

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

FULL COUNCIL SESSION

**Sheraton Atlantic Beach Oceanfront
Atlantic Beach, NC**

December 6, 2007

SUMMARY MINUTES

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David Cupka
Anthony Iarocci
Lt. Chad Brick
Spud Woodward
John Wallace

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Dr. Brian Chevront
Dr. Roy Crabtree
Mac Currin
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TABLE OF CONTENTS

Call to Order, Introductions, & Roll Call	3
Adoption of Agenda.....	5
Approval of September 2007 Minutes.....	5
Presentations	5
NMFS SEFSC Status Report	6
Spiny Lobster Committee Report	14
Snapper Grouper Committee Report	16
SEDAR Committee Report.....	18
SSC Selection Committee Report.....	20
SOPPs Committee Report.....	21
Discuss a Comprehensive Allocation Amendment.....	21
Coast Guard Liaison Report.....	33
Joint Executive/Finance Committee Report	35
Presentation on the South Atlantic Alliance	37
Joint Habitat and Ecosystem-Based Management Committee Report	41
Review and Develop Comments on the Environmental Assessment for Atlantic Highly Migratory Species Pelagic Longline Research	44
Status Reports	50
Agency and Liaison Reports.....	51
Limited Access Privilege Program Working Group Report.....	60
Presentation on the MRFSS	63
Public Comment Period	71
SSC Report.....	73

Presentation on the Gulf of Mexico Council’s Aquaculture Plan.....75

Other Business81

Adjournment82

The South Atlantic Fishery Management Council convened in the Pamlico/Hatteras Room of the Sheraton Atlantic Beach Oceanfront Hotel, Atlantic Beach, North Carolina, Thursday morning, December 6, 2007, and was called to order at 8:00 o'clock a.m. by Chairman George Geiger.

Mr. Geiger: I guess we'll go off and start with the roll call and if we could, we'll start with our Coast Guard down in the corner and we'll move around the table, please.

Lt. Sullivan: Brian Sullivan, United States Coast Guard.

Lt. Brick: Lieutenant Chad Brick, United States Coast Guard.

Ms. Smit-Brunello: Monica Smit-Brunello, NOAA General Counsel.

Dr. Crabtree: Roy Crabtree, NOAA Fisheries.

Dr. McGovern: Jack McGovern, NOAA Fisheries.

Mr. Dunn: Tracy Dunn, NOAA Fisheries Enforcement.

Mr. Robbins: Hal Robbins, Office of Law Enforcement.

Mr. Woodward: Spud Woodward, Georgia.

Mr. Wallace: John Wallace, Georgia.

Dr. Chevront: Brian Chevront, North Carolina Marine Fisheries.

Ms. Merritt: Rita Merritt, North Carolina.

Dr. Jamir: Tom Jamir, NOAA Southeast Fisheries Science Center.

Mr. Boyles: Robert Boyles, South Carolina.

Mr. Harris: Duane Harris, Georgia.

Mr. Mahood: Bob Mahood, council staff.

Mr. Geiger: George Geiger, Florida.

Mr. Currin: Mac Currin, North Carolina.

Mr. Iarocci: Tony Iarocci, Florida.

Mr. Cupka: David Cupka, South Carolina.

Mr. Swatzel: Tom Swatzel, South Carolina.

Mr. O'Shea: Vince O'Shea, Atlantic States.

Mr. Ray: Mike Ray, Gulf Council liaison.

Mr. Geiger: Thank you. We have an agenda before us and I would ask your indulgence to deviate from that agenda as necessary to keep us on track and expeditiously move through our council agenda. Are there any additions to the agenda? Are there any objections to the agenda and granting me the leeway to move it around as we see fit or need? Without objection, the agenda is approved.

We have a copy of the September 2007 minutes. Are there any additions or deletions or corrections to the minutes? Are there any objections to the minutes? Seeing none, the minutes are approved. We've got a couple of presentations I would like to take the opportunity to give at this time. If I could, Chad Brick, come on up here, Lieutenant.

From my perspective, when I came on the council, one of the very things we were hit with -- Tony and I basically dealt with the Oculina Bank problem and it was a huge issue in Florida, in central Florida, and a lot of our time, I think as Tony can attest, was being taken up by people who were complaining about the Oculina Bank and the potential reissuing of that HAPC and the fact that there was no law enforcement, which was probably the largest issue, I would say, and the biggest impediment to moving forward on that Oculina Bank issue.

In the past, we had presence in law enforcement and there was a plan to move forward and we got a lot of talk about it, but in fact, much to the credit of our NOAA Law Enforcement personnel and in part to the Coast Guard, I think we have a very viable plan in place.

Since that time, when Chad came on the council, he has taken enforcement, and the Coast Guard's roll in enforcement, to heart. I think that it's not just talking about it, Chad, but I think we can look back at the reports that you've given and the amount of effort that the Coast Guard has put into enforcement and see a significant improvement and increase in Coast Guard participation and true law enforcement within the South Atlantic Bight.

I think that's attributable directly to you, your interest in the program, the vision that you have that enforcement is extremely important and for our regulations to work, we need to have that enforcement. From my perspective, and I'm going to speak on behalf of the council, I sincerely appreciate your personal efforts in regard to improving the visibility of Coast Guard law enforcement and the work that's been done throughout the South Atlantic region.

We've also sent a letter. About a month ago, we sent a letter much to this effect to the Admiral and I hope you received a copy of that letter. Did you? Great. Again, Chad, thank you very much for your service. Chad is not leaving, by the way. He's going to be part of the -- You're going to be in charge of dispatch or --

Lt. Brick: Patrol boat scheduling.

Mr. Geiger: Patrol boat scheduling. We haven't lost him. He's just moved on to a more lofty position, where he can have even more impact, hopefully, on enforcement activities. Chad, thank you very, very much. You're part of the family and we've appreciated your participation. We love the hot sauce and best of luck in your new job. We're going to ask Tracy Dunn and Hal Robbins to come up and I think this is an important aspect, also, that fellow law enforcement people are recognizing Chad for his work.

Mr. Robbins: I've had the opportunity to work with a lot of Coasties in my day and Chad -- We looked at him and said this guy seems a little young and I don't know if he's going to pull this off, but we found out he's a lot older than he looks, which really kind of honks me off, but we've been able to work with him and he's done an excellent job for us and just like what was said, he has really taken the District 7 enforcement to a new level.

Most of all, we are going to miss the hot sauce, but we will wish him much luck in his future and we really appreciate all the efforts that he's put into it. We hope his replacement will be just as good, but after spending a few days with him, we've lowered our expectations.

Mr. Robbins: We've written some letters to the Admiral as well, Brian.

Mr. Geiger: Tracy was worried about the size of the plaque and he said, oh, ours is bigger and I said yes, but ours weighs more. Chad, thanks again very much. We love you, man, and best of luck. Of course, this is Columbus Brown's last meeting and we wanted to make a presentation to Columbus, but he's not here right now and so we'll go ahead and move on.

We said we were going to start off, because we weren't quite sure if all our presenters would be ready first thing in the morning or not, but Dr. Tom, are you ready to start? Tom, you're up with a Presentation on the Data Improvement Plan.

Dr. Jamir: Good morning, everybody. I have two slots in the original agenda and what I'm going to do is combine all of the slots together. I was surprised. I thought I was going to present at 11:00 and so I have two or three more slides to add, to clarify some of the presentations I made yesterday, but I'll try whatever I can.

