that takes us to Action 7.

DR. CHEUVRONT: Action 7 is the cost recovery plan. This is basically administrative on how the Service will go about recovering costs for participating in the fishery. We have preferred alternatives. I don't think there is really much need to consider that any further unless you wanted to.

MR. CUPKA: Is there any desire on the part of the committee to change those? I see none so let's move ahead.

DR. CHEUVRONT: Okay, Action 8 is to revise the boat length limit rule. This is one that is not specifically involved in the catch share program. Your current preferred alternative is to obtain a permit for the middle or southern zone via transfer, the documented overall length of the replacement vessel may not exceed the documented length overall of the aggregate documented lengths – that's actually a typo – of the replacement vessel by more than 35 percent.

MR. CUPKA: Any desire on the part of the committee to change our preferred on this action? I see none so we'll move ahead.

DR. CHEUVRONT: Action 9, modify regulations on golden crab fishing zones; your preferred alternative currently is participants can use annual pounds in any zone for which they possess a permit.

MR. CUPKA: Everyone okay with that? Okay, let's move on.

DR. CHEUVRONT: Action 10 is modify the small vessel subzone restriction. Your preferred alternative eliminates the small vessel subzone within the southern zone that was originally established to protect against very large fishing vessels in the subzone.

MR. CUPKA: Is everyone okay with that?

DR. CHEUVRONT: Action 11 is to modify the one vessel one permit policy for golden crab. Basically what you're now saying is that the fishermen can put more than one permit if they have them for the different zones on the vessel at one time, and they could put up to three permits on the vessel, which basically allows them to fish in all zones if they have all three permits. I don't think that any operation at this point has permits for all three zones.

MR. CUPKA: Any desire to change our preferred on this one? Okay, let's move ahead.

DR. CHEUVRONT: Number 12 is monitoring enforcement. This is to require all vessels engaged in the golden crab catch share program to be equipped with VMS. The equipment would be reimbursed by the NMFS OLE VMS Reimbursement Account if funding is available, but then all installation, maintenance and communication costs would be paid for by the shareholder, which is pretty standard for the VMS and catch share programs.

MR. CUPKA: Any desire to change the preferred on this action? I see none so we will move ahead.

DR. CHEUVRONT: Okay, Action 13 is define annual pounds ownership caps. This is set the annual pounds – your preferred alternative is set the annual pounds cap equal to the corresponding share cap as defined in the quota share ownership caps action number five. Basically what this is, it says that your initial distribution of shares that you are not going to –

that is set as your share cap; so whatever you set in Action 5 becomes the overall cap, that nobody could ever exceed that until you change this action or something.

MR. CUPKA: Any desire to change this preferred on the part of the committee? Mac.

MR. CURRIN: No, Mr. Chairman, not at this point, but I think it is something that in future the committee might want to consider depending on how the overall share cap percentage ends up. It may be with the small number of participants, that someone participating in the fishery on a regular basis may not be able to fish one year and they may seek to transfer some of their quota or pounds to an entity that is fishing, and I'd hate to see them not be able to do that because that person was fishing at capacity. So just kind of a note for future consideration.

MR. CUPKA: Thank you, Mac. Other comments? Okay, let's move on to Action 14.

DR. CHEUVRONT: Action 14 is the annual pounds overage. This allows a vessel with remaining annual pounds may exceed by up to 20 percent of the shareholder's annual pounds remaining on the last fishing trip of the year. Shareholders who incur an overage will be required to pay back the annual pounds overage in the subsequent fishing year.

MR. CUPKA: Any desire to change our preferred on this one? Seeing none, we'll move ahead.

DR. CHEUVRONT: And the final action is the approved landing sites. Your preferred alternative is to establish and approve landing sites for the golden crab catch share program. Your preferred subalternative is that the sites will be selected by the fishermen but must be approved by NMFS OLE in consultation with appropriate state law enforcement agency.

MR. CUPKA: What is the desire of the committee on this one? Wilson.

DR. LANEY: Just a suggestion, Mr. Chairman; I guess that is something that could be discussed with the permit holders once – if we're going to have a meeting, that would probably be on the agenda for that, I presume.

MR. CUPKA: Well, it could be; I think it has been discussed before.

DR. CHEUVRONT: It has been discussed with the AP before and they're in favor of this version of this action. Mr. Chairman, that's it for all the actions for this amendment.

MR. CUPKA: Okay, thank you, Brian. All right, where do we go from here? It looks like we need to convene a meeting of the permit holders to go over some of these actions that need to be readdressed. The staff needs to do a little more work on some of the wording on this amendment, and then it will come back to us in September. We need to try and schedule that meeting before our next council meeting if we can. Roy.

DR. CRABTREE: I think in terms of scheduling, too, you ought to pay attention to when the Florida spiny lobster season opens because it may be difficult to get some of these folks once that happens.

MR. CUPKA: Good point; thank you, Roy. Wilson.

DR. LANEY: I just wanted to mention, Mr. Chairman, that one of the provisions in the plan is the release of female crabs, and I understand to some extent that maybe some of the smaller male crabs are being released. Now, from a biological perspective it would be nice to know what the survival rate is for those animals that are being released.

There is technology available now to be able to track animals like that using acoustic tag technology and VR-2 receivers. I have talked to some of the fishermen about the possibility of doing that kind of a study maybe in collaboration with some folks who already have receivers out there for other species. I would be happy to talk to any of the fishermen that would like to hear about that technology. We're using it on horseshoe crabs in the Mid-Atlantic. I think that would be a very useful technique.

Then the other comment I wanted to make was it would be nice to have an updated stock assessment for this species. To the extent we could work that into the schedule in the future, that would be desirable

MR. CUPKA: Okay, thank you, Wilson. Any other comments? Monica.

MS. SMIT-BRUNELLO: While Jack is picking up the confidential information, I have a question for you, Brian. On Action 7, which is the cost recovery plan, in the actual wording of the preferred alternatives it talks about fees and how they're collected. Then there is a note at the bottom that collected fees shall not exceed 3 percent of the ex-vessel value. Is the actual fee percentage 3 percent?

DR. CHEUVRONT: Andy, can you help out with that one?

MR. STRELCHECK: The fee percentage is specified by the agency so it is not specified by the council. We're obligated to review it and determine if it is appropriate on an annual basis.

MS. SMIT-BRUNELLO: So it gets changed annually or it could get changed annually?

MR. STRELCHECK: Correct, it can be changed annually. If the administrative costs are less than 3 percent, then it should be reduced.

MR. CUPKA: Okay, is there any other business to come before the committee? Seeing none, then we are adjourned.

(Whereupon, the meeting was adjourned at 5:17 o'clock p.m., June 14, 2012.)

Golden Crab Committee
Orlando, FL
June 14, 2012

Certified By: David Cupler Date: Sept. 13, 2012

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CITY, STATE & ZIP

Tennison Black,
FL 32465

AREA CODE & PHONE NUMBER

NAME & ORGANIZATION

Terry Gibson
Northwell med. n. car

Orlando, FL.

Pam Gillespie
321-632-1776

Orlando FL.

Jeff Miller
- CCA

Brian Barski
- CCA

South Atlantic Fishery Management Council
 4055 Faber Place Drive, Suite 201
 North Charleston, SC 29405

843-571-4366 or Toll Free 866/SAFMC-10

Generated

Jun 18, 2012 06:17 AM PDT

General Information

Webinar Name SAFMC Council Meeting - Day 4 of 5 (Thursday)	Webinar ID 764572314
Actual Start Date/Time Jun 14, 2012 02:46 PM EDT	Actual Duration (minutes) 306
Clicked Registration Link 160	Opened Invitation 27
Total Attended 37	

Session Details

Mehta,Nikhil	nikhil.mehta@noaa.gov
Attended Yes	
Registration Date	May 25, 2012 10:56 AM EDT
City	St. Petersburg
State	FL
Unsubscribed	No

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 03:14 PM EDT	Jun 14, 2012 05:04 PM EDT	109.98
Interest Rating		
Attendee's In-Session Level of Interest:	69	

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

Presley,Ron	presleyr@bellsouth.net
Attended Yes	
Registration Date	Jun 14, 2012 05:08 PM EDT
City	Merritt Island
State	FL
Unsubscribed	No

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 05:19 PM EDT	Jun 14, 2012 05:35 PM EDT	15.97
Interest Rating		
Attendee's In-Session Level of Interest:	22	

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

Port-Minner,Samantha		sport-minner@oceanconservancy.org
Attended	Yes	
Registration Date	Jun 14, 2012 01:50 PM EDT	
City	Saint Petersburg	
State	FL	
Unsubscribed	No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 02:46 PM EDT	Jun 14, 2012 06:15 PM EDT	209.17

Interest Rating

Attendee's In-Session Level of Interest: 23

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

linville,mike		whateversbitin03@yahoo.com
Attended	Yes	
Registration Date	Jun 14, 2012 08:48 AM EDT	
City	jupiter	
State	FL	
Unsubscribed	No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 04:49 PM EDT	Jun 14, 2012 07:52 PM EDT	157.85

Interest Rating

Attendee's In-Session Level of Interest: 80

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

Latanich,Katie		cal7@duke.edu
Attended	Yes	
Registration Date	Jun 14, 2012 05:17 PM EDT	
City	Beaufort	
State	NC	
Unsubscribed	No	

[In Session](#)

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 05:17 PM EDT	Jun 14, 2012 05:26 PM EDT	9.03

Interest Rating

Attendee's In-Session Level of Interest: 22

[Registration Q & A](#)

[Questions Asked by Attendee](#)

[Poll Questions](#)

[Post Session Survey Questions](#)

Stephen,Jessica		jessica.stephen@noaa.gov
Attended	Yes	
Registration Date	Jun 14, 2012 08:25 AM EDT	
City	st petersburg	
State	FL	
Unsubscribed	No	

[In Session](#)

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 02:52 PM EDT	Jun 14, 2012 04:39 PM EDT	107.08

Interest Rating

Attendee's In-Session Level of Interest: 22

[Registration Q & A](#)

