

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

EXECUTIVE/FINANCE COMMITTEE

**Charleston Marriott Hotel
Charleston, SC**

September 13-14, 2012

SUMMARY MINUTES

Executive/Finance Committee

David Cupka, Chair
Dr. Michelle Duval
Charlie Phillips

Ben Hartig, Vice-Chair
Martha Bademan

Council Members:

Tom Burgess
Dr. Roy Crabtree
Tom Swatzel
Dr. Wilson Laney
Lt. Mario Gil

Steve Amick
John Jolley
Doug Haymans
Mel Bell
Anna Beckwith

Council Staff:

Bob Mahood
John Carmichael
Mike Collins
Roger Pugliese
Dr. Kari MacLauchlin
Kim Iverson

Gregg Waugh
Dr. Brian Chevront
Julie O'Dell
Anna Martin
Myra Brouwer
Amber Von Harten

Observers/Participants:

Monica Smit-Brunello
Otha Easley
Bob Gill
Dr. Pam Dana

Dr. Jack McGovern
Dr. Bonnie Ponwith
Anne Marie Eich

Other Participants Attached

The Executive Finance 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 11:20 o'clock a.m. by Chairman David Cupka.

MR. CUPKA: If everyone will take their seat please, we've got to start the Executive Finance Committee meeting. The first order of business is the approval of the agenda. Are there any corrections or additions to the agenda? Bob.

MR. MAHOOD: Yes, one of the additions is under address other issues as appropriate. We're going to go through the schedule and timing of actions going forward and establish some priorities. Everybody should get a priority sheet handed out to them at some point here. That will be under Address Other Issues. Under other business I just wanted to say a couple words about the new council member orientation. That is all I have, Mr. Chairman.

MR. CUPKA: All right, with those changes is there any objection? Yes, we have the process.

MR. MAHOOD: Well, that is already on the agenda, though. I think it is covered under that. That was to discuss the joint Florida management issues and the process we're going to use for that or recommend for that. That is covered.

MR. CUPKA: Okay, with those changes, are there any further additions to the agenda? Seeing none, then our agenda is approved. The next order of business is approval of the minutes from our March 2012 Executive Finance Committee Meeting. Are there any corrections or additions to the minutes? Seeing none, then the minutes are approved? That brings us down to our next item of business, which is the status of our current year budget. Bob.

MR. MAHOOD: Yes, we're doing quite well this year. I'm not going to go through every item. I hope everybody has had a chance to glance at it; and if you have any questions I'll be glad to answer them. If you look at the percentage column in the middle of the budget columns, you will see we're at about 55 percent, which is pretty good since we're nearly three quarters of the way through the year.

Of course, there will be the state liaison grants. We have paid out some of the liaison money, but some states have not claimed all their money or any of their money. When you look at the far right-hand corner, that kind of tells you where we are relative to what we budgeted for these categories. Of course, in "parens." is a negative and the other comes out positive.

Again, the most area of carryover or available money for carryover is going to come out of travel and meetings. Primarily this happened – for you new members this happens because generally when we budget we budget for full attendance. During the course of the year, obviously everybody doesn't come and that gives us a little buffer at these meetings. Then we have had a number of advisory panel meetings that were originally scheduled that turned out not to be necessary. That gave us some additional funding, also. Then we're getting some savings every year on SEDAR relative to using the webinars. That has helped, also.

MR. CUPKA: Are there any questions for Bob in regard to the budget? Seeing none, then we'll move ahead to our next agenda item, the Joint South Florida Management Issue. Bob.

MR. MAHOOD: As you recall back at our June 2011 meeting we discussed this. There was some interest in looking at issues that overlapped between the Gulf Council, the South Atlantic Council and the state of Florida relative to management. I know everyone is probably aware that our jurisdiction runs down Highway 1 going down through the Keys.

You potentially can fish on one side of a bridge and be under the regulations of the South Atlantic Council and fish the other side of the bridge and be under regulations from the Gulf Council. Then there may be some state of Florida regulations thrown in there somewhere along the creek or whatever. It is a problem.

There are a number of issues we've talked about already this week, and that is the three species that the Gulf Council would like to hand off management to someone; I guess us in this case of yellowtail snapper and mutton snapper. As a result of that meeting, there was another issue and that dealt with Goliath grouper that we discussed back in our June 2011 meeting.

As a result of that, the council requested staff to write a letter to the Gulf Council to talk about two things; one, to convene a panel in conjunction with the Gulf Council approaches to move the Goliath grouper fishery beyond the moratorium and collect information to support an informative assessment that will allow determination of the stock status and possible recovery.

Then two was to send a letter to the Gulf Council and the National Marine Fisheries Service requesting the formation of an ad hoc joint committee, South Atlantic and Gulf Councils, to consider the development of the joint management plan for South Florida fisheries. Then the first step has already been taken. I think David Cupka and Gregg is the staff person, correct? There have been some meetings of the Goliath group. I don't know if you want to talk about any of the progress at this time or do you want to just talk about the second item?

MR. CUPKA: Let's spend our time on the second item. We'll be having a report on the first one somewhere. There is a survey that Florida is going to be doing.