What I'm going to present is the update of the Southeast Fisheries Science Center activities, especially in light of the upcoming SEDAR workshops, data workshops, in 2008. We have a number of studies that needs to be done as a priority project and one of them is the vermilion snapper aging study for SEDAR-17. This is done primarily through the NMFS Beaufort Laboratory, primarily through the leadership of Jennifer Potts.

The project was started in October and according to Jennifer, it's to the exclusion of other projects at the NMFS Beaufort Fish Aging Lab, in order to meet our SEDAR deadlines. We're really prioritizing the needs of the council.

Otolith sectioning was due by February of 2008. This is the schedule that they have to abide with. Otolith reading is due by the end of March 2008 and data analysis and report write-up is

due before the SEDAR-17 data workshop. The aging workshop was held in October at the Beaufort Lab, in order to establish inter-lab reading consistency, primarily because we have subcontracted the South Carolina DNR to do some of the work for us, in order to expedite the processing.

South Carolina DNR basically will randomly read 100 to 200 samples per 100 sectioned otoliths for comparison and then they'll do a comparison with the Beaufort Lab analysis of the same set, in order to determine whether there is consistency in the way they process the information or the data and thereafter, every 1,000 samples, they will have 100 set aside for quality control.

So far, they have identified about 8,000 samples collected through the end of 2007 and South Carolina was subcontracted to section 4,000 otoliths for the NMFS Beaufort Lab to read. Since the start of the project, the Beaufort Lab has sectioned 2,600 otoliths of those otoliths and South Carolina DNR has processed 2,000 of the otoliths and Jennifer Potts has read 2,300 of those otoliths.

So far, the study is on track, but Jennifer said the possible risks to meeting the extremely tight SEDAR schedule include loss of personnel, equipment failure, and samples not reaching the lab on time. Right now, she is more concerned with the samples not reaching the lab on time and so she's urging all of the NMFS port agents, especially also the state agencies involved in the vermilion snapper otolith collection, to send all of the samples to them, and she wanted me to emphasize this, now.

Samples collected through the end of December must be shipped to the Beaufort Lab no later than the first week of January in 2008 in order to meet those deadlines. On the king mackerel aging and fecundity studies for another SEDAR data workshop, this was done primarily through the NMFS Panama City Lab.

Mr. Geiger: Excuse me, Tom. Gregg, did you have a question?

Mr. Waugh: I wasn't sure if we were going to do questions at the end or each data item.

Mr. Geiger: I think it would help if we did it on each data item as we move through.

Mr. Waugh: Tom, is there some coordination going on from Jennifer or someone at the Beaufort Lab to all the port agents and to all the states, other than just here giving this presentation and saying that we urge that everybody send the samples in? Are there letters going out to the state agencies from someone at Beaufort to ensure that these otoliths get into the Beaufort Lab and read in time?

Dr. Jamir: The coordination is primarily from Jennifer to the different port agents and South Carolina DNR staff, but she also wanted to use the council as a way to further expedite the process, but there is coordination between and among the participants.

Mr. Waugh: Would it be helpful if the council was to write a letter to the states and to NMFS reiterating the critical need to have this done?

Dr. Jamir: That will help. Thank you.

Mr. Currin: Tom, I was just going to ask if you had some feel for which states need to be urged, perhaps, a little more strongly. If North Carolina is holding you up, I'll do everything I can to make sure that's not the case.

Dr. Jamir: Jennifer is supposed to be here, but with the change of schedule -- What I'll do is I'll relay this to Jennifer and I'll tell you sometime this afternoon.

Mr. Geiger: I guess I have a question and, Jack, this might to you as well. I know we've got a top-end estimate of how many otoliths are out there, but it almost sounds like we're hung up with doing every one of them, in an effort to move forward with the stock assessment. Is there a huge difference between doing all 10,000 or doing 8,000 of the 10,000 or 6,000 of the 10,000? If we only have whatever we have done at the drop-dead date, is that going to be a hindrance to getting the stock assessment done?

Dr. Jamir: It won't be a hindrance, but just for comparison, if I remember my figures right, the vermilion snapper aging that was done for the reassessment of the Gulf stocks was around 4,000 otoliths. They were able to do that and so we're hoping that we will be able to do this too, pending any hitches. We don't see any hitches at the moment, because we've placed all of the resources towards this goal.

I'm not the right person to answer, because it will depend on how the aging -- The cluster of data and how it shows in terms of the aging, whether it shows a distinct pattern. Then a smaller number of otoliths might be enough, but as far as I can remember, from the Gulf vermilion stock assessment, they really need a lot more samples, in order to simply cover a lot of the bases with respect to sampling. That's why they end up with 4,000 or more samples.

Mr. Geiger: Any more questions? Thank you, Tom.

Dr. Jamir: Now for the king mackerel aging and fecundity, all of the batch fecundity estimates, the BFE units, or counts, for 166 females were completed. All data were entered and proofed and much of the analysis on the size and age relationship to fecundity were completed by the NMFS Panama City Lab.

When they were sorting through and looking back again at the collections of Dr. Patterson, one of our 2007 cooperative research project participants, three weeks ago, they discovered eleven additional hydrated fish from the Gulf collections. They're processing those samples right now and hope that by next week they'll be able to include that as part of the pool, in order to boost the Gulf samples by about 50 percent.

They're also looking at southern Florida samples, to find out if there are also fish from Dr. Will Patterson's collections that are hydrated, so that those things can be added as part of the Atlantic stocks. The Southeast Fisheries Science Miami Lab is also conducting growth studies, using the master age file data that was collected and gathered by the Panama City Lab.

Together with this, one of the master students of Dr. Will Patterson is also doing some of the aging studies, using the recent data that they have collected from the CRP project, and this is primarily for both the Gulf and the Atlantic collections.

The NMFS Panama City Lab and the Gulf States Marine Fisheries Commission staff will meet in Panama City on December 12th, in order to examine the respective program's age data, in order to establish compatibility and go over the results of the reference collection readings from the SEDAR.

The primary objective here is to make sure that they have covered all of the needed data and that there are no surprises once they go into the SEDAR data workshop, to basically get all of the things that are needed done early or ahead of the SEDAR workshop, so there's no question as to whether there were data that were missed within both labs and any of the questions, in terms of compatibility and interrelationship between the data, should be resolved by that time.

Dr. Patterson is also conducting the stock mixing and age and growth status, under the CRP project, in preparation for the data workshop. As far as the scientists at the NMFS Panama City Lab and Dr. Patterson is concerned, they don't know of any additional stock mixing analysis being done somewhere else. There may be some other that they have not fully searched that might emerge at the SEDAR data workshop, but as far as they're concerned right now, there's not.

Regarding the status of the data collection improvement and fishery observer programs, Dr. Victor Restrepo, the new head of the Southeast Fisheries Science Center's Sustainable Fisheries Division, is now onboard and serving as the division head. The fisheries statistician that I talked to last time also reported to work in order to assist the Science Center in processing some of the statistics group's requirements, not only for the SEDAR, but also for the pelagic species.

Regarding the status of the recreational catches versus allocations of Atlantic king mackerel, Spanish mackerel, black sea bass, golden tilefish, snowy grouper, red porgy, greater amberjack and dolphin, primarily the Miami statistics group prioritized the SEDAR-16 data workshop and so they're currently doing the tabulation of commercial landings and recreational catches, developing catch at size by fine geographical and temporal data, because these are the things that are needed in order to separate the different stocks that are mixing, calculating catch rates and additional work on estimating commercial discards.