[Questions Asked by Attendee](#)

[Poll Questions](#)

[Post Session Survey Questions](#)

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

Travis,Michael		mike.travis@noaa.gov
Attended	Yes	
Registration Date	Jun 14, 2012 01:17 PM EDT	
City	St. Petersburg	
State	FL	
Unsubscribed	No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 02:46 PM EDT	Jun 14, 2012 05:49 PM EDT	182.8

Interest Rating

Attendee's In-Session Level of Interest: 25

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

DeVictor,Rick		rick.devictor@noaa.gov
Attended	Yes	
Registration Date	Jun 14, 2012 09:12 AM EDT	
City	St Pete	
State	FL	
Unsubscribed	No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 02:51 PM EDT	Jun 14, 2012 06:55 PM EDT	144.02

Interest Rating

Attendee's In-Session Level of Interest: 25

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

Michie,Kate		kate.michie@noaa.gov
Attended	Yes	
Registration Date	May 25, 2012 11:04 AM EDT	
City	St. Petersburg	
State	FL	
Unsubscribed	No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 02:50 PM EDT	Jun 14, 2012 03:54 PM EDT	63.73

Interest Rating

Attendee's In-Session Level of Interest: 22

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

Eich,Anne Marie		annemarie.eich@noaa.gov
Attended	Yes	
Registration Date	Jun 11, 2012 09:29 AM EDT	
City	Saint Petersburg	
State	FL	
Unsubscribed	No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 02:57 PM EDT	Jun 14, 2012 05:59 PM EDT	159.63

Interest Rating

Attendee's In-Session Level of Interest: 29

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

holiman,stephen		stephen.holiman@noaa.gov
Attended	Yes	
Registration Date	Jun 14, 2012 08:29 AM EDT	
City	st. petersburg	
State	FL	
Unsubscribed	No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 02:46 PM EDT	Jun 14, 2012 04:28 PM EDT	101.38

Interest Rating

Attendee's In-Session Level of Interest: 39

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

larson,john		john@beachmarineservice.com
Attended	Yes	
Registration Date	Jun 14, 2012 08:54 AM EDT	
City	port canaveral	
State	FL	
Unsubscribed	No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 03:05 PM EDT	Jun 14, 2012 05:49 PM EDT	163.6

Interest Rating

Attendee's In-Session Level of Interest: 23

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

Gore,Karla	karla.gore@noaa.gov
Attended	Yes
Registration Date	Jun 14, 2012 11:16 AM EDT
City	Sarasota
State	FL
Unsubscribed	No

[In Session](#)

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 02:46 PM EDT	Jun 14, 2012 05:33 PM EDT	167.23

Interest Rating

Attendee's In-Session Level of Interest: 32

[Registration Q & A](#)

[Questions Asked by Attendee](#)

[Poll Questions](#)

[Post Session Survey Questions](#)

Beckwith,Anna	anna@pamlicoguide.com
Attended	Yes
Registration Date	Jun 14, 2012 08:15 AM EDT
City	morehead city
State	NC
Unsubscribed	No

[In Session](#)

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 03:33 PM EDT	Jun 14, 2012 05:02 PM EDT	89.87

Interest Rating

Attendee's In-Session Level of Interest: 63

[Registration Q & A](#)

[Questions Asked by Attendee](#)

[Poll Questions](#)

[Post Session Survey Questions](#)

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

Austin,Anthony		redress@ec.rr.com
Attended	Yes	
Registration Date	Jun 14, 2012 02:24 AM EDT	
City	Hubert	
State	NC	
Unsubscribed	No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 02:46 PM EDT	Jun 14, 2012 07:53 PM EDT	307.03

Interest Rating

Attendee's In-Session Level of Interest: 28

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

OShaughnessy,Patrick		patrick.oshaughnessy@noaa.gov
Attended	Yes	
Registration Date	Jun 14, 2012 08:41 AM EDT	
City	St. Petersburg	
State	FL	
Unsubscribed	No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 02:46 PM EDT	Jun 14, 2012 05:04 PM EDT	137.8

Interest Rating

Attendee's In-Session Level of Interest: 24

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

riley,rick		rileylr@yahoo.com
Attended	Yes	
Registration Date	Jun 14, 2012 06:34 PM EDT	
City	melbourne	
State	FL	
Unsubscribed	No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 06:35 PM EDT	Jun 14, 2012 06:41 PM EDT	6.18

Interest Rating

Attendee's In-Session Level of Interest: 35

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

Clemens,Anik		anik.clemens@noaa.gov
Attended	Yes	
Registration Date	Jun 12, 2012 12:35 PM EDT	
City	Saint Petersburg	
State	FL	
Unsubscribed	No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 03:21 PM EDT	Jun 14, 2012 04:40 PM EDT	78.47

Interest Rating

Attendee's In-Session Level of Interest: 36

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

Casey,P.		paige.casey@noaa.gov
Attended	Yes	
Registration Date	Jun 14, 2012 12:37 PM EDT	
City	St. Petersburg	
State	FL	
Unsubscribed	No	

[In Session](#)

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 02:46 PM EDT	Jun 14, 2012 06:00 PM EDT	96.53

Interest Rating

Attendee's In-Session Level of Interest: 30

[Registration Q & A](#)

[Questions Asked by Attendee](#)

[Poll Questions](#)

[Post Session Survey Questions](#)

sandorf,scott		scott.sandorf@noaa.gov
Attended	Yes	
Registration Date	Jun 14, 2012 09:34 AM EDT	
City	st petersburg	
State	FL	
Unsubscribed	No	

[In Session](#)

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 03:01 PM EDT	Jun 14, 2012 04:48 PM EDT	107.05

Interest Rating

Attendee's In-Session Level of Interest: 21

[Registration Q & A](#)

[Questions Asked by Attendee](#)

[Poll Questions](#)

[Post Session Survey Questions](#)

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

Miller,Janet		janet.l.miller@noaa.gov
Attended	Yes	
Registration Date	Jun 14, 2012 02:19 PM EDT	
City	St. Petersburg	
State	FL	
Unsubscribed	No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 03:28 PM EDT	Jun 14, 2012 04:20 PM EDT	51.73

Interest Rating

Attendee's In-Session Level of Interest: 56

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

MacLauchlin,Bill		billmac@charter.net
Attended	Yes	
Registration Date	Jun 14, 2012 07:11 AM EDT	
City	Stockbridge	
State	GA	
Unsubscribed	No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 03:33 PM EDT	Jun 14, 2012 05:36 PM EDT	92.33

Interest Rating

Attendee's In-Session Level of Interest: 68

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

gillispie,dennis		dgledge@gmailo.com	
Attended	Yes		
Registration Date		Jun 14, 2012 06:05 PM EDT	
City		fort pierce	
State		FL	
Unsubscribed		No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 06:06 PM EDT	Jun 14, 2012 07:00 PM EDT	54.5

Interest Rating

Attendee's In-Session Level of Interest: 25

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

laks,ira		captainira@att.net	
Attended	Yes		
Registration Date		Jun 14, 2012 07:47 AM EDT	
City		jupiter	
State		FL	
Unsubscribed		No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 05:17 PM EDT	Jun 14, 2012 07:53 PM EDT	155.37

Interest Rating

Attendee's In-Session Level of Interest: 21

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

Napier,Toby		tnapier@bellsouth.net
Attended	Yes	
Registration Date	Jun 14, 2012 07:13 PM EDT	
City	Cocoa	
State	FL	
Unsubscribed	No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 07:14 PM EDT	Jun 14, 2012 07:52 PM EDT	38.5

Interest Rating

Attendee's In-Session Level of Interest: 38

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

Turner,Jon		turnerj1919@yahoo.com
Attended	Yes	
Registration Date	Jun 14, 2012 11:56 AM EDT	
City	Geneva	
State	FL	
Unsubscribed	No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 07:04 PM EDT	Jun 14, 2012 07:52 PM EDT	48.28

Interest Rating

Attendee's In-Session Level of Interest: 40

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

Holland,Jack		jack.holland@ncdenr.gov
Attended	Yes	
Registration Date	Jun 14, 2012 08:58 AM EDT	
City	Wilmington	
State	NC	
Unsubscribed	No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 02:46 PM EDT	Jun 14, 2012 02:49 PM EDT	2.97

Interest Rating

Attendee's In-Session Level of Interest: 48

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

Takade-Heumacher,Helen		htakade@edf.org
Attended	Yes	
Registration Date	Jun 14, 2012 10:08 AM EDT	
City	Raleigh	
State	NC	
Unsubscribed	No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 03:30 PM EDT	Jun 14, 2012 07:52 PM EDT	254.72

Interest Rating

Attendee's In-Session Level of Interest: 28

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

c,mike	mec181@yahoo.com
Attended	Yes
Registration Date	Jun 14, 2012 02:50 PM EDT
City	mtp
State	SC
Unsubscribed	No

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 02:51 PM EDT	Jun 14, 2012 07:52 PM EDT	301.58

Interest Rating

Attendee's In-Session Level of Interest: 21

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

sergent,richard	richiebagman@yahoo.com
Attended	Yes
Registration Date	Jun 14, 2012 05:39 PM EDT
City	jupiter
State	FL
Unsubscribed	No

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 05:41 PM EDT	Jun 14, 2012 07:53 PM EDT	132.2

Interest Rating

Attendee's In-Session Level of Interest: 52

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

prewitt jr,brian		bprewittjr@hotmail.com
Attended	Yes	
Registration Date	Jun 14, 2012 04:16 PM EDT	
City	daytona	
State	FL	
Unsubscribed	No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 04:17 PM EDT	Jun 14, 2012 07:52 PM EDT	154.78

Interest Rating

Attendee's In-Session Level of Interest: 52

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

Arrington,Albrey		albrey@fishrulesapp.com
Attended	Yes	
Registration Date	Jun 14, 2012 07:31 PM EDT	
City	Jupiter	
State	FL	
Unsubscribed	No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 07:37 PM EDT	Jun 14, 2012 07:40 PM EDT	2.68