MR. MAHOOD: Then the second item; when we sent this letter, Steve Bortone gave me a call and indicated that they were amenable to this. We've talked about various ways to implement this joint group. I believe it was our June meeting this year that Jessica reiterated Florida's interest to move this along.

What I talked to Steve about and after talking to our chairman was we felt like probably instead of naming an ad hoc group from our council, we would just use our executive committee as our component of the overall ad hoc group, joint group with the Gulf. On our Executive Committee, Jessica serves on that and Ben Hartig serves on that, then Chairman Cupka, Michelle, and Charlie Phillips. We've got a good representation there. We've got two of the three key people from Florida. We've got the state agency representative from Florida involved.

We felt that would be a good group. I've talked to Steve about that. They do not have an executive committee in the Gulf Council, which I didn't realize. He was going to talk to his chairman about naming an ad hoc group to meet with us. Initially, too, we had talked about how are we going to frame the issues.

Steve talked a little bit about maybe using the Goliath group as a start; but in talking with Chairman Cupka, there is not really the representation on that group. We need to include the state of Florida and the appropriate people. Our position at this point is that our Executive Committee would be the group from our council to meet with a group from the Gulf Council to start framing these issues that need to be addressed in Florida, or the joint issues with the Gulf Council. Mr. Chairman, that is that part of it.

MR. CUPKA: Questions for Bob? Okay, go ahead.

MR. MAHOOD: Yes, it would be nice if we could get a motion to have the Executive Committee be the group from our council that would deal with this joint group of the Gulf Council to address joint interests in South Florida.

DR. DUVAL: Mr. Chairman, I so move.

MR. CUPKA: Do we have a second; Charlie. **Okay, we have a motion to have the Executive Committee be the council representative for the Joint Gulf and South Atlantic Group to address South Florida issues. Is there any discussion on the motion? Is there any objection? Seeing none, then that motion is approved?** As Bob pointed out, it will be more than just the Gulf and South Atlantic. The National Marine Fisheries Service will be represented as well as the Florida Fish and Wildlife Conservation Commissions.

MR. MAHOOD: I guess the procedural operations, once this group has met and started framing the issues, it would be brought back to – any approval of what moved forward obviously would come back through the Executive Committee to the full council. We're not giving the Executive Committee the authority to go down there and act just on behalf of the council. We used to do that, but the attorneys said we couldn't do that.

MR. CUPKA: Those were the good old days.

MR. MAHOOD: We used to get them on the telephone and they would represent the council and make decisions. Those were the old days.

MR. CUPKA: All right, I think that will bring us down to our main thing we wanted to discuss. The next one is the action schedule. I think what I would like to do at this point is to go into being a Committee of the Whole so that everyone can participate and we can approve these actions jointly as a council rather than just the committee.

COMMITTEE OF THE WHOLE

CHAIRMAN CUPKA: What I had suggested to staff is have a two-pronged approach, and I guess Gregg is willing to do this. First would be to go through the list of activities we've come up with so far at this meeting. We've added a lot of new activities and amendments that we would like to see staff work on.

I guess the first step is to make sure we've got them all in there. Then we would go back through and indicate whether it should be a high or medium or low priority. I suggest that this approach

is similar to what the Gulf does. They periodically review all their activities relative to amendments and whatnot to see if they want to change any of their priorities.

It makes more sense to me to do kind of a high, medium or low rather than a one, two, three, four because it would be hard in some cases probably to establish one as being a number one. I'll turn it over to Gregg. Again, remember we'll be acting now as a Committee of the Whole and ask Gregg to go through this. Gregg, I don't know if we want to go through and see if we've got them all or whether just as we go through and assign a priority that we'll see if we have them all.

MR. WAUGH: That is fine; that might be a faster way just to walk through. Everybody should have been handed a hard copy of this, right? I guess we'll just start down. We tried to keep a running list as we went through these discussions the last couple of days. We've got a couple of things in red that show items that we now need to determine where they would be attached. First, Snapper Grouper Regulatory Amendment 13; this would adjust the ACLs based on that MRFSS/MRIP calibration.

MR. HARTIG: I had a question of Roy. How long is MRFSS going to be continued? Do you have a date certain when that is no longer going to be?

DR. CRABTREE: Yes, the end of this year and it is gone. I would say this is a high one and we try to vote it up in December.

MR. HARTIG: December 31.

MR. PHILLIPS: Mr. Chairman, could we get maybe an idea from staff on some of these things, if they're going to take a lot of work or a little work. It might make a difference on how we would rate them.

MR. WAUGH: All of them are going to take a lot of work; nothing simple in this world anymore. The mackerel items – and I've asked technical staff to feel free to weigh in on this – as I understand it, the mackerel items, some of your choices there, those are going to be extremely difficult and time-consuming to analyze some of those alternatives.

Here I think it is helpful to understand a little bit of the partition of workload as well. There are several emergency actions on here; the one for yellowtail. For the most part the regional staff handles those. We have to understand going in that if we load them up with several emergency actions, then their staff are tied up with those and then are less able to help on some of these regulatory amendments. It is not just the workload on our staff; it is also the workload on the regional staff. For some of these it is getting data requests from the Center and getting data back from the Center. Mackerel, part of what makes it very complex as well is it is trying to get data from the states.