Because of this SEDAR priority, the updates on the species, the allocation of species and catches, will have to be postponed until the next council meeting in March. They're just too swamped with work right now in order to do that, but they have received all of the current updates and they still need to sit down and do the processing and updates on those data, on those fisheries.

This is just an update on the VMS track. I was supposed to add three more figures here, but I think this will show some of the problems that we have. This is just a sample of the South Atlantic rock shrimp fishery. This is not the whole dataset that we have and what you will notice

here is that you have lots of data that you can get out of the VMS, but in its raw data form, there is very little information that you can extract for the particular management purpose that you want.

What we need here is to be able to filter out some of the information that are not needed and when we plotted the speed on a sample axis, you have the speed of the vessel. This is just a summary of all of the vessels and on the vertical axis are the counts, or the number of vessels that were counted at that speed.

You will notice that there are basically -- You can estimate around three modes. On the higher speed, you have basically the vessels in transit. Somewhere here, you're estimating a mode where there is fishing going on, but it also captures a mode here, where definitely the vessels are not fishing. They may be doing something else.

In order to even make this data better, what we actually did is we took away the mode here, which is when they're in port, because definitely they're not fishing when they're tied to the docks, but the VMS is running, even at that point. Even when they're anchored, the VMS is running and so it's sort of giving a lot of data that are not needed, or necessary, and this just complicates the analysis.

What we're doing is actually developing algorithms to separate this, to basically take out this cruising part, the non-fishing part at the lower end of the speed zone, and just get this data around here, but the difficulty here is how to actually define the boundaries, especially the lower boundary.

The reason why we need that is because we need to do at least three filters. The first filter is you will notice here that all of these data encompass fishing activities, as well as transit activities, all the way from the Northeast to the Southeast to the Gulf region. The first filter will involve geographic filtering, where we will basically cut off information or data that are not part of the South Atlantic area of responsibility.

That will leave us with these data tracks. The question is how do you separate the rock fish from the royal reds? I was talking to John and his colleagues yesterday and basically, one of the algorithms that we will have to conduct is a depth filter, because most of the royal reds are caught in ninety fathoms and deeper.

What we need to work out is a filter by which we can basically pick out the shallow-water tracks. Now, there's a problem here. The VMS does not give you any depth information. It gives you just geographic points and so we have to have the GIS experts in our lab to manually digitize the ninety-fathom isobath and incorporate that in an algorithm that will basically sort out anything that's east of that isobath, in order to eliminate those that are in the shallow waters. That's one filter, the second filter that we will have to institute in this case, for the royal reds.

Once you have that, what we'll end up with are all of these tracks, which still includes fishing, as well as cruising and non-fishing activities. That needs to be further sorted out on a third level of filtering and that's where the analysis involving these frequencies will have to be instituted. This

part of the processing will have to be done on each of the datasets after the second filtering and once we have that and the processing is complete, then the analysis will have to be passed on to the scientists at the council.

Dr. Chevront: Tom, do you guys have a way to ground-truth once you have actually made these algorithmic changes, that you can make sure that you've got the right trips in there and that you know that you're getting the right shrimp species, whether it's through some kind of a trip ticket program -- I guess they don't have logbooks in this fishery and so do you have some way of checking it, to make sure that you all have it right?

Dr. Jamir: Indirectly, for royal reds, there's an almost certainty that any shrimping activities occurring in waters deeper than ninety fathoms would be royal reds. The difficulty is when you go to rock shrimp, because then you're in the shallower waters and there are no observers that were incorporated in any of these VMS tracks and so that's out of the picture.

There may be some observers -- I talked with Dr. Jim Nance and there may be some observers on the rock shrimp fishery, but whether that can be linked with these tracks, I'm not sure yet. The other option that we have is basically to talk to the fishermen and say here's what we have and do you think it's accurate.

Dr. Chevront: I was under the impression -- Maybe I missed what you said, but I thought you said the VMS doesn't give you any depth data. Somehow, you're going to need, I would think, some way to verify that your linkages between what you're calling your depth data and your species are right. I would encourage you, if it's at all possible, to find some way to check your data. I'm not saying that you're going to do it wrong, but it's always good to verify that you're on target through some other independent method.

Dr. Jamir: For the depth, there's no direct measurement of depth with respect to the VMS. However, I think most of the hydrographic charts are very accurate in terms of the depth bathymetry and so if we can basically digitize the say ninety fathom depth isobath, that's an accurate measure of at least for the algorithm.

What you're doing is to filter out anything that's below the ninety-fathom mark and so you're basically saying to the computer that any point to the east, basically, of that ninety-fathom isobath would be considered the royal red shrimp fishery. The rest, you just discard.

Mr. Wallace: Tom, can you go back to the chart with the tracks on it? I'm assuming this is approximately a hundred boats. That's all that we have VMS tracks on in the rock shrimp fishery, right?

Dr. Jamir: Yes.

Mr. Wallace: That's just an extremely large amount of tracks all up and down the coast for five years.

Dr. Jamir: I think this is just for one year.

Mr. Wallace: This is one year? Jeez. Then the next question is there should be a blank spot in the entire Oculina Bank and why is it not showing up?

Dr. Jamir: It's not showing up because it includes here every track, including just -- It's all tracks, whether you're --

Mr. Wallace: They're not even permitted to transit through it. They're prohibited to transit through the Oculina Bank and so there should be a blank spot for the entire Oculina Bank.

Dr. Jamir: To a certain extent --

Mr. Geiger: This map is probably one over the world and the resolution is such that --

Dr. Jamir: The resolution I think is the one that's blinding us, because each dot here may be five square nautical miles.

Mr. Geiger: I do see a couple of little white specks there close to the beach, John. That could be the Oculina Bank.

Dr. Jamir: At least you know that somewhere down here there's no one fishing and also here, but those are shallow areas. That's why there is a need to filter this information, in order to get what you really want, basically to zero in on the specific information that you want. In order to get there, you have to filter out all of the noise in this dataset and then refine the resolution of the presentation.

Right now, this is what you get. That's why I was telling people yesterday that if you just depend on this that you cannot use it. You get lots of data, but very little information that you can use.

Mr. Wallace: I'm just having a hard time thinking this is one year's worth of tracks. I know the potential route of most of these guys going fishing and yes, when you get along the coastline, like you're seeing it there, it's real dark. They do a lot of the inshore fishing there, but their travel range is leaving the coast of Georgia and northeast Florida and going out into those areas.

I just want to -- I would like to see what the individual fishermen's tracks are with the APs and verify this, because I'm just having a hard time believing that there's this many tracks in one year. They're going to take basically the same route to their fishing grounds every time, in these offshore waters.

The inshore waters is within six miles of the coastline. Anything outside of six miles is going to be pretty much a particular track and zoom, straight to the fishing ground. It's not this wide variety of tracks that I'm seeing on this chart.

Dr. Jamir: You have to realize that some of these might be coming from the Gulf, just transiting through the South Atlantic on their way to the Northeast and so they're not doing any fishing at

all and they're just passing by. We don't know. That's why we need to filter the information and actually, let's see if I can show you something.

This is an example of what we have done so far, sorting. This is vessel-by-vessel, individual vessel, and these are about the 130 or so vessels. You will notice here these are just some of the samples. It's a big file and you will notice here that this particular vessel fishes primarily on the west and east coast of Florida and once in a while, they're actually in the Northeast. This is the vessel speed for that whole year.