Interest Rating

Attendee's In-Session Level of Interest: 20

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

waltermire,robert	aquahaulit@gmail.com
Attended	Yes
Registration Date	Jun 14, 2012 07:05 PM EDT
City	sebastian
State	FL
Unsubscribed	No

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 07:06 PM EDT	Jun 14, 2012 07:52 PM EDT	46.82

Interest Rating

Attendee's In-Session Level of Interest: 70

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

Helmick,Emily	emily.helmick@gmail.com
Attended	Yes
Registration Date	Jun 14, 2012 07:32 PM EDT
City	Palm beach gardens
State	FL
Unsubscribed	No

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 07:34 PM EDT	Jun 14, 2012 07:52 PM EDT	18.43

Interest Rating

Attendee's In-Session Level of Interest: 20

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

thompson,mary jean		mjthompson860@gmail.com	
Attended	Yes		
Registration Date		Jun 13, 2012 12:13 PM EDT	
City		titusville	
State		FL	
Unsubscribed		No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 04:12 PM EDT	Jun 14, 2012 07:52 PM EDT	220.23

Interest Rating

Attendee's In-Session Level of Interest: 36

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

Lelis,Ludi		llelis@tribune.com	
Attended	Yes		
Registration Date		Jun 14, 2012 05:11 PM EDT	
City		Orlando	
State		FL	
Unsubscribed		No	

In Session

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 05:11 PM EDT	Jun 14, 2012 07:52 PM EDT	160.55

Interest Rating

Attendee's In-Session Level of Interest: 20

Registration Q & A

Questions Asked by Attendee

Poll Questions

Post Session Survey Questions

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

Purcell,Mark		markpurcell310@hotmail.com
Attended	Yes	
Registration Date	Jun 14, 2012 07:01 PM EDT	
City	Palm Bay	
State	FL	
Unsubscribed	No	

[In Session](#)

Join Time	Leave Time	In Session Duration* (minutes)
Jun 14, 2012 07:03 PM EDT	Jun 14, 2012 07:52 PM EDT	49.18

Interest Rating

Attendee's In-Session Level of Interest: 70

[Registration Q & A](#)

[Questions Asked by Attendee](#)

[Poll Questions](#)

[Post Session Survey Questions](#)

FARMER,NICK		nick.farmer@noaa.gov
Attended	No	
Registration Date	May 25, 2012 10:59 AM EDT	
City	ST PETERSBURG	
State	FL	
Unsubscribed	No	

[In Session](#)

Join Time	Leave Time	In Session Duration* (minutes)
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Interest Rating

Attendee's In-Session Level of Interest:

[Registration Q & A](#)

[Questions Asked by Attendee](#)

[Poll Questions](#)

[Post Session Survey Questions](#)

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

Lelis,Ludmilla	Ilelis@orlandosentinel.com
Attended	No
Registration Date	Jun 14, 2012 04:57 PM EDT
City	Orlando
State	FL
Unsubscribed	No

[In Session](#)

Join Time	Leave Time	In Session Duration* (minutes)
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Interest Rating

Attendee's In-Session Level of Interest:

[Registration Q & A](#)

[Questions Asked by Attendee](#)

[Poll Questions](#)

[Post Session Survey Questions](#)

Maclauchlin,Carol	carolmac@charter.net
Attended	No
Registration Date	Jun 14, 2012 10:22 AM EDT
City	Stockbridge
State	GA
Unsubscribed	No

[In Session](#)

Join Time	Leave Time	In Session Duration* (minutes)
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Interest Rating

Attendee's In-Session Level of Interest:

[Registration Q & A](#)

[Questions Asked by Attendee](#)

[Poll Questions](#)

[Post Session Survey Questions](#)

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

Baker,Scott		bakers@uncw.edu
Attended	No	
Registration Date	Jun 14, 2012 08:56 AM EDT	
City	Wilmington	
State	NC	
Unsubscribed	No	

In Session		
Join Time	Leave Time	In Session Duration* (minutes)

Interest Rating

Attendee's In-Session Level of Interest:

[Registration Q & A](#)

[Questions Asked by Attendee](#)

[Poll Questions](#)

[Post Session Survey Questions](#)

Fitzpatrick,Eric		eric.fitzpatrick@noaa.gov
Attended	No	
Registration Date	Jun 14, 2012 08:07 AM EDT	
City	Beaufort	
State	NC	
Unsubscribed	No	

In Session		
Join Time	Leave Time	In Session Duration* (minutes)

Interest Rating

Attendee's In-Session Level of Interest:

[Registration Q & A](#)

[Questions Asked by Attendee](#)

[Poll Questions](#)

[Post Session Survey Questions](#)

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

Coggins,Lew	lew.coggins@noaa.gov
Attended	No
Registration Date	Jun 14, 2012 08:46 AM EDT
City	Beaufort
State	NC
Unsubscribed	No

[In Session](#)

Join Time	Leave Time	In Session Duration* (minutes)
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Interest Rating

Attendee's In-Session Level of Interest:

[Registration Q & A](#)

[Questions Asked by Attendee](#)

[Poll Questions](#)

[Post Session Survey Questions](#)

Simmons,Eric	eric.d.simmons@usps.gov
Attended	No
Registration Date	Jun 14, 2012 11:52 AM EDT
City	Oak Hill
State	FL
Unsubscribed	No

[In Session](#)

Join Time	Leave Time	In Session Duration* (minutes)
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Interest Rating

Attendee's In-Session Level of Interest:

[Registration Q & A](#)

[Questions Asked by Attendee](#)

[Poll Questions](#)

[Post Session Survey Questions](#)

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

Larkin,Michael		michael.larkin@noaa.gov
Attended	No	
Registration Date	Jun 14, 2012 08:39 AM EDT	
City	St. Petersburg	
State	FL	
Unsubscribed	No	

In Session		
Join Time	Leave Time	In Session Duration* (minutes)

Interest Rating

Attendee's In-Session Level of Interest:

[Registration Q & A](#)

[Questions Asked by Attendee](#)

[Poll Questions](#)

[Post Session Survey Questions](#)

Vondruska,John		john.vondruska@noaa.gov
Attended	No	
Registration Date	Jun 14, 2012 08:57 AM EDT	
City	St. Petersburg	
State	FL	
Unsubscribed	No	

In Session		
Join Time	Leave Time	In Session Duration* (minutes)

Interest Rating

Attendee's In-Session Level of Interest:

[Registration Q & A](#)

[Questions Asked by Attendee](#)

[Poll Questions](#)

[Post Session Survey Questions](#)

*If an attendee left and rejoined the session, the In Session Duration column only includes their first visit.

fenske,kari	kari.fenske@samfc.net
Attended	No
Registration Date	Jun 14, 2012 08:21 AM EDT
City	charleston
State	SC
Unsubscribed	No

[In Session](#)

Join Time	Leave Time	In Session Duration* (minutes)
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Interest Rating

Attendee's In-Session Level of Interest:

[Registration Q & A](#)

[Questions Asked by Attendee](#)

[Poll Questions](#)

[Post Session Survey Questions](#)

BLACK,ED	bigdog91360@aol.com
Attended	No
Registration Date	Jun 13, 2012 02:34 PM EDT
City	FORT PIERCE
State	FL
Unsubscribed	No

[In Session](#)

Join Time	Leave Time	In Session Duration* (minutes)
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Interest Rating

Attendee's In-Session Level of Interest:

[Registration Q & A](#)

[Questions Asked by Attendee](#)

[Poll Questions](#)

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Daniel,Louis		louis.daniel@ncdenr.gov	
Attended	No		
Registration Date		May 25, 2012 02:03 PM EDT	
City		Morehead City	
State		NC	
Unsubscribed		No	

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finucane,sean		finuke@yahoo.com	
Attended	No		
Registration Date	Jun 14, 2012 07:55 PM EDT		
City	south daytona		
State	FL		
Unsubscribed	Bounce		

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burford,marcy		marcyburford@comcast.net
Attended	No	
Registration Date	Jun 14, 2012 09:49 AM EDT	
City	stuart	
State	FL	
Unsubscribed	No	

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C,Mike		mike.collins@safmc.net
Attended	No	
Registration Date	Jun 14, 2012 07:32 AM EDT	
City	mtp	
State	SC	
Unsubscribed	No	

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branstetter,steve		steve.branstetter@noaa.gov
Attended	No	
Registration Date	Jun 14, 2012 08:16 AM EDT	
City	St. Pete	
State	FL	
Unsubscribed	No	

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Kellison,Todd		todd.kellison@noaa.gov
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Registration Date	Jun 14, 2012 08:23 AM EDT	
City	Beaufort	
State	NC	
Unsubscribed	No	

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Williams,Erik	erik.williams@noaa.gov
Attended	No
Registration Date	Jun 11, 2012 03:31 PM EDT
City	MHC
State	NC
Unsubscribed	No

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Sedberry,George	george.sedberry@noaa.gov
Attended	No
Registration Date	Jun 14, 2012 08:28 AM EDT
City	Savannah
State	GA
Unsubscribed	No

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gillispie,dennis		dgledge@gmail.com	
Attended	No		
Registration Date		Jun 14, 2012 06:02 PM EDT	
City		fort pierce	
State		FL	
Unsubscribed		No	

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fenske,kari		kari.fenske@safmc.net	
Attended	No		
Registration Date		Jun 14, 2012 01:27 PM EDT	
City		charleston	
State		SC	
Unsubscribed		No	

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Locke,Melissa		mlocke@edf.org
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Registration Date	Jun 13, 2012 10:32 AM EDT	
City	Raleigh	
State	NC	
Unsubscribed	No	

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**SUMMARY REPORT
FROM THE
GOLDEN CRAB COMMITTEE MEETING
COUNCIL MOTIONS
CHARLESTON, SC
September 13, 2012**

The Golden Crab Committee met on September 13, 2012. The Committee received a presentation on the outcome of the golden crab permit holders meeting held on August 10, 2012 in Key Largo, FL. The Committee discussed the future of Amendment 6 and where they wanted to go regarding future management of the golden crab fishery.