MR. CUPKA: What I would suggest, Gregg, is that we just kind of operate on a consensus basis and go through and then see where we end up and how far off the mark you think we are, whether it is doable or not. Then eventually we'll just have one motion, once we get this table the way we're satisfied with it, to approve it if that is agreeable with you.

MR. HAYMANS: Mr. Chairman, if I might suggest perhaps we let everybody run through what their highs are. Let's see if we can reach agreement on highs, then we'll do the mediums and then the lows and see how that works out, because I ran through my list and went ahead and did some checks. Maybe everybody could look through the list and determine what they think is high, if that would be an appropriate means.

MR. CUPKA: That is fine with me if Gregg wants to do that.

MR. WAUGH: It is up to you

MR. HAYMANS: If we go through each of these individually at the pace of this first one, we'll be tomorrow finishing.

MR. CUPKA: Part of it I think is we're still trying to decide how to go through it. I think once we decide that, it would go a lot quicker. Let's just go through them one at a time. We've got Regulatory Amendment 13. Roy suggested it is high; is there any disagreement with that? Okay, Gregg, do you want to lead us through?

MR. WAUGH: Okay, next is Regulatory Amendment 14. That has a lot of stuff in it. Myra may have a better grasp of what is in it. That may also be a vehicle for the powerhead prohibition. That was going to come up in CE-BA 4. The other item that was going to be in CE-BA 4 is the Coral HAPCs and transit through the Oculina Bank; and if you want us to evaluate a modification to some of the HAPCs or allowable golden crab areas, that could come under a Coral Amendment.

DR. CRABTREE: I would say that one is a low.

DR. DUVAL: I think Regulatory Amendment 14 probably would be an ideal place to put the powerhead issue. I'm not really sure it fits in real well anywhere else. I'm not sure I agree with the low ranking. I think there are a number of items in there that I think a number of folks would like to see move forward more quickly, but I'd like to get some other input.

MS. BROUWER: I was going to suggest that if it turns out that we need to do regulatory action to take away the prohibition on possession of shallow water grouper when the gag ACL is met, That might be something that you also want to do in Regulatory Amendment 14.

DR. CRABTREE: That is up to the council. I don't see how we have grounds for an emergency rule, frankly, on this one. I would think it would need to go into a regulatory amendment somewhere; the gag.

MR. WAUGH: 13 or 14?

DR. CRABTREE: Well, not 13. It would have to go into 14 or create another regulatory amendment, I guess.

MR. BURGESS: I think there are some things in Regulatory Amendment 14 that are important; but as we discussed yesterday, the timing of it, these things won't be in place until hopefully the 2014 fishing year. Of course, they are important, but the timing I guess is we have time to work

on it and get the public's input on some of those issues concerning vermilion snapper and black sea bass.

I think they are extremely important to the industry, but I just wanted to speak up. I'm not sure where to rate it, but as far as the timeframe goes, if that has anything to do with the rating, or as far as moving forward at a fast pace, if it can be done by 2014 fishing year, I guess wherever the appropriate category for it to be in.

MR. WAUGH: Just to clarify so people understand what we're talking about here with this gag trigger; in Amendment 16 we set up the accountability measures for gag. At that time we had a gag separate and we had an aggregate quota for the other shallow water groupers. We were concerned about bycatch mortality of gag.

One of the accountability measures that were included in Amendment 16 for gag was to close the shallow water groupers when the gag ACL is met. Then we go and we work on red grouper. My understanding what we were doing was then separating red grouper out from that grouper aggregate and giving it its own set of ACLs.

We did the same thing for black grouper under the Comprehensive ACL and then created a grouper aggregate in the Comprehensive ACL, all with their own ACLs. My understanding of how we were working was then those stood alone; but when you go back – and Monica may want to comment on this, because they have been looking into this, too, is when you go back that is true in red grouper, we did establish separate red grouper ACLs and for black grouper and the aggregate grouper, but we never have addressed gag again.

One of the accountability measures for gag, to address discard mortality in gag is that when that gag ACL is met and it closes, it closes all the shallow water groupers. When the gag ACL closes, if it does indeed close later this year, it will then close all the shallow water groupers. That does include red grouper, black grouper and that aggregate shallow water grouper.

It is timely and we were initially looking at whether we could do it by emergency rule to address this 2013 fishing year, and that is going to be challenging at best. But then if we can't do it then, I would think you would want to have that in place for the 2013 fishing year. Wherever you think of putting that, it would seem to us that you would want that addressed in 2013.

MS. SMIT-BRUNELLO: I agree with Gregg on his explanation of why it exists. The rationale that you all had before you and that you passed in the amendment was really for this particular measure because you were concerned about the discards of gag. I think maybe that measure was developed because of some suggestions and advising on what you should do from the SSC. It really was to reduce the discard mortality of gag, which means you are going to need to address that if and when you address this issue again.