We just arbitrarily place a five-knot speed as a dividing point, to show where those are. Those are depicted here on the map, in terms of red dots. What we plan to do is basically -- If you just use that five-nautical miles, it doesn't necessarily mean -- In this case, it's okay to cut off that as cruising speed and anything below that would be fishing, although we haven't really cut off all of the points from zero, where they're actually either anchored or on the docks, and all the way to five knots. We need to filter it somewhat on the lower end.

Part of the VMS track that we received also includes vessels that are actually fishing, primarily in the Northeast. Again, we need to filter those information out. Some of the vessels also fish mainly on the Gulf, during certain periods of the year, and then move towards the South Atlantic on certain times of the year.

When I talked to the fishermen and some of the Sea Grant and NMFS agents involved here, they said there's actually switching of gears, because there are different environments by which they use to trawl gear. If you use the same gear that you use in the South Atlantic in the Gulf, you'll get stuck in the mud, simply, because of the shallow depth and the bottom type in the Gulf area. They have to change gears.

In the same manner, they also change their behavior in terms of fishing, which could get reflected in the speed of the vessel when they're fishing. We have to basically isolate those things and this is where we are so far and by January, we hope to give you a more complete picture that you can use for your deliberations.

Mr. Geiger: Any other questions?

Mr. Waugh: Just one minor one. Tom, instead of picking randomly five knots, you may want to talk to the fishermen and find out what actual speed differentiates trawling versus just running.

Dr. Jamir: We're doing two approaches. One is to first look at the data and let the data speak for itself and right now, we're projecting that we will have problems on the lower end and that's where we want to talk to the fishermen and actually say here's what we found and which one do you think is the most appropriate cutoff line at the lower end of the speed, of your fishing speed.

Mr. Waugh: Coming back to the previous item, where you were presenting the results of the recreational catches, in Amendment 17, we're going to be looking at ACLs and accountability measures for all our species that are undergoing overfishing. Part of that is getting a rapid estimate after the MRFSS waves are complete. Is there any heads-up we have to give the Center

so that you all will be in a position, starting next year, to provide us more up-to-date estimates of the recreational catch for those species that are overfishing?

Dr. Jamir: We would appreciate -- Especially in my case, I would appreciate any official written requests from the councils, because that gives me more leverage in pushing our scientists to actually keep up and speed up what they're doing. They also use that to get the directors in, so that I have both the council and the directors to back me up when I push scientists around or not push them around, but motivate them to speed up what they're doing.

Mr. Geiger: Thank you, Tom. Is that the end of your presentation? Okay. Any other questions for Dr. Jamir? Thank you. Here, we're going to deviate from the schedule again, just a bit, and take care of one other important piece of business. Columbus, come on up here, please.

I think Columbus has earned his title as a council warrior. Columbus has not only served on this council since 1995, but he also represents the Fish and Wildlife Service on the Gulf Council as well and everybody knows the burden it is to be present and participate in one of our council meetings and to do double duty, as he has done, I think is truly admirable.

Columbus is also retiring from the Fish and Wildlife Service after over thirty years of service and again, Columbus, on behalf of the South Atlantic Council and as a citizen, I thank you for your service in the Fish and Wildlife Service and your diligent attendance and participation in our council meetings. Thank you very much, sir. Columbus, would you like to say a few words?

Mr. Brown: Thank you very much and I'm going to miss you guys.

Mr. Geiger: Thank you very much, Columbus. We're going to miss you, too. Is there any word on your replacement? I knew I would be able to get him to say something. You'll be finalizing that this week? Great. Thank you very much. We'll go on to our committee reports. Tony, are you ready with Spiny Lobster?

Mr. Iarocci: The Spiny Lobster Committee met on Monday, December 3rd. Gregg Waugh of council staff gave an overview of where we are in terms of the two amendments currently being discussed. Gregg also briefly summarized the Caribbean-wide status of spiny lobster. Jack McGovern of NMFS staff reviewed the draft scoping document prepared by NMFS.

Monica Smit-Brunello of NOAA GC explained the rationale would have to be fully developed before the legal opinion could be rendered. The committee discussed the import amendment and directed council staff to prepare a scoping document more along the lines of a typical South Atlantic Fishery Management Council document and circulate the document to NMFS and the other two councils prior to the meeting today.

Just remember when we've got this team concept, we're trying to work with the three councils and lots of countries dealing with an import rule. It does get a little confusing for everybody and remember also that the Caribbean Council does have the lead in putting this together. The committee also discussed, in general terms, another amendment that will be developed with the Gulf Council as the administrative lead. The primary issues would be updating the council/State

of Florida process and annual catch limits and the accountability measures.

We did discuss, and this is the time, if we want to discuss -- I think Roy has some comments on how to address this import rule and moving forward. Does anybody have any comments on that, on the scoping document, at this time?

Dr. Crabtree: I think we need to just make a little -- I think Gregg did a good job of putting it together, but I think the -- Right now, it kind of focuses on that the purpose of it is to standardize import size limits with the council size limits, but really, what we're trying to do is establish a minimum size on imports that effectively prevents lobsters that are below the size of 50 percent maturity from coming into the U.S.

There was a workshop, a Merida workshop, back in 2006, that had a lot of different countries there and they agreed to a minimum harvest size of 2.91 inches that would accomplish that. Basically, that was the basis of going with three inches, which also coincides here. I think that there needs to be just some changes in the thrust. There also may be some issues with trying to have one import size limit in Puerto Rico and the Virgin Islands and another one in the U.S., but I think we'll need to look at that some more.

My suggestion, Tony, would be that if the council is comfortable with giving staff quite a bit of latitude to work on this document, I would like to go down to the Caribbean Council meeting, which is next week in St. Thomas, and go over the alternatives and things with them and then when we return, we can get with Gregg and make the modifications to the scoping document and we should have plenty of time to do that before -- Is it January 24th? We've got time. If the council is comfortable with that, I think these are all relatively minor changes and we can get it squared away in time for that scoping hearing.

Mr. Iarocci: I agree, Roy. I think that's the way to go, with that timing. We will be having a scoping meeting January 24th in Islamorada and three councils will be represented and we will have quite a few industry people there, also.

Everybody is looking at this and also, for the record, don't forget in Florida we do have a three-inch, five-and-a-half-inch tail, and throughout the Caribbean, they have a three-and-a-half-inch carapace length with no tail length. All the other countries, like you said, they have sizes of 2.9 on up or down, Belize, Honduras, Brazil. There's other countries and everybody is commenting on this. Thank you for those comments, Roy.

Also, that council staff prepare a scoping document and circulate it to NMFS and the other two councils for their input on the rule and there will be follow-up with the Gulf Council to determine their anticipated schedule for a spiny lobster amendment, which we're talking about and we haven't finalized.

I know we're looking to get guidelines for the ACLs and that's something that a lot of the fishermen don't even understand yet and so we're hoping to go back next week and get some of this stuff out to the public and to follow up on the Coast Guard, once again, I have to compliment how the Coast Guard has worked through our area and especially getting the lobster boats, the

pre-boarding at-sea -- There was a lot of problems with the Coast Guard beforehand.

You know, Chad, when you've got people like yourself and Larry Yarborough coming onboard right now and putting this and getting people to talk at the dock before they're out on the water is the way to do this and I have to compliment you guys and hopefully we'll get a letter out also. I talked to George about this earlier. That concludes my report, Mr. Chairman.