The Committee made the following motion:

MOTION: Postpone more work on Amendment 6 until after a meeting of the AP to be held prior to the Council's March 2013 meeting. Motion approved by Council.

Draft Timing and Task Motion:

MOTION:

Direct staff to meet with the golden crab AP prior to the March 2013 Council meeting to discuss the issues raised as a result of the golden crab permit holders meeting and for the future of the management of the fishery. Present the results of the AP meeting to the Council at the March 2013 meeting. Motion approved by Council.

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

GOLDEN CRAB COMMITTEE

**Charleston Marriott Hotel
Charleston, SC**

September 13, 2012

SUMMARY MINUTES

Committee Members:

David Cupka, Chair
Dr. Wilson Laney
Ben Hartig
John Jolley

Dr. Michelle Duval
Charlie Phillips
Martha Bademan

Council Members:

Steve Amick
Tom Burgess
Dr. Michelle Duval
Lt. Mario Gil
John Jolley

Mel Bell
Dr. Roy Crabtree
Anna Beckwith
Doug Haymans
Tom Swatzel

Council Staff:

Bob Mahood
Dr. Brian Cheuvront
Kim Iverson
Dr. Kari MacLauchlin
Roger Pugliese
Amber Von Harten

Gregg Waugh
Mike Collins
Julie O'Dell
John Carmichael
Anna Martin

Observers/Participants:

Monica Smit-Brunello
Dr. Pam Dana
Dr. Bonnie Ponwith
Anne Marie Eich

Dr. Jack McGovern
Otha Easley
Vince O'Shea

Other observers attached to the end of the document.

The Golden Crab Committee of the South Atlantic Fishery Management Council convened in the Topaz Room of the Charleston Marriott Hotel, Charleston, South Carolina, September 13, 2012, and was called to order at 10:20 o'clock a.m. by Chairman David Cupka.

MR. CUPKA: We're going to go right into the Golden Crab Committee. The first order of business will be approval of the agenda. Are there any changes to the agenda? Seeing none, then that agenda is approved. The second order of business is approval of our June 2012 Committee Meeting Minutes.

Are there any changes or corrections to those? I have one on the bottom of Page 8 and the top of Page 9. Monica made reference to a letter going to Sam Rauch from the Council Executive Director and a response from Sam to the Council Executive Director. Actually the letter went from the Council Chairman and the response was received by the Council Chairman.

That was dealing with the request to allow council members to see confidential information in the golden crab fishery. Are there any other corrections or additions? Seeing none, then the minutes are approved? Before I call on Brian to give his report on the Golden Crab Permit Holders Meeting that was held last month, August 10, in Key Largo, I'd like to take just a few minutes to make some comments and some observations if I may in regard to this fishery and where we are.

I want to do this for a couple reasons; one, we have a number of new council members. When I say new, I mean people who have been on the council a year or less. Out of the 17 council members, seven of those are new. Out of the 13 voting members, five of those are new. We've had quite a bit of turnover on council composition or membership.

Some of those people have certainly not had an opportunity to be privy to some of the discussions we've had in the past on golden crab. Also, let me say right off the bat that none of my remarks are intended in any way to support or push any particular viewpoint in regards to Amendment 6 of the Golden Crab FMP or the catch share issue.

This council went on record some time ago with saying we would not support catch shares unless the fishermen supported them. We also recognized that it was very important to have the fishermen involved in the creation of any catch share program; and that without their support that catch shares were not going to work.

Now, that was the position of the council several times. I would remind particularly new council members though that nothing this council does is written in stone. Any decision that is made can be changed at any time as long as we follow the procedures called for in the law. If people change their mind on a particular issue or if we get some new people with perhaps a different perspective on a particular issue, those things could change.

But that has historically been the – I won't say policy – but where our council has come from in regard to catch shares. I think this council made a good faith effort in going down this particular road to develop a catch share program. We were approached several years ago by several members of this fishery wanting us to look into a catch share program and begin developing it, which we did trying to work closely with the industry. Then, as you know, back in March of this

year at our meeting in Savannah, all of a sudden it became apparent that there were some people in the industry who were opposed to catch shares.

At the time I guess a number of us were surprised. Although in a reflection I'm not sure that we should have been because up until about that time we hadn't chosen a lot of preferreds and quite frankly some of the industry members didn't know what the impacts were going to be on their fishery in regard to some of those preferred alternatives and options.

Since then they've had a chance to look at that and see how that would impact them. Now we did have that meeting, like I say, in Key Largo. It was a remarkable meeting from the standpoint it is the first time that we've had all the participants in the fishery at one table. It was their meeting. Well we convened it.

Ben and I attended as observers, but the only people sitting at the table were the fishermen themselves plus Brian, who was there to facilitate the meeting and to answer questions, as well as Karla Gore and Andy Strelcheck who was there to answer questions also. I think everyone at that meeting made a good faith effort to keep an open mind, to have their discussions.

They all had an opportunity to let the other ones know what their position was; and importantly why they held that position. It was an attempt to try and get all the industry people together to see if they could work out some differences, come up with some compromises so that we could move ahead with Amendment 6.

Also for those of you who are new, I'll point out the fact that there are seven people active in this fishery and those seven people hold a total of eleven permits. It is limited access, and so until and if and when this council takes action, it will remain at that level. As I say, I think they had some good discussions. It was a full day meeting, but unfortunately they were not able to reach consensus on how to move ahead on some of these issues.

The vote at the end of the meeting was four individuals opposed to moving ahead with Amendment 6. There were two who supported it and the seventh one was sitting on the fence, and he would go either way. That was the outcome of that meeting. Since that time, these fishermen have continued to, at least my understanding is to have discussions and see if they can resolve any of these issues and at least communicating among themselves.

In discussions that I've had with industry representatives and fishermen, it seems to me where we are at this particular junction is that the industry wants to put Amendment 6 on hold and not move ahead with it at this time. There are a number of concerns that have been expressed relative to markets, developing markets. There are a number of times that they have expressed concern on whether a derby fishery is going to develop or not.

Some of them feel like it has already started; others feel like it is not going to happen. If we did give it some time to see how some of these issues shake out, we and the fishermen might be in a better position to decide exactly how we want to move ahead with this. It seems to me that we are at a point where there are three alternatives we could consider.

One is to go ahead and move ahead with Amendment 6. It was pointed out to the fishermen several times during that meeting that the final decision is up to this council. That is an option;

we could move ahead with Amendment 6. We could move ahead with those elements of Amendment 6 that don't deal with the catch share, and there are a couple of action items in there that aren't necessarily related to a catch share program. That would be a second option.

The third option would be to put this plan on hold and see how some of these other issues shake out. Again, we've spent some time working on this plan. I don't consider it wasted time. We've learned a lot. I think down the road, if we decide to go the route of putting it on hold, it would be a matter of taking it and dusting it, off so to speak, maybe updating it a little bit, but we would have it available to do that with.

I think that is where we are. At least my read on it as chairman of the committee and with discussions of the industry is that they would prefer at this time perhaps to put it on hold and see how it goes from there. That is my read of where we are in this whole issue. I'm going to ask Brian to give his report on the meeting that was held down in Key Largo.

Then the next agenda item is to try and decide what we're going to do with Amendment 6. I think before we get too far into the weeds on that, this committee and this council needs to decide exactly what direction we want to go in from here in regard to the three alternatives that I outlined earlier that I see as the way we could go.

I personally know where I'm at on this decision, but it is up to each of the committee members and ultimately to each council member to decide how we want to move ahead with this issue. With that I'm going to ask Brian, if he will, to give his report on the meeting that we had down in Key Largo and then we'll see where we want to go from there.

DR. CHEUVRONT: I think maybe before we get into that report, I think this would be a good time, because one of the issues that is relevant to this entire discussion is whether or not a derby fishery is developing; and something that we've not typically done in the past on golden crab is to talk about at these meetings where we are in terms of meeting that ACL. I had asked Jack if he would be willing to spend a moment and talk about where we are now this season towards meeting that ACL. Jack, if you can do that.

DR. McGOVERN: There are landings for golden crab that we get from the Science Center as part of the quota monitoring system. Based on landings through yesterday, we are about 25 percent of the quota, but that includes a lot of expanded landings. There are a lot of landings from dealers that haven't been reported.

Andy Strelcheck looked at logbook landings for golden crab, and through July there are about a half a million pounds landed. He projected what the landings would be towards the end of the year and he projected that there would be about a million pounds landed through December. In comparison to 2011, that is almost about 300,000 pounds higher than in 2011 and maybe about 400,000, 350,000 higher than 2010. Landings this year are a bit higher than in previous years.

DR. CHEUVRONT: Just to remind folks, especially the new folks, that this fishery, which may be projected right now to hit about a million pounds, has an ACL of two million pounds. That is only about half of the ACL is projected to be met this year. I am projecting the Golden Crab Permit Holders Meeting Report. It is in your briefing book. It is Attachment 1A under golden crab.

The first part of the report basically gives the background as to how we got to that point where we had the meeting last month in Key Largo. As Chairman Cupka had said – and actually he had summarized much of what is in the report in his remarks, but just to bring everybody up to speed on where we are with this, at the March meeting this year in Savannah we were getting pretty close to finalizing this amendment; and at the public comment period several folks came forward and said, “Wait a minute, we’re not in favor of the catch shares as it is here”, and some are not in favor of catch shares under any circumstance.

The council had asked staff to get an idea of the interest that catch share permit holders had in the fishery. At that time we were dealing with landings through 2010. The direction to staff was that they wanted to find out the interest in pursuing a catch share among those permit holders who had had at least one pound of landings in 2008, 2009, or 2010, in two of those three years.

At that time only five of the eleven permits qualified to express their interest in a catch share program, so the majority of permits did not qualify. When that came back, three of the permits were in favor of pursuing catch share and two were not. The council in seeing that and hearing more discussion that, really, when you are talking participants in the fishery, there were some people who are just ramping up participation in the fishery.