MR. HAYMANS: I'm speaking in favor of elevating Amendment 14 to the high category specifically for the black sea bass fishing year issue, but then if you take the gag which we were considering an emergency, put it in there; and then if you also look at taking the yellowtail, which we were considering an emergency measure and putting it in there, you would wind up with seven actions, which isn't a whole lot of actions, and it would really make that a mini-amendment to move forward with.

MS. BADEMAN: Well, I think if we can do an emergency rule for yellowtail, we need to do it. I mean we need to have it in place before the end of this year. If we could have it in place in October, that would be great. It would be nice to not have a lapse in that fishery or have the shortest closure that we can.

DR. CRABTREE: Well, to Amendment 14, I think it is a lot of actions that are going to take a lot of work and I doubt that we can get it done before the season opens for sea bass. We really loaded it up with an awful lot of stuff. If there are some high priority things in there, we ought to split those out away from some of the other things. I think it will be difficult to get all of them done.

MR. JOLLEY: I was just going to say I'm a little bit at a disadvantage but I thought – not to go against the chairman, but I thought that your suggestion, Doug, was good. Those of us that haven't been here long are not as familiar as staff and those of you who have been here for a long time, so we look at some of these and it is pretty hard for us to say high, medium or low.

In the case of yellowtail snapper, I think that is critical. That's one item. It is easy to understand what we're going through and I could rate that high as I could the first one, but some of these I'm not sure what is all in it yet. I think going through here and getting rid of the highs first would be very beneficial or at least limiting the number of highs initially might make this process move a little faster.

MR. CUPKA: Well, even for some of us that have been here a while it is hard to tell. Some of the staff is in a lot better position to tell us what is doable and what is not, what is going to take a lot of time and what isn't.

MR. BURGESS: Gregg, as we were discussing Regulatory Amendment 14 yesterday and specifically to the black sea bass issues and vermilion snapper issues that did come up, it is highly unlikely at this stage with getting the public input that will be needed in those decisions – and I strongly feel that they need to be part of that decision – I was under the impression that it would be highly unlikely that it would be ready for the next June opening of black sea bass or the July opening of vermilion snapper; is that correct?

MR. WAUGH: Yes.

MR. BURGESS: That was what my discussion was about as far as Amendment 14 and those specific issues. As far as me, it is high but it is according to the members of the council and the staff to decide where to put it as far as timing goes and things of that nature. That was the basis of my comments.

MR. CUPKA: All right, Gregg, and I were just talking about a way that we might facilitate doing this. One thought would be to have everyone mark up their papers and then let staff over lunchtime go through and pull all that together and see how many highs and mediums and lows we have. Also, then they could give us some indication on whether some of those things are doable or not. What would be your thoughts on an approach like that? All the hands are going up.

DR. CRABTREE: I think that is a good idea and that gives us a chance to think, because we're not going to make it through this. We'll spend two hours on this the way we're going right now.

MR. CUPKA: I agree and that is why I wanted to come up with something different. I have Anna.

MS. BECKWITH: Would a suggestion be for each state to get together and set up their priorities? It might save a little bit of time for the staff and organize our ideas amongst the states.

MR. CUPKA: Yes, I guess we could do that. It would be less paperwork for staff. The only thing is I don't know how soon the state level would be able to get through it. We'd like to have it done before lunch so we could get it to staff.

MR. JOLLEY: I like that idea; I think I could go faster if I had some help. I wanted to point out and I think this has already been brought up, but if we go down to the Snapper Grouper Amendment 23 and we look at everything that is in that – and I just got back from the ORCS meeting – it is critical that we do something about blue runner.

But it is going to take a long time to do anything with all of this ORCS stuff I think or a lot more time, and I think timing is critical in this, too. There are individual items that require us to act. When you bunch them up with other things that are so complicated, that doesn't work.

MR. PHILLIPS: If everybody does it, it might be beneficial to just give everybody like eight highs, eight mediums and eight lows, let staff get it and then everybody has checked off high, which is not going to get us anywhere.

MR. BELL: I guess along with what John was saying, if some things are time critical for us to achieve what it was we intended to achieve, it would be nice if we indicate which ones are absolutely time critical right now as far as moving first.

MR. CUPKA: I think the way they are grouped is going to impact how they are rated also. It may well be it has got one high thing and two low things, so what do you do; do you break it out and move the two lows out or do you make it all high? A lot is going to depend on just how it is bunched together. What is the pleasure of the committee; how do you think would be the best way to do this? Do you think you can do it before lunch and give it to staff? Do you want to think about it over lunch and come back afterwards?

DR. CRABTREE: Do it, give it to staff and let's go to lunch.

MR. CUPKA: All right, so everyone just do it on your own, we'll leave it here with staff and they can compile them and we'll see where we go from there.

(Whereupon, the meeting was recessed at 11:57 o'clock a.m., September 13, 2012.)

COMMITTEE OF THE WHOLE – SEPTEMBER 14, 2012

MR. CUPKA: We will open up the meeting and go to the Executive Finance Committee Meeting Report. We've still got some work to do on that, and we need Gregg here for that. He

is going to have to leave earlier this morning. The Executive Finance Committee was sent out just a little while ago so you should have that.