Mr. Geiger: Thank you, Tony. Any questions? Seeing none, we'll move right into the Snapper Grouper Committee Report and Mr. Currin.

Mr. Currin: Thank you, Mr. Chairman. The Snapper Grouper Committee met Tuesday and then again on Wednesday morning. The first item we discussed was amendment content and timing. Gregg Waugh led us through that, for essentially all the FMPs that are in progress, in addition to the comprehensive amendments for allocation and also consideration of annual catch limits.

The committee provided guidance to the staff to including ACLs and accountability measures for snapper grouper species undergoing overfishing in Amendment 17 and for all the other species in the fisheries management unit, to be included in the comprehensive ACL amendment. Carolyn Belcher from the SSC came in and presented draft recommendations from that group that had met earlier in the week. In general, I think they were pretty pleased with where we were on the amendments that they reviewed.

We then moved into a discussion of Amendment 16, which Gregg and Jack walked us through. We received a report from Jack on post-quota bycatch mortality, all the efforts he has expended there to develop what appears to be a really good methodology to address those concerns.

We developed an options paper for gag grouper and vermilion snapper for inclusion in Amendment 16. Alternatives were developed for MSY, OY, allocations, and management measures to end overfishing. The committee recommends establishing annual catch limits for gag and vermilion in Amendment 17.

The management measures to end overfishing of gag included seasonal closures, a quota, where harvest and possession of shallow-water groupers is prohibited once the quota is met. There were two separate quotas set up as alternatives for gag, one for the Carolinas, North and South Carolina, and another for Georgia and Florida, kind of a regional approach.

Also, modification of the gag and black grouper and aggregate bag limits were suggested. Management measures for vermilion snapper included seasonal closures to commercial quotas, occurring at two different times of the year, essentially a split season, and adjustments to the size and bag limits and also a measure to prohibit the captain and crew on for-hire vessels from providing their bag limits to the paying customers on those boats, for shallow-water groupers and vermilion snappers.

The committee directed the staff to investigate a plan to handle a prioritized, really, relaxation of step-down management measures for vermilion snapper, dependent upon the future assessment, the results of the future assessment.

We're not real clear right now how this is going to occur. I guess we're breaking new ground here, in essence, with moving ahead with the measures that are needed to address the reductions required by the last assessment, yet we're expecting a new assessment that everyone is hopeful will tone down the necessary reductions, but we don't know what those are and it's kind of hard to provide those contingencies. I'm not sure there's ever been an amendment that's done that, but we're looking into ways. I think the team and the staff and the regional office are going to look at ways that we might be able to make that smooth and work.

The committee added an action requiring dehooking tools, venting tools, and the use of non-offset circle hooks, non-stainless steel non-offset circle hooks, for the commercial and the recreational sectors. This action would apply to all fishermen when fishing for all species in the snapper grouper management unit.

The intent of this is to reduce the bycatch mortality associated with hook and line fishing. The committee directed the staff to investigate a way to exclude fishermen from this requirement who are only spearfishing and so we're looking at that as well.

Rick DeVictor assisted us with Amendment 15A, in addition to Dr. McGovern. They presented us an overview of the public comments, Rick did, on the amendment that we had received and I guess are still receiving. The committee added a new sub-alternative to the action that would establish the snowy grouper rebuilding strategy and designated this alternative as their preferred.

This alternative would establish the 2009 TAC at 102,960 pounds whole weight and leave the TAC at that level until modified. The committee believed that setting the TAC below the FMSY, which is the limit, will increase the probability that the biomass will increase and minimize future reductions, potential future reductions.

In addition, based on the reauthorized Magnuson Act, it would be very difficult to justify increasing the TAC before a stock assessment indicates that overfishing has ended on snowy grouper. The committee directed staff to include language in the amendment outlining the justification for this change in the preferred alternatives and the committee approved the document for secretarial review.

Rick then walked us through Amendment 15B and presented an overview of the public comments received to date on the amendment. The committee designated a preferred alternative for actions to establish interim allocations for red porgy and reviewed the remaining comments received from the public on the amendment and is scheduled to approve this amendment for secretarial review at our March meeting. The comment period on 15B is open, I believe, into January. I forget the exact date, but it will end sometime in January.

We then moved on to Amendment 17, our fourth amendment of our meeting. The committee reviewed the options paper for Amendment 17 and expressed some concern over the number of actions and potential for delay associated with having so many actions included. We gave some direction to the staff to divide the amendment as necessary, based on the workload that would be reasonable for them to accomplish.

They were directed to include actions to create a shallow-water and deepwater management unit, still within 17, and to include an action that would exclude the captain and crew of for-hire vessels from possessing a bag limit, again, for all the species in the management unit. Then the committee approved Amendment 17 for scoping.

Unusually, there's not very many motions to come from the Snapper Grouper Committee. I do have a few. **Regarding Amendment 16, there is a motion to select Alternative 2 as the preferred alternative for the action to establish a gag allocation of 51 percent commercial and 49 percent recreational. On behalf of the committee, I so move.** Is there any discussion? **Is there any objection? Seeing none, that motion is approved.**

Another motion from the committee was to include Sub-Alternative 3(c) as a preferred for the action to specify a snowy grouper rebuilding strategy, with a TAC for 2009 of 102,960 pounds whole weight, until modified. On behalf of the committee, I so move. Is there any discussion? **Is there any objection? Seeing none, that motion is approved.**

Regarding Amendment 15B, or within Amendment 15B, a motion to select Alternative 4, which is a 50 percent commercial allocation and 50 percent recreational allocation, as the preferred alternative for red porgy. On behalf of the committee, I so move. Is there any discussion? **Is there any objection? Seeing none, that motion is approved.**

One more regarding Amendment 17 and that was simply a motion to approve Amendment 17 for public scoping. On behalf of the committee, I so move. Is there any discussion? **Is there any objection? Seeing none, that motion is approved.** Mr. Chairman, there's one more motion from the committee, which I was told we're going to deal with in another way, or perhaps later in our agenda, and I will hold that one.

Mr. Geiger: Correct and that is the approval of Amendment 15A for submission to the Secretary. However, we've got a public comment period at four o'clock and really cannot do that until we hear from the public and we'll readdress that after public comment this afternoon. Thank you, Mac, for your report and, again, your wonderful work as committee chair and thank you, Snapper Grouper Committee, for your hard work on all these four amendments in one meeting. The next item on the agenda, we'll do the SEDAR Committee Report.

The committee met on December 3, 2007, in Atlantic Beach. The committee reviewed the results and recommendations from the last SEDAR Steering Committee meeting. Highlighted activities include changes in the schedule and species for SEDAR-17, ongoing deliberations regarding the SSC role in reviewing SEDAR assessments, and proposed procedural workshops.

Recall the changes in species for SEDAR-17 includes now vermilion snapper and Spanish mackerel, in lieu of white grunt. The committee reviewed planning documents for SEDAR-17 and accepted the scheduled terms of reference and suggested participants. The committee is concerned by ongoing difficulties in securing SSC representatives for SEDAR-17, especially given the SSC's recommendations that a new benchmark assessment be conducted for vermilion snapper.

The committee was briefed on SSC recommendations regarding the SSC role in reviewing SEDAR assessments. The South Atlantic Council SSC prefers to retain the authority to determine whether or not SEDAR-produced assessments represent, quote, the best available science, unquote, and recommends that the review panels should be limited to requesting sensitivity analysis and should not be authorized to modify base assessment runs presented by assessment workshops.