You may remember at their last meeting in June when you were looking at the actual landings, there were some permits that had not been used much in those previous years, but really hadn’t started to get used maybe in 2010, and certainly considerably more in 2011, and are continuing into 2012.

To help get through the mire of the problem of what to do, the council at the June meeting had requested that prior to this meeting we try to get the permit holders together. As Chairman Cupka said, while there are eleven permits, those eleven permits are held by seven individuals. It was a rather remarkable and almost historic event for this fishery that we got all of the permit holders and participants in this fishery in one room at the same time. We talked for an entire day as to what to do about this fishery.

Now what we tried to explain to everybody was that the council needs to know what are your opinions about catch share in general as well as there are all these actions that the council is considering; so let’s try to get through what everybody thinks about catch shares and then let’s talk about the different actions. I propose that is kind of the approach that we take with this.

One thing I want to mention, before I forget it, is that also at the June meeting several new people were appointed to the Golden Crab AP. Every fishing operation that is in this fishery now has at least one representative on the AP. You also have a scientist, you have a crew member and you have somebody on there whose family had historical participation in the fishery but is not actively participating in the fishery right now.

At the meeting those who were against the idea of catch shares presented a written document. That document was read into the minutes and you have a copy of the minutes. Those who were in favor of the catch shares also had a document that they presented and were read into the minutes. In the report, on the second page, which I’ve got projected up here on the screen, I have a summary of what was said by each of those documents.

Now this report was written about a week or so after the meeting. It was sent out to all the meeting participants. They were given an opportunity to respond to what was in the report. I received one comment back from one of the participants at the meeting who said thanks but offered no corrections.

I received no other comments from any of the other participants in the meeting. I had given them – I had told them that they had up until today literally to get comments to me, and I had not received any from anybody about this report. Four participants were adamant that they felt there were no problems with the way the fishery is currently being managed.

They gave some reasons as to why they thought that a catch share was not needed at this time. First, that they felt that there was no biological reason for this. There is no overfishing and the fishery is not overfished. There are no gear conflicts, and that is largely because the fishery is managed by zones.

Those 11 permits are assigned to one of the three specific zones so you don't have more than a handful of permits in any one zone. There currently is no derby going on in the golden crab fishery and they felt that there were no safety at-sea issues that needed to be addressed at this time.

The council and the SSC both must have felt that the stock is pretty healthy as they set the ABC equals the ACL at two million pounds, which even now, even though the production is ramping up, it is about double what we are probably going to be able to land this year in a fishery that is growing.

There was a feeling that the implementation of a catch share program would require a number of the permit holders to either have to lease or buy shares to maintain or grow their business. Now, it is true that the way the shares would have been distributed under most every alternative under Amendment 6, there was at least one participant in this fishery who is going to have to get more shares than would have been allocated just to stay at that current production level that they had up through 2010. Like everybody else that entity has been increasing production.

There was a philosophical concern about catch shares would convey private ownership of a publicly held natural resource to just a few individuals. There was some concern there from those folks about catch shares. Now those who were in favor of catch shares on the other hand say that, well, there are some issues that need to be addressed, and it could be addressed quite well through a catch share program. For example, they felt that there needed to be more monitoring and enforcement of the fishery. You'll remember that part of that catch share program included things like establishment of VMS and approved landings sites.

They felt that the landings were not being adequately monitored. Some of the rules were kind of irrelevant for the way they fish now. There is a small vessel subzone in the southern zone that is specifically set aside for smaller vessels, but apparently now most folks seem to be ignoring that, anyway. There is an action in there to get rid of that small vessel subzone.

The fishery is capped with an ACL but there were no other management measures to ensure that landings stay under that ACL. It was just going to have to be keep an eye on the quota; and if a

derby did develop, then it would be up to NMFS to keep tabs on that and then shut it down in time to keep from going over that ACL.

Also it was felt that a catch share would prevent a derby fishery from occurring and that would afford protection for habitat and the biomass in the future. Now through all the discussion, it was a really good discussion. I mean, clearly, there were people who were in favor and some who are not, but everybody got to speak their piece.

We were very careful to make sure that happened. We didn't take votes. What we did was we wanted to get all the ideas on the table and bring them back to the council so the council could sift through them and figure out how they wanted to handle things. It was really clear that there was no overall support among the permit holders for a catch share at this time. It just does not exist.

Those who were in opposition weren't all universal in the reasons for their opposition. I think there were some who, if they had been allocated enough shares for where they felt they wanted to go in the fishery, that they might have been willing to consider a catch share. But we didn't really discuss that fully, but that was sort of an indication of where they were going.

The problem was that even with the two million pounds there wasn't enough shares to be allocated to make sure that in an initial allocation everybody would have felt comfortable. That said, there were still some who were just adamantly opposed to the idea of catch shares on principle. Nothing, no matter how much the allocation would have been to them, it would not have persuaded them to want to participate in a catch share program for this fishery.

After we had had all that discussion, we had gone to lunch and we came back and the fishermen wanted some time alone, the seven entities in the room, to discuss some issues in private. They got about a 45 minute time period to see if they could work out some things on their own. When that was done it was clear that, no, they were not able to come to agreement on what they wanted to do.

Everybody was still in the same camp that they were before they went to lunch. But one of the things that we asked them to do was to let's go through each of the 15 actions that are in Amendment 6. If you look on Page 3 of the report, we have the actions. Now what you have is Actions 1 through 7. Action 9, and Actions 12 through 15 really are pretty much specifically related to catch shares.

Now included in that is also the VMS action. The council does have VMS in a fishery, rock shrimp that is not part of a catch share. VMS itself is not a requirement only in a catch share. It is necessary if you do have a catch share program, but you can institute it for other reasons. But the only reason why it came into this fishery initially was because it was included as part of the catch share. There were some fishermen who are in favor of having VMS in this fishery regardless of whether or not there is a catch share, and there were some who are very much against it largely for the same kinds of reasons that you heard when it was discussed earlier as a part of CE-BA 3.

Of those catch share specific actions, those who were not in favor of the catch share, all wanted Action 1, no action on those – my goodness, there is a dozen of them or so actions. Action 8,

which was to revise the boat length limit rule, I think the concept was agreeable to just about everybody, but there was no agreement as to how it should be done.

There were some ideas that were put out there that are not currently in Amendment 6 as potential alternatives of how to do this. There wasn't universal agreement as to how large a vessel should be, but they were all sort of in the same ballpark. Then there wasn't total agreement on how to transfer a permit from one vessel to another vessel that was larger.

There were some details I think that the permit holders felt needed to be worked out. One of the suggestions was that this would be something that would be very good for the AP to take up in the future and let the AP hammer out a range of alternatives for the council to consider. Basically there was some feeling that this action needed to be revised.

Action 10 was to modify the small vessel subzone restriction. There were a few folks who felt that should only be done as part of a catch share program. There were others who felt that they would just like to see the council's Preferred Alternative 2, which was to get rid of it, but there was no universal agreement on the timing of how that should be done.

The same was for Action 11. This was the one – currently Action 11 deals with the issue of one vessel – excuse me, one permit on the vessel at a time. Some of these entities own more than one permit for different vessels. Currently what they have to do, if they want to fish in different zones, they have to come back in and call in and then transfer the permits, because you can only have one permit on the vessel at a time.

What this action was going to do was to allow people to have more than one permit on the vessel at a time. The council's current preferred action was to allow the vessels to fish in any zone for which they had a permit. There was not universal agreement on how to go about doing that. Then this Action 12 with catch shares; there were some folks who thought that catch shares could – excuse me, the VMS and the catch shares could go forward without the catch share provision. There were others who just did not want it.

There seemed to be pretty much universal agreement that a hail-out/hail-in provision would be acceptable to everybody. There are issues with using VMS in this fishery. It tells you where the vessel is but not necessarily where the gear are. There have been some discussions with NOAA OLE about that. They understand that. But the idea is that it could give some idea that could help with future fisheries management as well as potential law enforcement issues.

In Action 15, the approved landings sites, that was really considered to be a catch share issue; and if you go to VMS without a catch share, you may not need to have the approved landing sites. But if the council did decide to do this, this was an action where everybody agreed with the council's preferred action is that the fishermen want to chose the landings sites pending law enforcement approval. That was the one thing that they basically all agreed on. I think the take home message to me from this meeting was it was great to get everybody to talk there. We got a lot of issues on the table. Some things could be worked out by the AP in the future.

As a matter of fact, a couple of other things came up. One of the fishers in the northern zone would like for the council to reconsider the HAPC line that is at Latitude 29. He would like to have that considered to be moved further north, because that is some prime golden crab fishing

area, but that is something that would have to be reviewed by more than just golden crab, because you are now getting into habitat issues and so that is a wider issue.

The golden crab folks might want to consider that in future AP meetings. The boat length limit rule needs to be discussed in further detail. I have confidence that the AP working together could come up with a new action and alternatives for the council to consider to deal with this issue. They all agreed they like the three fishing zones that exist.

They may not agree on allowing people to put more than one permit on a vessel, but they like the idea that the fishing zones work to help keep people from being involved in each other's gears. Some people thought that some actions should move forward without catch shares; others were not so sure.

I think in my talking with folks – and it was not exhaustive; I did not contact every single permit holder and ask them of this opinion. My impression was that folks would prefer the council not do anything at this point rather than do the wrong thing. What people think is the “wrong thing” is determinate on who you are talking to at a given moment.

I think some folks who think that there is no derby going to develop, think that unless there is there is no reason for us to consider catch shares on this in the future. Others think, well, a derby is going to develop and we'll probably see it within the next few years. There is some reason behind wanting to wait to see what could happen in the future.

Somebody had suggested having a voluntary catch share for those who might want to participate in it. That had been brought up in the context of some other fisheries, not quite sure how that would work. That had been brought up. Somebody had suggested consider reducing the number of permits even further from 11 and start getting rid of some of those that are not active.