The Executive Finance Committee met in joint session on September 13, 2012, in Charleston. The minutes from the March 2012 Executive Finance Committee Meeting were approved. The committee received presentations on the following agenda items.

Number one, the report on the Calendar Year 2012 Council Budget Expenditures. Mr. Mahood briefed the committee on the council's final expenditures for Calendar Year 2012. He indicated that we are in very good shape for this year having expended only 55 percent of the budget to date. Conserving our funds is critical to the council's future operations as we brace for potential budget cuts in the latter years of our five-year grant.

Two; joint South Florida management issues: The committee was briefed on the progress of establishing an Ad Hoc Joint Gulf and South Atlantic Council Committee to consider the development of a joint management plan for South Florida fisheries. The committee voted to have the Executive Committee represent the council on the Joint Gulf and South Atlantic Group that will be addressing South Florida issues.

The chairman will send a letter to the Gulf Council indicating our recommendations for forming the joint ad hoc committee. We have a motion in regard to this. **The motion is to have the Executive Committee be the council representative for the Joint Gulf and South Atlantic Group to address South Florida issues. On behalf of the committee I would so move. Is there any discussion on the motion? Any objection? Seeing none, then that motion is approved.**

Third was establishing priorities and timing for council actions. Due to time constraints, the chairman decreed that the committee meeting would become a Committee Meeting of the Whole. The council members were then presented with a form listing all of the proposed actions to be addressed by the council.

The list was structured so the council members could assign a low, medium or high priority to each proposed action. Members were asked to indicate their priority preferences and turn the form into council staff that would compile the results. That is attached to your report. The meeting was then recessed until the Executive Finance Committee Report during the council session, which is, of course, where we are now.

Staff has alluded to some of the results of the input that they received from the council members and we need to go ahead and review that at this time. I guess finally we would have maybe a motion come out of that to accept it. I'm going to ask Gregg to go through that and explain to us how they did it and see if there are any questions or comments regarding the outcome of that input. Gregg.

MR. WAUGH: Given the sheets, Brian and Myra input those and totaled them. What we did was multiply the number of votes in the low by one, the number of votes in medium by two, and the number of votes for highs by three, and that gives you this rank. Then we just went down and here is your order.

You can see this order here, but what we've done then, just to show you – and at least in my mind in terms figuring out how this works and the workload, it is more helpful to see that over time. This is a little small but this is I think that same spreadsheet that was sent around, and you can look at it and get the general sense. We have updated it and our suggestion would be let's look at this.

This reflects the priority order that you gave, and I'll just go through these and Myra is here to answer and offer additional input on the snapper grouper ones. We've got a couple of questions. Again, as the chairman has indicated, once you lay this out and are comfortable with how we've got these dates in here, our suggestion would be rather than approving this raw rank order – but you're certainly free to do that – is that you approve this general timing.

I think it is much more informative. Please if you have questions; stop me as I'm going through. The first item that we would do is the emergency rule for yellowtail snapper, and that is just a letter that we send to the National Marine Fisheries Service – that will be done next week – the regional staff or the primary ones that complete that package.

Regulatory Amendment 13, the adjustment to ACLs, MRFSS/MRIP calibration; you all indicated that you wanted to finalize that in December, so we will hold a hearing at the December meeting, finalize it and submit it in December.

Regulatory Amendment 14; that grew quite a bit as we were working on it. You looked at options here at this meeting, and what you have said so far is that you want to look at options in March, approve for public hearing in June – that gives the staff and IPT time to work on it after we get through the big crunch for December – and then approve for public hearing in June and finalize in September.

Regulatory Amendment 15, which would include yellowtail snapper, gag trigger and red snapper; you want to finalize at December. Then we have the issue of yellowtail and mutton management and the question we would have or suggestion is you never gave us any timing on that other than looking at some options in June.

Those are not very complex issues and we were wondering if you wouldn't want to move those into the Amendment 27 that deals with blue runner. The timing on that is you want to approve for public hearings in December and we would finalize in March. Obviously, blue runner is the driver there. If either of these other two issues, if you decided to move them and if they started to slow things down, they would drop out.

Golden tilefish, Regulatory Amendment 16, the two weeks and two weeks off, you didn't give us any indication there so we need to get your input there. Regulatory Amendment 17, MPAs for speckled hind and Warsaw, we will have the presentation from the region at the December meeting. There is no indication of timing after the December meeting.

Now we get into plan amendments; Amendment 22, the tag program for red grouper, golden tile, snowy and wreckfish, we looked at options here and you have said you want to look at options in June or September. Amendment 22, looking at allocation and ORCS, there is no timing on this. We get the results from the SSC. They meet in April so those results would be presented to you in June.

Blue runner we talked about a little bit. Dolphin and wahoo amendment, we could approve this list of items for scoping at December, take it out to scoping to get public input at the same time we're doing those other hearings; look at options in March; approving for public hearing in June; and finalize in September.