The SSC further recommends that the process be modified to include provisions that enable assessment workshop panels to be brought in if a review panel recommends base run changes. The SSC is generally satisfied with the current guidance regarding assessment review.

The committee, however, expressed concern with possible procedural changes that add additional time to the SEDAR process. The committee was informed that no SSC representative for the SEDAR-16 assessment workshop has been identified and no SSC member has agreed to fill the council's reviewer seat for the SEDAR-15 review panel.

Further concerns were raised at SSC members' unwillingness or inability to volunteer to serve on SEDAR panels and the committee was informed that this issue will be discussed at the SSC Selection Committee meeting later in the week.

The committee was updated on recent council staff efforts regarding king mackerel SEDAR-16 terms of reference. There is disagreement between Gulf and South Atlantic staffs regarding the intent of the council motions from June 2007, which modify the assessment workshop terms of reference addressing TAC calculations for the two migratory units.

The committee agreed to support terms of reference modifications recommended by the Gulf of Mexico Fishery Management Council as long as the items requested by the South Atlantic Council are retained. The Gulf Council will clarify its intention at its meeting in January of 2008.

The committee had two motions and approved two motions. **The first motion was, and on behalf of the committee I so move, to accept the terms of reference, schedule, and current participation list for SEDAR-17. Is there any opposition to the motion?** Actually, is there any discussion?

Mr. Cupka: I guess in my role as chairman of the Mackerel Committee, I would like to be designated a participant in the SEDAR-17 process that addresses Spanish mackerel. I would like to make that a part of that, if you approve that, Mr. Chairman.

Mr. Geiger: I certainly have no opposition to that and think it's only appropriate.

Dr. Chevront: I also would like to add my name in there as the council representative as well, as I participated in the vermilion update recently. I would like to participate in that SEDAR as well.

Mr. Geiger: The motions are amended to include --

Dr. Chevront: Actually, Mr. Chairman, I'm already in there as assessment and review workshop, but I would also like to be able to participate in some of the others that my name does not already appear in there.

Mr. Geiger: Okay. **We'll amend the motion to include Dr. Chevront as the South Atlantic Council participant in all SEDAR-17 workshops and Mr. Cupka, as the Mackerel chair, as well.** Is there any other discussion? **Is there any opposition to that motion? Seeing none, the motion is approved.**

Motion Number 2 is to move to pre-approve any additions to the SEDAR-16 king mackerel terms of reference approved by the Gulf of Mexico Fishery Management Council. The South Atlantic Council June 2007 modifications to the Assessment Workshop Terms of Reference 8 will also be retained. Is there any discussion?

In terms of explanation of why we're pre-approving the addition of the Gulf of Mexico, we just don't have time to come back and debate and go back and forth and have discussions between the two councils. We're on a fast track to get this stock assessment done and in an effort to move forward, we're just going to include whatever terms of reference changes that they want to make or additions that they want to add to the terms of reference. **Is there any opposition to the motion? Seeing none, that motion carries.** That completes the SEDAR report. Robert, can we do the SSC Selection? I think it's logical to do that. We had some issues in the SEDAR report and so, please.

Mr. Boyles: The SSC Selection Committee met in closed session on December 5, 2007, in Atlantic Beach, North Carolina. The committee received presentations from John Carmichael regarding the following items. Item 1 was SSC Tasks and Participation.

The committee reviewed SSC tasks and responsibilities required by the Magnuson-Stevens Act, the council SOPPs, and SEDAR. The committee was presented a summary of SSC member's participation in SSC meetings and workshops, SSC membership levels for other regional councils, and staff and SSC suggestions for additional SSC members.

The committee agreed the current SSC membership is not adequate to address the increased technical responsibilities imposed by SEDAR and mandated by the reauthorized Magnuson-Stevens Act. Staff was directed to send SSC members a letter stating the specific responsibilities and associated time requirements now expected and to ask that each member indicate whether they agree to serve, given these new and increased responsibilities. The letter will be distributed by December 14th and SSC members will be asked to respond by January 18, 2008.

Staff was also directed to conduct a national search for scientists interested in serving on our SSC. Applications will be presented for consideration in March of 2008. The committee will discuss SSC operations and meeting procedures at the March 2008 meeting.

Items of interest include the role of public comment and whether more formal meeting

procedures should be developed to better facilitate SSC action under the new MSA requirements. Monica Smit-Brunello will provide a briefing on public comment requirements for SSCs and staff was directed to provide the committee with details regarding other council SSCs and supporting scientific advisory groups.

Along those lines, the second topic of discussion was on technical committees and their use. The committee considered a proposal for the South Atlantic Fishery Management Council technical committees and SSC comments regarding the proposal. The committee supported the proposal and agreed to conduct the first round of committee appointments in March of 2008.

The committee suggested that SSC members be made aware of the technical committees and that any current SSC members who are unable to consent to the new and increased SSC requirements be encouraged to consider serving on these technical committees. The SSC Selection Committee did make a motion.

The motion is to move to send letters to the SSC to clarify current commitments; request that SSC members sign and return by January 15, 2008, if they agree to remain on the SSC, given the new requirements and workload; send letters of thanks to any members who decide to not participate; solicit new members and clearly inform them of the new requirements and workload expectations; and review new applications at the March 2008 meeting for participation at the June 2008 SSC meeting. On behalf of the committee, I so move. Is there any discussion on the motion? Is there any opposition to the motion? Seeing none, the motion is approved. That concludes the report, Mr. Chairman.

Mr. Geiger: Thank you, Robert. We'll go ahead and do the SOPPs Committee Report, which will be very brief. The SOPPs Committee met yesterday for a brief period. We were updated by Bob Mahood that we have submitted our SOPPs to NOAA Fisheries, as requested several months ago, and are still awaiting comment on those SOPPs and have yet to receive them. There being no other business, that meeting was adjourned posthaste. We have an action on the agenda here to discuss a Comprehensive Allocation Amendment. Gregg, are you ready to do that?

Mr. Waugh: Yes, Mr. Chairman. Under the Council Tab, it's Attachment 3. This is the same compilation of information that we looked at in our March meeting and this is basically to serve as a source document or starting point for your deliberations.

The Executive Committee is going to recommend that we do work on this comprehensive allocation amendment. In order to meet the new requirements of the reauthorized Act, we have to have allocations for every species, in order to come up with these annual catch limits. What we've done here is provide some background on the decisions the council has made on various species with respect to allocations over time. That's shown in Table 1.

Then we give some more detailed background. The appendices have the actual material from all these amendments and again, this is to serve as a source document, so you can see what sort of rationale has been used in the past. If you turn to page 12 in that document, this is where we actually lay out the alternatives.

I think what we need to get from you all at this meeting is some direction on what types of alternatives you all want us to work up to bring back to you. Again, we're going to need these allocations. There's certainly some priority order for those overfishing species. We'll need to have them for all of those, to incorporate into Amendment 17. Then when we complete the comprehensive ACL amendment, we will need to have all of these.

Certainly we have allocations right now. We've been requested to term those as "interim allocations" and so where we have those, we can use those as we go forward. I'll just touch briefly on these alternatives and Alternative 1 on page 12 is to use landings data from the National Marine Fisheries Service or the ACCSP database. Again, this is what we've used virtually for all of our allocation decisions thus far. That's what is in Amendments 15B and going forward in Amendment 16.