They might want the council to look into the idea of localized depletion, see if there is any problem where crabs have sort of been fished out. Some people wanted to look at the purpose and need a little bit better. That is one of the things that this council has struggled with in this amendment is coming up with a purpose and need for why they wanted to go to the catch share right now in the first place.

Mr. Chairman, that concludes sort of my report. I would just like to say in talking with some of these guys recently they want to continue working on management issues; but now with the AP structured as it is I'm not sure that we need to have a permit holders meeting in the future since they are all represented on the AP at this point. I think maybe at some point in the future the council might want to get that AP together to discuss some of these issues, but I'm not sure what the timing on that ought to be at this point.

MR. CUPKA: I meant to point out earlier for the benefit of the new people that this council has a long history of working very closely with the fishery. Not only do the fishermen, but I think the council wants to maintain this close working relationship in the future. Are there any questions for Brian in regard to his report? Wilson.

DR. LANEY: Well, Brian, you didn't mention it or at least if you did I missed it, but in the recommendation to the council made by the permit holders, it did indicate that all permit holders

agreed on the need for a stock assessment for golden crab. I know the stock assessment schedule is full.

I did want to mention to everybody else on the committee that I did have some discussion with one of the permit holders, and also with John Carmichael about that. It strikes me that for golden crab, if an assessment could be done – and I think based on my conversations with John it would probably have to be done in some kind of a survey approach and probably by somebody with expertise. I think Steve Cadrin's name was mentioned, because he has done work on crustaceans before.

One thing that is a little different about this fishery is that there are large areas of golden crab habitat that are closed for habitat reasons. My sense is, and John generally confirmed this, that if you are doing an assessment for golden crab throughout its range; given that you have those closed areas, you sort of have a built-in buffer there in that golden crabs would be produced in those areas but they are not subject to fishing pressure. At such point in time as an assessment could be done, that would be a slightly different wrinkle and I think a beneficial one as far as the fishery goes and the fishermen themselves to have those areas included in that assessment.

DR. CHEUVRONT: Wilson, you are absolutely right. I had thought about it at one point while I was giving the report and it escaped me when I got towards the end. But you are right, all the fishermen agreed that they would like to see an assessment made of golden crab at some point in the future.

It was stressed to them at that time that while they were optimistic that an assessment would show that there are more crabs out there that could be made available to harvest; don't get too excited because there has been other times in the past when we thought that was going to happen when in fact the exact opposite occurred and they ended up with a lower quota or ACL. That sword cuts both ways.

DR. CUPKA: Other questions for Brian? That is a good point you bring up, Wilson, and I'm glad you did mention that because there are golden crab protected areas out there and a considerable amount of bottom that is protected from harvest that could provide a source of crabs. If there are not other questions for Brian, then we need to decide where we are going to go in regard to this. There is no sense in spending a lot of time on the amendment itself if the committee doesn't want to move ahead with it. I'll ask the committee. Charlie.

MR. PHILLIPS: Mr. Chairman, I would move that we postpone anymore work on this amendment until we bring it back at the March meeting. Hopefully, in January or after our December meeting, when staff would have some time to work with stakeholders, see if they can work out some stuff and look at it again in the March meeting. Then I have another comment or two if I can get a second.

MR. CUPKA: Okay, **we have a motion to postpone more work on Amendment 6 until after a meeting of the stakeholders, which would be held some time prior to the March 2013 meeting.** Was there a second; Michelle seconds? Discussion on the motion? Wilson.

DR. LANEY: **I think Charlie had some more comments he wanted to make, but in view of Brian's comments about the AP, would it be appropriate to say and/or advisory panel?**

MR. CUPKA: Do you accept that as a friendly amendment and the seconder agrees, then we can do that. Yes, as Brian pointed out, we've revised the AP and it is essentially pretty much all the stakeholders, so that's a lot better. Further discussion on the motion? Charlie.

MR. PHILLIPS: The reasons to do this have been gone over very adequately. Staff has done a great job of trying to pull people together and pull some consensus together. It hasn't happened. We will have the total landings for the year by then so we can look at that. We can look and see if there might be a trend toward a derby fishery.

I am hearing they are going to be looking for golden crab possibly in the Gulf. That could change the equations on things. The council also has more – we have to make sure that the corals are protected and that this public resource is available to the public. It is more than just what the fishermen want. There is a lot more to it. We worked with the fishermen.

They've been very good at working with us; but should there not be a consensus, then it is going to be up to this council to decide how we want to go about handling this, how we want to make sure the corals are protected and how we are going to protect this resource as making it sustainable and having the public have access to it. That is about all I have to say and I'd hope we can get a little further down the road with some consensus.

MR. CUPKA: Okay, and as I had mentioned earlier, Charlie, during that meeting it was pointed out to the stakeholders that as much as we want to work with them, and a lot of good has come out of working with them in the past, that ultimately the decision of what to do is this council's. Further discussion on the motion?

DR. CHEUVRONT: Yes, I'd like to clarify one thing about this motion that you have up there. You have stakeholders and stakeholders are more than just the folks who participate in the fishery. You've got crew members, you've got restaurant owners, and you've got buyers. Is it the decision of the council that you want us to reach out to those people and include some of them in this meeting as well or are you really talking about the AP, which is made up of nearly all of the permit holders, as well as there is a crew member, there is a scientist and there is a historical participant in the fishery? There are no restaurant owners there. The main buyer is not part of this AP, et cetera; so if you give it some clarification, that will help me.

MR. CUPKA: Charlie, as the maker of the motion; what was it?

MR. PHILLIPS: I meant the AP; but when it comes time for public comment then, yes, I would love to hear some input from the buyers and those type people.

DR. DUVAL: Mr. Chairman, I was going to mention following the same lines as Charlie that we could at least make sure that the other stakeholders are aware that the AP is going to be meeting and make sure they get notice of that so that we can get some kind of input. I seconded the motion; I support the motion.

I am a new member to this committee, but it seems like from reading the minutes that all the permit holders were happy to finally be in the same room together and have an opportunity to discuss their concerns. Rome wasn't built in a day, and I would not expect that one day worth of

meetings would build consensus on everything. I think it would be wise to let the AP hammer out some of the issues that they think they can move forward.

MR. CUPKA: Our AP meetings are open to the public. This particular meeting was not strictly an AP meeting, but it was strictly for the fishermen to discuss the issues. Wilson.

DR. LANEY: Mr. Chairman, I certainly support Charlie's comments relative to the concerns about the habitat impacts. I think clearly Brian alluded to the fact that the Habitat and Coral APs both would probably need to be involved if we're talking about changing the boundaries of the allowable fishing areas. I don't have any concerns about involving other stakeholders. I think if staff wants to do that, I think that would be fine.

The other thing I had was I wanted to ask Bonnie relative to the possibility for a golden crab stock assessment, I know it is not high on the radar screen and it has to compete with a whole lot of other species, but does the Center have the expertise to do a – or I guess a more pertinent question would be do we have any data of any sort of invertebrate survey I guess would be the appropriate way to ask that question that could lend itself to conducting a stock assessment.

If not, then what I had encouraged some of the permit holders to do was to try and seek some sort of a partnership with somebody in the academic community that might have expertise on this animal or similar animals and see if they couldn't find maybe some external funding to do the estimations that would be needed to feed into a stock assessment.

DR. PONWITH: Certainly, having available data is the biggest challenge. We've got the fishery-dependent data. The thing that is a struggle is any sort of fishery-independent data across the geographic range of those animals, so it's challenging.

To that end though, I've been in good communication with some scientists up at the Alaska Fisheries Science Center who are conducting fairly regular stock assessments on the lucrative crab fishery that they have up there in Alaska; and continue those discussions in terms of transporting the types of analyses that they use down here.

We had talked earlier about at the next council meeting showing a table of the status of the stocks that we manage in the South Atlantic relative to how accessible they are using data-poor or more quantitative stock assessment tools. What I can do is make certain that I include the golden crab in that table in terms of what we have and what we could do with what we have and what it would take to do something more sophisticated than that.

MR. JOLLEY: Mr. Chairman, just briefly, if we approve this motion, does that mean we would move on and we wouldn't attempt to discuss opening up areas further north or VMS or boat size?

MR. CUPKA: That is my understanding; that we would postpone any further work on any of the actions and give the AP an opportunity to get together and see if there are actions in there they would like to consider moving ahead with or additional actions as Brian has pointed out. I think that is where we are going with it. Further discussion?

DR. CHEUVRONT: Yes, we need to have the motion read again I believe because we changed the motion from what it originally was and we dropped the stakeholders and and/or.

MR. CUPKA: Okay, the motion is to postpone more work on Amendment 6 until after a meeting of the AP to be held prior to the councils March 2013 meeting. Okay, Monica.

MS. SMIT-BRUNELLO: I just have a question. Will you have all the golden crab landings for 2012 by the March council meeting? I see nothing wrong with this motion at all. I'm just kind of asking a question as to when you'll get all the landings.

DR. CRABTREE: Probably March/April. I suspect that you won't have the final landings by the time the AP meets. If you want to be sure you are going to have those, you might want to push this off to more like before the June council meeting.

MR. CUPKA: Well, if we're going to want to look at that information, then I think we're pretty much locked into doing something like that. It is Charlie's motion so I'll ask Charlie if he wants to leave it like that or amend it?

MR. PHILLIPS: Would we have preliminaries that you just have to fine tune or do you really need to wait until June?

DR. CRABTREE: Well, we'll have some landings, but you may have to do some projections to get an estimate for the year. It depends on how incomplete they are. If they are incomplete, they could be an underestimate.

MR. JOLLEY: We've only got eleven permits and seven participants. I would think that even if we had to make some telephone calls, I would think we could get those numbers pretty close to what it is going to be here at the end of the year. I don't think we need to move it to June. I think we can stay on this motion and I think we can probably get most of the landings, anyway.

MR. PHILLIPS: I agree with John; I think there are ways that we can get most of the landings. It might not be something cast in stone, but I think we could get most of them and know pretty much where we are.