Golden Crab Amendment 6; that is on hold and I wasn't clear on what happens – whether that comes back in March. I know we're having that meeting with the AP and we will need some clarification there. The fishery ecosystem plan; that is something that we have to pick up in 2014.

We need some clarification on CE-BA 3. That just has data actions in it now, one of which also has VMS. That was scheduled to be finalized here. We have deferred it to December and you have indicated thus far that we're not going to do any CE-BA amendments in the foreseeable future, so we have struck those two.

We need some clarification, and the reason I'm saying that is because the ranking for these CE-BAs came out at twelve. Are you just deferring that to December and finish it up or are we – and remember that has one of the more critical items, which is getting the headboat data, because here we are in September and we still don't have any headboat catch information for this year.

Shrimp Amendment 9; you did approve that yesterday so that will be submitted either at the end of this month or very early into October. Then mackerel; Mackerel Amendment 19 came out at a ranking of four; 20 came out at a ranking of seven; and the framework at eight. Now, these are joint plans, Amendment 19 and 20, so we may have a lower ranking on 20 but this may be higher for the Gulf; and since they're joint, we may need to work with them to move along.

Right now the schedule for those is we will have a joint committee meeting some time after this meeting and before December, but we're scheduled to approve those for public hearings in December and finalize in March. I don't believe there was any timing provided for the mackerel framework. That is an eight on your ranking so we'd need just a little of indication there.

Spiny lobster is done. The Joint Dealer Amendment; the two councils have now finalized that and that will be submitted in October. I think the utility of this is to look; so at your December meeting with what you have got laid out here, you will be reviewing, modifying and approving Regulatory Amendment 13, and that will be the first time you see that document.

Regulatory Amendment 15; that will be the first time you see that document; blue runner, approving that for hearings; and if you decide to deal with CE-BA 3. And then the mackerel; moving those two for public hearings. That is quite an ambitious schedule for the December meeting. March is still fairly ambitious as well. That is why in this time period, from September through April, it ties up the region staff and your staff.

MR. CUPKA: Any questions or comments. Dr. Dana.

DR. DANA: I was going to bring this up during the Mackerel Report; however, I do sit on the Gulf of Mexico Mackerel Committee. During our last meeting, in fact over our past two meetings thought that it would be advantageous for our Mackerel Committee to meet with the

South Atlantic Mackerel Committee offline prior to a future meeting so that we could come to some consensus on those items in which we're not seeing eye to eye as of yet.

We may be close, we may be far, but that might be more constructive. I don't know if it is appropriate at this point to somehow fit it into the grid. It might be more appropriate for the Mackerel Committee to discuss it during their report as to whether they want to do it. Thank you.

MR. MAHOOD: Pam, as we watched the Mackerel Committee proceed yesterday, it became clear that – the plan initially had been that the Gulf Council would take their actions; we would then come and very hopefully end up together. We're not going to end up together. I sent an e-mail to Steve Bortone yesterday during the meeting saying we need to start preparing for the joint meeting that had been planned if it didn't work out. I'm waiting to hear back from Steve. The earliest we could have it would be the week of October 15th, but we haven't nailed anything down yet but we're working on it.

MR. CUPKA: Other comments or questions for Gregg? Everyone is satisfied with where we are on that? Gregg.

MR. WAUGH: We have got several questions that we need answered.

MR. CUPKA: Let's go back through those and deal with them one at a time.

MR. WAUGH: Regulatory Amendment 13, finalize in December; that is pretty straightforward. I think where we had the first question was here with yellowtail and mutton dealing with jurisdictional issues. Do you want to move that to Amendment 27 with blue runner?

MR. CUPKA: Does anyone have a problem with that? Seeing none, then we can do that. As Gregg mentioned, if it looks like it is slowing things down then we can kick them out for the time being.

MR. WAUGH: Then golden tilefish, Myra and Jack talked and it was their recollection that in the committee we were talking about targeting this for 2014. In order to do that for 2014 and avoid this huge clog here, it would go on this timeline where we would approve it for public hearings in June, finalize it in September.

DR. CRABTREE: That's okay, but you guys need to be prepared to transmit it to us right after the meeting because we don't have a whole lot of time to get through the rulemaking.

MR. WAUGH: Myra pointed out we would bring options to you in March; so you would look at options in March, approve for public hearing in June, finalize in September. The intent would be that the version you see in September would be the version that would be ready to submit. To sort of prepare us, we have a tendency to go out to public hearings with no preferreds, and that makes the document can't be completed until you have preferreds. The regulations can't be written until you have preferreds. If the intent with some of these is to finalize them and submit them immediately after the meeting, then we really need to have preferreds when you're going out to public hearings.

MS. BECKWITH: Just so it is clear in my mind, for the Amendment 16 for golden tilefish, by the time that this comes on line, the endorsement program would also be on line. They were specifically asking for this in addition to the endorsement program? I was under the impression that they would have liked to have seen this for this coming January because the endorsement program wasn't in place yet. It was never clear to me that this was an action that they wanted after the endorsement program was all the way in place.

MR. WAUGH: We don't know the answer to that. Ben, do you?