Alternative 2 would use the catch data from assessments and including discard mortality and I think some guidance from you all as to whether you want this alternative to go forward. We basically not use that. That would, in essence, reward a particular sector for having a higher level of discard mortality. We would think that would be one that you all would not want to pursue. If that's the case, it would be helpful to have that guidance now, so we don't work up those alternatives.

Alternative 3 is to use how we're terming council's judgment based on fairness and equity and earlier on, we provide some definitions of this. There's a little bit of guidance in the Magnuson Act on fairness and equity, but this would involve the council using its expertise and informed judgment and looking at the available yields you have for various resources within our EEZ and looking to the future and determining how you would like to allocate those limited resources amongst our various sectors.

Alternative 4 would be detailed economic and social analyses and Brian can certainly speak to this much better than I and Robert can add some discussion here. There are existing methodologies that would give you some indication of value.

My understanding of where we are, particularly with respect to our fisheries, is we don't have the data to do these detailed economic and social analyses that would provide you some guidance as to how you might want to allocate. To us, those are the four alternatives that we could think of. I think taking some time at this meeting, given our workload, as you all have seen it at the Executive Committee level, these allocations, at the very least interim allocations for all of the species that we have to deal with, are going to be necessary and certainly if we can move this amendment along and get to permanent allocations, that will be helpful for other amendments as well.

Dr. Chevront: In regard to Alternative 4, I know that in North Carolina we, this past summer, were given some ACFCMA plus-up money, which we've dedicated all toward socioeconomic studies. One of the major studies that we submitted to get this funding was to do socioeconomic research on ocean fisheries. If the council would like to write a letter to Director Louis Daniel and offer suggestions for which species it would particularly like to get data on to help with this comprehensive amendment, I think that would be very helpful.

We are still in the designing stages of this and probably won't be starting this research until, the actual data collection, until probably February. We've got some time still to have some influence here and so I would encourage the council to make some recommendations as to what they would like to see coming out of this, because I could see this could be very applicable to our needs here.

Mr. Harris: Gregg, just a little bit more discussion, if you will, on Alternative Number 2 and how that would reward people for having high discard mortality. I'm certainly not in favor of having any alternative in there that would provide that reward, but just a little bit more discussion about that before I move to delete that alternative, perhaps.

Mr. Waugh: If you will, Alternative 1 would allocate based on landings and Alternative 2 would allocate based on fishing mortality rates. If one sector has a higher fishing mortality rate due to a discard component, whether it be recreational or commercial, their F rate would be higher and then they would get allocated more of the catches.

Mr. Harris: **Then I would move to delete Alternative 2 from the analysis.**

Mr. Geiger: We have a motion to delete Alternative 2, catch data from assessment, including discard mortality, from the potential list of alternatives with a second by Mr. Cupka. Any discussion? **Any objection? Seeing none, that motion is approved.**

One of the things, before we get too far down the road here, we've never really determined how we're going to work through this process, Gregg. I think we need to go back to the beginning and figure out how we're going to do this. Of course, the way we do most of our business here on the council is via committee. However, because of the broad nature of this issue -- We could do it by committee or we could also do it by a committee of FMP chairs or species chairs or I would look towards -- I think a better idea would be to do it as a committee of the whole.

In that way, everybody gets to play, because, in my opinion, everybody needs to be involved in this particular issue. I guess I'm looking for affirmation from the council as to how we proceed with this.

In light of that, we have this on the agenda today to discuss briefly, but I don't think this is an appropriate methodology for discussing this issue either, because of the criticality of the issue and here we are on Thursday with everybody's intent to move on and move on towards other things by the end of the day.

When I originally talked about this allocation amendment, I had conceptualized that we would have, at some point -- Certainly we would go through the normal public process, where we would have scoping and hopefully this will result in developing of some type of a scoping document and then at some time in the future having a council meeting of some duration, in some central location, yet to be determined, where we could all get together for a yet to be determined period of time to focus exclusively and entirely on this allocation issue and try and hammer out, to the best of our ability, all the issues surrounding allocations and without

competition from other council matters. I would certainly like to entertain comments or conversation about that.

Mr. Cupka: If I might, Mr. Chairman, at the last meeting of the Gulf Council that I was at in Biloxi, they discussed this and as you indicated, it's a very critical issue, one of the biggest issues that we have to contend with.

They set up a committee of council members and they're going to get input from their advisory groups and SSC and whatnot, but one of the things that they asked staff to do, and I just want to mention this, to kind of let our staff know, is they instructed their staff to contact all the other councils to see how they were dealing with this issue and to start to put together a document to bring back to them.

If they haven't already done so, I'm sure we'll be hearing from the Gulf Council and they'll be contacting staff to get some input on how we've dealt with this issue, but they'll also plan to contact all the councils to get similar information from them.

Mr. Boyles: To follow on what David said just now, I would certainly benefit, I think, from looking at how others have done this and how they've waded into this. I do agree that some discussion as well in terms of the committee of the whole looking at this. This is going to be a very, very critical issue and will drive, I suspect, most of everything else that this council does for the next several -- For quite a while.

Along those lines, looking at the alternatives that we were just presented in terms of the detailed economic and social analyses, I think what Brian has suggested is a good one. I'll offer the following caveat. I think we've all seen economics used and abused and misused with these things, in terms of are we talking cost/benefit or are we talking producer-surplus or consumer-surplus or economic impact.

I think that the data, in many cases, are just not there and so as a result of that, I think what we are being asked to do, what is expected of us, is to use our best judgment collectively and allocate these resources on the basis of fairness and equity, with a look to what we want these fisheries to look like. This is going to be a difficult one, but I look forward to the discussions.

Mr. Currin: To David's point, and I think it's a very good one, but I would urge us not to stop at looking at efforts, perhaps, of other councils, but maybe even internationally, at how other countries have dealt with them, if in fact they have. I have no examples and no indication that that's occurred, but we might inquire, because we might learn something as well.

Initially, one more thing, if I might, George. Because of the lack of economic data, I was thinking that it might be reasonable to exclude that alternative, but after thinking about it, if we go through a public scoping process with this, which I believe we should, that would serve to perhaps inform the public of the lack of information that would allow any sort of detailed analysis, based on the economics.

If it's absent, there's no question about it that we're going to hear it and we may hear it anyway.

I would recommend that we include that, even though we know not much analysis can occur of that alternative.

Dr. Chevront: To a couple of the points that have already been made, I think the suggestion that David made of forming a committee would probably be good, because they could help lay the groundwork for a potential larger discussion by the entire council, to keep it from being a free-for-all and walk in the door and no groundwork has been laid when the entire council gets there.

Not that they're going to be charged with making any kinds of decisions, but they might be able to help us direct where the main points are that we need to discuss and help frame it in that sense. The other thing was something that Mac had said about looking internationally at allocation issues. I know in Australia and New Zealand that they have done tremendous amounts of work in allocation and they have included economic issues and to some degree, social issues.

I think it would behoove this council to, through whatever means, to get a hold of some of that information and help get it processed, so that we can include all that in our deliberations. I think one of the difficulties that we have with social and economic information is that it's different.

It's not that it's non-existent. It's there. We have difficulties with currencies sometimes, especially in social data and how do you compare the social value of something to a dollar or to the number of fish that are out there. There are ways to do that, too. When we get into this, we might actually want to ask for outside expert opinion on people who know these areas to explain to the council how we can include some of these other issues, even though the data may be different.

I think that would help us in the long run to avoid some of the criticisms that we might get if we either just did a token review of it or just bypassed it altogether. I would really hate for us to walk into that landmine.