MR. CUPKA: Okay, well, I'm going to go ahead and call the question. Is there any objection to the motion? **Seeing none, then that motion is approved.** I guess, Brian, there is no other business to come before this committee at this time.

DR. CHEUVRONT: I don't have any other business, Mr. Chairman.

MR. CUPKA: Okay, the committee is adjourned then.

(Whereupon, the meeting was adjourned at 11:12 o'clock a.m., September 13, 2012.)

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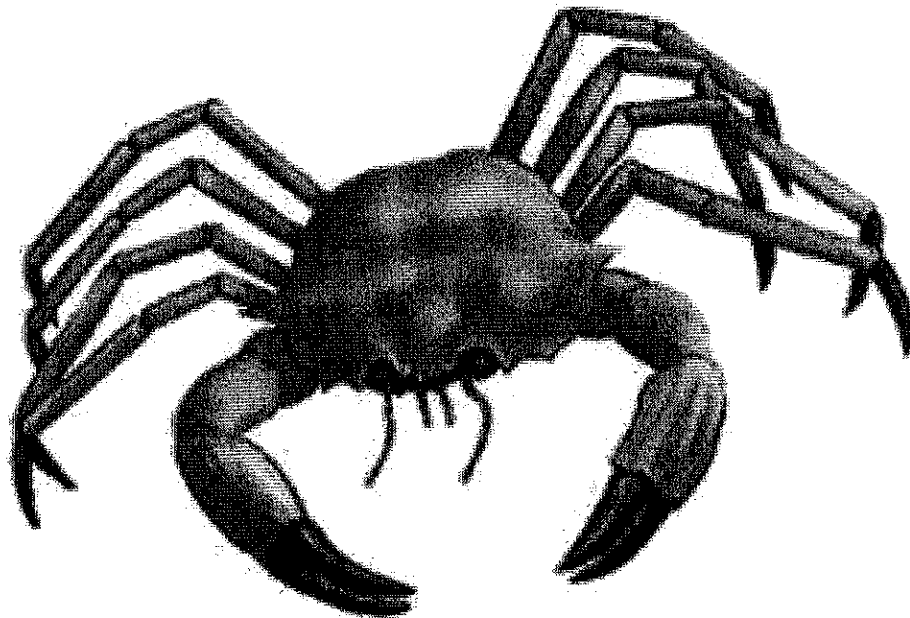
**GOLDEN CRAB
SAFMC AMENDMENT 6/EA
TO THE FISHERY MANAGEMENT PLAN FOR THE GOLDEN CRAB FISHERY OF
THE SOUTH ATLANTIC REGION**

AN ANALYSIS OF THE 15 PROPOSED ACTIONS AND POSITION STATEMENT

By

GOLDEN CRAB PERMIT HOLDERS

NUNO ALMEIDA TONY COPPA ANTONIO PAAN ROBERT PALMA



Introduction

There are a total of 15 proposed actions in SAFMC Amendment 6/EA. The most controversial and troublesome to certain permit holders are provisions to implement a catch shares management plan in the fishery. As permitted participants in the golden crab fishery, we register our formal opposition to a catch shares program in the golden crab fishery and any associated action items for the following reasons:

First, we believe the establishment of a catch shares program in our fishery is totally inconsistent with the stated purpose and spirit of NOAA's Catch Shares Policy. We are experiencing a process that is actively removing or severely limiting working fishermen from a fishery that does not currently harvest to its full potential. We are also experiencing a process that is removing working fishermen who have made substantial financial investments in their businesses simply by a subjective choice of qualifying years and landing criteria.

Second, we believe implementation of new catch shares programs in any fishery in the United States is premature until complete, transparent and thorough assessments of existing catch shares plans have been conducted.

For example, transactional analyses of catch shares being conducted by GMFMC staff, while incomplete, indicates potentially serious negative impacts resulting from a catch shares program in the red snapper fishery. Developing trends indicate a consolidation of shares and share holders to non-fishing entities who in turn are leasing those shares to maximize profits and reduce costs. This is resulting in depressed prices to fishermen (instead of increases), and increased costs to consumers, which in turn reduce demand for fresh, domestically produced seafood.

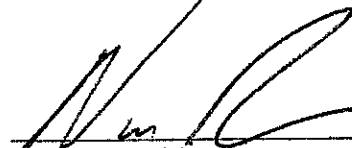
Neither the Council nor the fishermen in support of a catch shares plan in the golden crab fishery have provided sufficient rationale for its implementation. The golden crab fishery fails to meet any of the criteria by which one would fairly evaluate their need and purpose including the following:

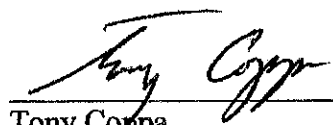
1. There is no biological purpose for the action. Golden crabs are not undergoing overfishing or overfished.
2. There are no gear conflicts and no user conflicts because permit holders fish by zone.
3. Assertions that a derby fishery has already begun and safety at sea is compromised are patently false. Consumer demand and a limited market for the product have developed at only a slow to moderate pace and wholesalers expect this trend to continue.
4. Concern the SSC will reduce the ACL without a stock assessment is nothing more than speculation. The SSC felt confident enough about the health of the stock to set the ACL=ABC.

5. Implementation of a catch shares program in the golden crab fishery would force the majority of the permit holders to lease or buy shares in order to grow their businesses.
6. A catch shares program in the golden crab fishery would convey private ownership of a natural resource to just a few specific individuals.

The South Atlantic Council and the permit holders have approximately 5 years invested in development of this amendment and we believe it would be appropriate to preserve certain proposed ecological and operational elements of the plan, provided we can reach consensus for approval without a catch shares provision.

We, the undersigned, hereby register our formal opposition to a catch shares program in the golden crab fishery and any associated action items for the reasons outlined and offer our support and/or alternative recommendations for other proposed actions contained in SAFMC Amendment 6/EA.


Nuno Almeida 8-10-12
Date


Tony Coppa 8/10/12
Date


Antonio Paan 8/10/12
Date


Robert Palma 8/10/12
Date

Proposed Actions

Action 1. Establish eligibility for a golden crab catch share program

We support Alternative 1. No Action. Do not establish eligibility for a golden crab catch share program.

Action 2. Initial apportionment of catch shares

We support Alternative 1. No Action. Do not specify a method for initial apportionment of catch shares.

Action 3. Establish criteria and structure of an appeals process

We support Alternative 1. No Action. Do not specify provisions for an appeals process.

Action 4. Establish criteria of transferability

We support Alternative 1. No Action. Do not establish criteria for transferability. (Our support for a 'No Action Alternative' pertains to transferability in a catch shares program. We do support a transfer of permit within the fishery due to a mechanical failure, or other catastrophe which would render a permitted vessel unable to engage in the fishery.)

Action 5. Define quota share ownership caps

We support Alternative 1. No Action. There should be no catch limits placed on fishermen other than an ACL for the fishery as a whole.

Action 6. Use it or lose it policy

We do not support any of the proposed alternatives. With regard to a 'Use It or Lose It' policy, issues may arise in which a permit holder is not able to fish, such as a medical emergency, loss of vessel, decrease in market demand, biological or environmental issues affecting the stock or other extenuating circumstances. In that regard, permit holders should have an option to temporarily 'suspend' use of their permit. Anyone applying for a suspension of their fishing privilege would be required to state the reason for the request; the period for which they are requesting the suspension; maintain the eligibility of the license by paying the annual renewal fees; and have a maximum term of the suspension not to exceed three (3) years.

Action 7. Cost recovery plan

We support Alternative 1. No Action. Do not implement a cost recovery plan.

Action 8. Establish boat length limit rule

We can support a boat length rule but do not support any of the alternatives presented in the amendment. The length of the vessel does not necessarily correlate to one's ability to catch

golden crab. It does, however, increase the amount of gear one is able to accommodate on board that vessel which could afford the potential for increased harvest. We consider a boat length rule to be an accountability measure and as such would recommend the following: A maximum 20% increase in boat length per occurrence with a minimum interval of 2 years between replacements. This proposed alternative is in compliance with the Magnuson Act and National Standard #10 regarding Safety at Sea.

Action 9. Restrictions on where permitted vessels can fish for golden crab

We do not support any of the proposed alternatives. We suggest that a vessel with a permit for a specific zone (northern, middle, southern) only be allowed to fish within that zone. This will eliminate gear and user conflicts and serve as an accountability measure to reduce the likelihood of a derby fishery developing in any one area or any encroachment on benthic habitat of critical concern such as deepwater corals.

Action 10. Modify the small vessel sub-zone restriction

We support Alternative 2. Eliminate the small vessel sub-zone within the southern zone that was originally established to protect against very large vessels fishing in the sub-zone.

Action 11. Establish criteria for permit stacking

We support Alternative 1. No Action. Allowing permit holders to stack permits will create user and gear conflicts within the three fishing zones and may contribute to a derby fishery within a particular zone.

Action 12. Monitoring and enforcement

We support Alternative 1. No Action. Do not require additional monitoring and enforcement.

Action 13. Establish criteria for new entrants program

We do not support any of the alternatives offered in the amendment. We suggest capping the fishery at the existing 11 permits in a limited entry FMP. New entrants would buy permits from existing permit holders at the prevailing market rate.

Action 14. Annual pounds overage

We support Alternative 1. No Action. Do not allow fishermen to exceed their allotted annual pounds. The total annual harvest should be controlled by the ACL. Overages should be deducted from the following year's harvest.

Action 15. Approved landing sites

We support Alternative 1. No Action. Do not establish approved landing sites for the golden crab catch share program. We also recommend the Council not establish approved landing sites

for the golden crab industry. The golden crab fishery has transitioned to a nearly 100% live product fishery due to marketing efforts and consumer demand. Limiting landing sites creates the potential for significant harm to industry in the event of mechanical breakdown, loss of cooling capability on live-wells, inclement weather and other unforeseen circumstances. Vessel operators should have the flexibility of landing their catches at any licensed seafood dealer capable of adequately handling live product located within the zone in which they are authorized to fish. We believe these changes are appropriate to comply with National Standard #10, Safety at Sea, as set forth in the Magnuson Act.