MR. HARTIG: Yes, I think they wanted it in place until they got something different. They wanted to see if this was going to work; and if it worked, they were willing to keep it in. They didn't want to remove it. We're not going to be able to see if it works for this season, unfortunately, or next season by the way the timing is.

I'm just going to say something here that is a little disappointing to me. All our tile fishermen, you have seen at every meeting. They have been coming to every meeting trying to get this endorsement program implemented; and then all of a sudden out of left field we've got a yellowtail problem that comes out.

With all due respect to the yellowtail fishermen, this was their first meeting they came in. We have given priority to a fishery that hasn't been to the table before. In my mind that is a little bit tough. It is a little bit tough for the fishermen to swallow. They have given up their resources to come to this every meeting; I mean, Josh and the crew.

You have seen a number of other fishermen as well who have given up their time and resources to come to these meetings, and then yet they're put on hold for two years and yellowtail is going ahead in an emergency action. That is the problem that I see with this is the equities that the fishermen are going to look at and go, well, they just don't give a darn about us, yellowtail is much more important. They're being left out to dry. That is just how I feel. It is what the fishermen are going to tell me when I get home, and that's the problem I see with having the yellowtail thing take priority over everything else.

MR. PHILLIPS: To Ben's point, I understand they have got a problem, but they came and asked for endorsements. Had they asked for two weeks on and two weeks off when they asked for endorsements, we could have done it. They've got to work out how their program they asked for works.

We've got too many fires to put out to just stop from dealing with yellowtails and the other things we have to do, the Warsaws and the speckled hinds. We're reacting as fast as we practically can and we always will, but sometimes we just can't get their from here. I think this is a case of we can't get there from here.

I'm skeptical on how much that two weeks on and two weeks off is going to help them. I remember very well what happened when they did the same thing with American Reds in the Gulf. I'm more than willing to do it, but we can only do what we're going to do, and I understand Ben's point of view. I wish we could have helped them, but we just couldn't get there from here.

DR. CRABTREE: Well, back to the original question, though, I believe in the document we got from the Southeast Fisheries Association asking for the two weeks on and two weeks off, that was something they wanted in place along with the endorsements because I think they realized, after we went through all the stuff for the endorsements and let all those additional boats in, that it wasn't going to slow the fishery down enough.

MR. CUPKA: Any other comments or questions? Do you want to go ahead, Gregg?

MR. WAUGH: Okay, the next one is the MPAs. You're going to receive that presentation in December and that is the only indication of timing thus far. Are we going to leave it there and discuss it again in December after you see the presentation?

MR. HARTIG: Yes, as one person.

DR. DUVAL: Gregg, I think that is a reasonable way to move forward. Once we can see the analysis, I think we will have a better sense of how much more needs to be done to get a document ready.

MR. WAUGH: Okay, then 22, looking at options in June or September; that's the tag program. Okay, then Amendment 26, which is the allocations and ORCS, we need some indication of timing here. This may be another one that you can provide us timing in June when you get the output from the SSC. There is not a lot that can be done – well, the allocation side, you will have some input from the Socio-Economic Subcommittee that is meeting to look at that coming up fairly soon here.

DR. DUVAL: Just in terms of timing, it seems like we really won't be able to have anything put together. We will get some information on the allocations, like you said, after the October SSC meeting, and I would think that could then be folded into the ORCS revisions, which if that is not going to be completed until April of next year, certainly the earliest we could see something would be June of 2013; correct?

MR. WAUGH: Yes.

DR. DUVAL: So maybe we use June of 2013 as I guess a draft time for which we would want to see something in regard to that.

MR. WAUGH: Okay, so we'll look at the outputs from the SSC and then determine timing in June. Amendment 27, the blue runner issue and then yellowtail and mutton management, you would approve that for public hearings in December and finalize in March. Dolphin and wahoo, this would approve for scoping here; and that is pretty straightforward that we can just have a list of items that are up for consideration and see if the public has anymore; look at options in March; approve for public hearings in June; and finalize in September. Golden Crab Amendment 6; we're holding the AP in January, so I guess is the intent there to discuss timing in March or how do you want to handle that?

MR. CUPKA: I think it would be. The motion we passed to present the results of the January AP meeting at our March meeting. We will take a look at it then and decide where we're going from there.

MR. WAUGH: Okay, and then CE-BA 3 that has the data elements. It was scheduled to be approved here. As we will see in the Data Collection Committee Report, final approval is deferred until December so that we could address some issues that were raised. We need to know whether that comes up in December. The overall ranking for the CE-BA amendments was twelve.

DR. DUVAL: Certainly, I think that this is something that is important. Some of our earlier discussion indicates to me that this is important. I guess my question is how much more work do we think needs to be done to have a product that could be approved in December based on some of the concerns that were raised during the committee meeting.

MR. WAUGH: I don't think a lot. We can address the concerns that were surfaced. We've got some preferreds. We can restructure the document. I don't see that taking a lot of time.

DR. DUVAL: Then I guess it would be my preference that we go ahead and get that off our plate and schedule that for final approval in December.

MR. WAUGH: Okay, then next is coral, and remember this was scheduled for final approval at the June meeting. The document is pretty complete. At June you wanted it presented to subcommittees of the Shrimp AP and Coral AP, so that is scheduled for October. We will have their input and what happens next, after that?

Just to refresh everybody's memory, that has the expansion of Coral HAPCs and transit through the Oculina Bank HAPC. Again, as I indicated, it was ready for final approval in June so there is not a lot of staff work to be done. Depending on what comes out of the AP meeting, it could result in maybe another alternative, but certainly that could be analyzed without a lot of work given the range of alternatives that are in there. If they come up with some recommendation that is outside of the range of alternatives, then that would be a different issue and it would have to go back out to public hearing.

MR. CUPKA: Gregg, that one didn't get ranked; did it?

MR. WAUGH: No, it was on your sheet in red and nobody ranked it. I guess one way to interpret that is – what is our highest number, 17, so that would be like 18 or 19 or 20.

MR. HAYMANS: Well, one way of looking at it, too, is it was offset and it said "if no CE-BA 4", so maybe everybody skipped it thinking it was under the CE-BA. I would say if we take the comments from the October meeting and they are within the scope of what we have already heard that we move forward for submittal for formal review at the December meeting. Does that not make sense; it's almost fleshed out; almost finished. I guess if the comments come back and there is something outside of what hasn't gone to public hearing, then we can do that at the December meeting as well; can't we?

MR. WAUGH: There will need to be some beefing up and expansion of the social and economic sections; and depending on what happens at the AP and how it extensive that is, that may bump it over to March. We don't know right now.

DR. CRABTREE: I think, Gregg, isn't the economic work one of our bottlenecks? We're getting ready to lose an economist. In October John Vondruska is retiring and we're not going to refill the position. That is going to be a problem; and so if we have to pull someone to work on this one, they're going to have to come off one of the other amendments. I don't know if we can get it done or not.

MR. WAUGH: Well, just give us some guidance. I think that we have got a lot of qualifiers on this that if we get new alternatives from the AP that need to be analyzed, in my mind that bumps it. If the determination is that particularly the economic is going to require a significant amount of work, that would bump it. If it can be accommodated for December, you would just as soon deal with it and get it done; but if it is going to impact any of the other work, then it bumps to March.

MR. CUPKA: Yes, that would be my druthers. Doug.

MR. HAYMANS: That sounds fine to me.

MR. WAUGH: Okay, Shrimp Amendment 9, we're finished at this meeting. Mackerel Amendment 19, that carried a four ranking; 20 carried a seven, but again these are joint with the Gulf and I think the Gulf has more items in 20 than we do, and so they're probably going to want to see that continue on that timeline. Anyway, we've got it approving for public hearings in December and then finalizing in March. We don't have a timeline for the framework action.

MR. CUPKA: Ben, did you have any thoughts on the framework for mackerel?

MR. HARTIG: There is nothing in there really that – well, there is your concern for the pound net fishermen. I don't know; where it would fit in on a lower priority?

MR. WAUGH: When is the target implementation date that you all would like to see?

DR. DUVAL: Just projecting out in terms of timing, even if the framework came back to us in December with an analysis completed and we went to public hearing in January and reviewed public hearings in March and took final action then, it still wouldn't be implemented I don't think in time to do anything about the August/September pound net season; would it?

I don't think the regulations would be in place by then; would they? Well, if we're not going to get it for this coming year, then I would say let's overburden staff with having to get it done when it wouldn't be in place for those guys, anyhow. I'm not sure if that means push it back to March to see something or what.

MR. WAUGH: If you were to look at a similar timeline as dolphin and wahoo, that would have us approving for public hearings in June; looking at some options in March, public hearings in June, approving for public hearings; finalizing in September. That would have it in effect for the 2014 fishing year and it gets us beyond this bottleneck of March.

MR. HARTIG: That is reasonable given what we have to do.

MR. WAUGH: Okay, so that is looking at options in March; June approval for public hearing. Then the other item was the Joint Dealer Amendment, which we have approved. That will be submitted in September. This gives you an idea of the workload that you have outlined for the remainder of 2012 through 2013.

It makes for some very busy December and March council meetings. You're approving documents for public hearing in June. Again, the idea is for these where you're looking to finalize at a meeting, when we're approving them for public hearings, if you have preferred alternatives that certainly helps in terms of completing the document and having it ready to go in soon after the March meeting. I think what would be helpful is to have a motion approving this activities schedule for the remainder of 2012 and 2013.

DR. DUVAL: Mr. Chairman, I move that we approve the activities schedule for the remainder of 2012 and 2013 as displayed by staff.

MR. CUPKA: Okay, motion by Michelle; second by Doug. Discussion on the motion? Is there any opposition to the motion? Seeing none, then that motion is approved. Thank you, Gregg, and I thank all the council staff for their input. We're asking an awful lot of them, but I know they will give it their best shot to try and meet it.

MR. WAUGH: And the region.

MR. CUPKA: And the region, yes, so thanks to all of them.

(Whereupon, the Executive Finance Committee of the Whole adjourned on September 14, 2012.)

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Charleston, SC
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