An alternative fishery management plan to catch shares

Establish a limited entry FMP

- Monitor trends and fishing effort
- Schedule a stock assessment
- Develop additional amendments to the golden crab fishery as warranted
- If appropriate, examine purpose and need for a catch share plan at a later date

REFERENCES

Crosson, Scott B., Trends in the South Atlantic Golden Crab Fishery, November 2010, NOAA Technical memorandum NMFS-SEFSC-608

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Golden Crab Committee Meeting

Charleston, SC

Thursday, September 13, 2012

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

~~HELLES~~ ~~CSAPP~~ 813 286 8350

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Gretchen Marie EDF 919 436 0035 Wilmington NC

Bob Giln 352/795-3843 Crystal Aventura, FL

Holly Binn PEG 850-322-7845 Tallahassee, FL

Leda Dunmore 305 393 0934 Tavernier FL

Rushy ~~Johnson~~ 954-ECF 386-239-0948 32120-9351

Joyce Ann 954-540-0900 Ft Lauderdale FL 33334

Kate Quigley 834-327-1114 CHS, SC

Brad Whipple 508 269-2378 Ft. Lauderdale, FL 33314

South Atlantic Fishery Management Council

4055 Faber Place Drive, Suite 201

North Charleston, SC 29405

843-571-4366 or Toll Free 866/SAFMC-10

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General Information

Webinar N: Webinar ID

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Sep 13, 201 484

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129 47

Total Attended

37

Session Details

Attended	Interest Ra	First Name	Last Name	Registration	Join Time	Leave Time
Yes	29	Karla	Gore	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	37	larry	Delancey	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	60	Nikhil	Mehta	Aug 22, 201	Sep 13, 201	Sep 13, 201
Yes	31	phil	steele	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	37	susan	gerhart	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	22	andrea	grabman	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	24	Julia	Byrd	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	48	wayne	mershon	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	70	K	M	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	36	nicholas	hill	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	25	john	carmichael	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	41	rick	dewey	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	20	Vincent	Bonura	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	34	David	Gloeckner	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	20	Pete	Barile	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	39	Kate	Michie	Aug 28, 201	Sep 13, 201	Sep 13, 201
Yes	26	Christina	Package	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	76	trevor	mcmahan	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	25	michael	travis	Sep 10, 201	Sep 13, 201	Sep 13, 201
Yes	28	Anik	Clemens	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	32	Mike	C	Sep 05, 201	Sep 13, 201	Sep 13, 201
Yes	24	Fan	Tsao	Sep 12, 201	Sep 13, 201	Sep 13, 201
Yes	70	Peter	Barile	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	24	william	mccaffity	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	65	deb	buscher	Aug 22, 201	Sep 13, 201	Sep 13, 201
Yes	47	steve	branstetter	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	42	Rick	DeVictor	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	70	Janie	Thomas	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	25	Julie	Neer	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	61	Anthony	Austin	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	60	Michael	Merrifield	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	31	scott	sandorf	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	33	Helen	Takade-Heumacher	Sep 13, 201	Sep 13, 201	Sep 13, 201

Yes	64 ira	lals	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	30 Jeanna	Merrifield	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	46 David	Player	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	39 stephen	holiman	Sep 13, 201	Sep 13, 201	Sep 13, 201
No	Luiz	Barbieri	Aug 24, 2012	01:45 PM EDT	
No	Cindy	Chaya	Aug 22, 2012	11:55 AM EDT	
No	jeff	barger	Sep 13, 2012	04:15 PM EDT	
No	Donald	Steamer	Sep 13, 2012	05:32 PM EDT	
No	ira	laks	Sep 13, 2012	01:01 PM EDT	
No	rick	hart	Sep 10, 2012	03:26 PM EDT	
No	Richard	Malinowski	Sep 10, 2012	08:06 AM EDT	
No	Anne	Eich	Aug 22, 2012	02:27 PM EDT	
No	Heather	Blough	Sep 10, 2012	12:37 PM EDT	
No	todd	phillips	Sep 13, 2012	04:23 PM EDT	
No	Joseph	Ballenger	Sep 13, 2012	03:36 PM EDT	
No	Tracy	Yandle	Sep 07, 2012	02:58 PM EDT	
No	ira	laks	Sep 13, 2012	04:29 PM EDT	
No	roger	pugliese	Sep 13, 2012	05:34 PM EDT	
No	Nick	Farmer	Aug 22, 2012	12:56 PM EDT	

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Total Attended

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Session Details

Attended	Interest Ra	First Name	Last Name	Registration	Join Time	Leave Time
Yes	11	Julia	Byrd	Sep 13, 2012	Sep 13, 2012	Sep 13, 2012
Yes	40	ira	laks	Sep 13, 2012	Sep 13, 2012	Sep 13, 2012
Yes	28	Rick	DeVictor	Sep 13, 2012	Sep 13, 2012	Sep 13, 2012
Yes	16	scott	sandorf	Sep 13, 2012	Sep 13, 2012	Sep 13, 2012
Yes	11	Anthony	Austin	Sep 13, 2012	Sep 13, 2012	Sep 13, 2012
Yes	17	Kate	Michie	Aug 28, 2012	Sep 13, 2012	Sep 13, 2012
Yes	22	Helen	Takade-Heumacher	Sep 13, 2012	Sep 13, 2012	Sep 13, 2012
Yes	8	Anik	Clemens	Sep 13, 2012	Sep 13, 2012	Sep 13, 2012
Yes	6	Julie	Neer	Sep 13, 2012	Sep 13, 2012	Sep 13, 2012
Yes	13	andrea	grabman	Sep 13, 2012	Sep 13, 2012	Sep 13, 2012
Yes	19	David	Gloeckner	Sep 13, 2012	Sep 13, 2012	Sep 13, 2012
Yes	10	Jeanna	Merrifield	Sep 13, 2012	Sep 13, 2012	Sep 13, 2012
Yes	50	rick	hart	Sep 10, 2012	Sep 13, 2012	Sep 13, 2012
Yes	24	todd	phillips	Sep 13, 2012	Sep 13, 2012	Sep 13, 2012
Yes	9	Mike	C	Sep 05, 2012	Sep 13, 2012	Sep 13, 2012
Yes	49	Nikhil	Mehta	Aug 22, 2012	Sep 13, 2012	Sep 13, 2012
Yes	59	trevor	mcmahan	Sep 13, 2012	Sep 13, 2012	Sep 13, 2012
Yes	22	Fan	Tsao	Sep 12, 2012	Sep 13, 2012	Sep 13, 2012
Yes	11	Joseph	Ballenger	Sep 13, 2012	Sep 13, 2012	Sep 13, 2012
Yes	23	jeff	barger	Sep 13, 2012	Sep 13, 2012	Sep 13, 2012
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No		Heather	Blough	Sep 10, 2012	12:37 PM EDT	
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No		Pete	Barile	Sep 13, 2012	08:44 AM EDT	
No		nicholas	hill	Sep 13, 2012	08:20 AM EDT	
No		Richard	Malinowski	Sep 10, 2012	08:06 AM EDT	
No		larry	Delancey	Sep 13, 2012	03:15 PM EDT	
No		Karla	Gore	Sep 13, 2012	08:57 AM EDT	
No		deb	buscher	Aug 22, 2012	11:52 AM EDT	
No		susan	gerhart	Sep 13, 2012	07:50 AM EDT	
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No	Luiz	Barbieri	Aug 24, 2012 01:45 PM EDT
No	ira	lals	Sep 13, 2012 08:04 AM EDT
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No	Cindy	Chaya	Aug 22, 2012 11:55 AM EDT
No	K	M	Sep 13, 2012 02:10 PM EDT
No	phil	steele	Sep 13, 2012 08:50 AM EDT

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Sep 13, 201 94

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129 47

Total Attended

14

Session Details

Attended	Interest Ra	First Name	Last Name	Registratio	Join Time	Leave Time
Yes	31	Julia	Byrd	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	50	Donald	Steamer	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	70	Nikhil	Mehta	Aug 22, 201	Sep 13, 201	Sep 13, 201
Yes	31	Helen	Takade-Heumacher	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	45	roger	pugliese	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	70	Michael	Merrifield	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	80	ira	lals	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	37	andrea	grabman	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	68	trevor	mcmahan	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	33	Jeanna	Merrifield	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	24	Joseph	Ballenger	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	69	Fan	Tsao	Sep 12, 201	Sep 13, 201	Sep 13, 201
Yes	30	Anthony	Austin	Sep 13, 201	Sep 13, 201	Sep 13, 201
Yes	29	Mike	C	Sep 05, 201	Sep 13, 201	Sep 13, 201
No		stephen	holiman	Sep 13, 2012	08:06 AM EDT	
No		john	carmichael	Sep 13, 2012	10:29 AM EDT	
No		rick	hart	Sep 10, 2012	03:26 PM EDT	
No		ira	laks	Sep 13, 2012	01:01 PM EDT	
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No		rick	dewey	Sep 13, 2012	08:49 AM EDT	
No		Janie	Thomas	Sep 13, 2012	08:33 AM EDT	
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No		Nick	Farmer	Aug 22, 2012	12:56 PM EDT	
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No		scott	sandorf	Sep 13, 2012	09:28 AM EDT	
No		nicholas	hill	Sep 13, 2012	08:20 AM EDT	
No		Richard	Malinowski	Sep 10, 2012	08:06 AM EDT	
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No	Anik	Clemens	Sep 13, 2012 09:26 AM EDT
No	phil	steele	Sep 13, 2012 08:50 AM EDT

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Golden Crab Committee Meeting
Charleston, SC
Thursday, September 13, 2012

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	P.O. BOX/STREET CITY, STATE & ZIP
Mono Almeida (Golden Crab)		WFB FL 33413
Robert Palma (Goldencrabs)		Wardnon FL 33050
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David Kears	954-612-3176	

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