Mr. Waugh: Just in terms of looking for this data, we will certainly contact the other councils, but I know I have been in contact with a number of them, particularly the North Pacific, as they have to start dealing with pesky recreational participants entering some of their dominant commercial fisheries.

I think when you look at the council level, you're going to find that the South Atlantic and Gulf are way ahead in dealing with allocation issues. Susan Shipman at the last meeting also requested that we check with ASMFC and I've done that and they are researching to find what sort of documentation they have that would support their prior discussions and certainly looking internationally is a great idea and I would be glad to go to Australia and New Zealand and find out what they're up to.

Mr. Geiger: Thankfully, in this day and age of instantaneous worldwide communications via the internet, we can probably avoid you having to be away from home for any protracted length of time.

Dr. Crabtree: I think it's been a good discussion. To me, I think it's going to be difficult to come to any resolution on this that is going to satisfy people, until we have the economic analysis. I think you're going to have to look at producer surplus and consumer surplus and what optimizes net benefits to the nation.

I think we've all seen -- Brad Gentner has come and given us presentations on that, I believe, and a lot of us have seen that many times. I really think that's key to coming to a real resolution on what's the best way to go that you can point to an analysis and say here's why. You get into fairness and equity and judgment and looking, at it says here, on what future demand is likely to be.

Well, future demand is going to be higher. The population is growing and the public is going to want to eat more seafood and they're going to want more recreational opportunities and almost anything you come to as the decision on that is going to be hard to really point to an analysis that gets you there.

About a year ago, you recall all the hoopla in the Gulf over red grouper and there was a lot of that related to allocation and so the Gulf Council asked for a net benefits economic analysis of red grouper and that analysis, I think, now has been completed and is going to be reviewed soon and may go to the council at the January meeting. I'm not quite sure.

They did a lot of work on that and were able to come to some conclusions, although there are a lot of, I think, things that had to be assumed and all to get to that, but I think that's a good starting point. Somewhere in this exercise, we need to identify and get with a group of economists and look at the data we have and identify what is it we're missing and then look and see, do we have programs in place to go out and get that data so that we can do these analyses, because I'm afraid that we're just not going to be satisfied with where we are until we can do that.

Until we put it as one of our high priorities on our data collection plans and really make clear that this is something we want done and ask for some timelines to get it and try to find some funding for it, I just think we're going to be stuck in this position of really not getting anywhere. I think to do that sort of thing that we're probably looking at a time horizon of several years to get there, but if we don't really get going on it now, I'm afraid it just keeps hanging out there.

Dr. Chevront: I would like to reiterate the fact that there's the social component of this as well. There are social data that look at the value of fisheries and not just to communities, but also to individuals, and, again, the currency of that is sometimes difficult for us to understand. It's easy to compare dollars and fish, but it's harder to compare traditions and history and how do we value that and what's the appropriate place for that. I think that has to be as much a part of this whole thing as well. The Magnuson Act says that it is and we just need to make sure that we don't lose sight of that.

Mr. Wallace: Everybody has kind of said basically what I wanted to get across, was that the public is not -- With the data and information that's out there with the recreational stuff growing as fast as it is and with all the different things in there, the public is not going to trust any of

these alternatives.

It's going to be very complicated and very -- It's just tough to get a feel around it, because you're going to get so much bad -- You've got so much bad data. We hear it in the public all the time, the data is not there, the data is not there, the data is not there. They're not going to trust any of this. It's just hard to throw out an alternative that no one is going to trust.

Mr. Iarocci: To John's point, this council, even before I was a member, has always addressed things straightforward and tried to put it out and tried to get people involved and at the table and to understand what we were doing and how we were trying to do it. At this time, everything on the table, with the allocation issue the way it is, people are now saying, oh my God, here it is, the big "A" and, George, I get a lot of phone calls, but since this Update and the chairman's editorial on the allocation issue that you wrote, it really generated a lot of calls and what are you guys doing now and --

I said what we are doing now -- That's the point I want to stress to this council and to our constituents that we are trying to deal with this allocation issue. We have to move forward together and try to get the current data. John, I hear you loud and clear, because I hear it every day, we don't believe it and we don't understand it.

I try to express to the fishermen and other people that we all need to try to understand and be a part of this. It might not be right and you might not agree with it, but we're trying. George, I agree with a lot of the comments that I've heard earlier. We need to put together I think a focused committee to start before you bring in too many people.

Roy hit it on the head with some economists and look to the outside people that we could bring in and here we go once again with the funding issue and how do we get the funding to do this and the timing with everything else on the table we're dealing with. We're under the gun here.

I sat through a lot of that yesterday next door and they were talking about a lot of these issues there and you should see the looks on these guys faces and I know I've heard it from before and I know we're moving -- I don't want to get long-winded here, but we've got to deal with this and we've got to do it right, I hope.

Mr. Geiger: If I might, Mac, just before that, in response to Tony's comments. I understand, Tony that we have a lot of things on the table, but going back to Gregg's original comments, the allocation issue is something that has to be addressed before we can move forward in an awful lot of other issues. This is -- It's kind of a non-starter to argue that we can't.

I'm not saying that you did that, but just to say that we've got too many other things and there's too much competition, I view this as something that has to be done to help us to move along, or allow us to move along, in LAPPs or in anything, if we choose to go that way.

Mr. Iarocci: To that point, George, I didn't mean that. I just said that they're talking about the allocations. Allocation is the big "A" and that's what I said. We need to do it and we need to do it now. We need to deal with this and we need to do it the right way. No, it's a priority. I didn't

want to take any focus away from allocation at this time, no way. No, you misunderstood me.

Mr. Currin: Roy made a great point about getting some sort of economist to advise us on what type of data we need. I don't know whether that's a full-blown analysis or what's involved in that, but it occurred to me that we do have a number of economists on our SSC and I don't know whether we've even asked them to look at the data that are available around or give us some sort of assessment of how we can make the most headway in the shortest period of time by generating and also get the answer from them of what type of data that we need. That would be at least a good place to start, maybe.

Dr. Chevront: Two things. One is that, Mac, I think that's a great idea, to use some of the economists, because we've got some very good economists on there. We also have a couple of very good behavioral scientists who have done work with fishermen and fishing communities and all. They might be able to help us come up with some more ideas of where we're missing data and where we could get some bang for some buck or whatever.

The other thing I wanted to ask, Mr. Chairman, is whether this is an appropriate time or not to make a motion that we establish an allocation committee, with the notion that it is helping to prepare information to be brought for full council discussion.

Mr. Geiger: I certainly had that down as something I want to get accomplished and if you could hold it just until we hear from Gregg and anybody else that might want to -- Seeing as how we started down this road.

Mr. Waugh: This has to do with the economic data. We're in the same position we are with the MRFSS data. MRFSS has been studied and studied and we know what the shortcomings are and we know how to fix it, but we just don't have the money to fix it. The economic and social data are the same.

We've been putting these data needs into our FMPs from 1983. We've written research plans. The National Marine Fisheries Service has an economic research plan. We are in the process and we've worked with our SSC and you all have looked at it and Magnuson now allows the council to put together a research plan. We've studied this and we know what data are needed. We don't need to take our limited monies and spend it studying it some more. We need to get out into the field and collect data.

Mr. Geiger: The box we're in is we're required to use the best available data. We're required to use the best available data, in my opinion, for everything and not just pick and choose what we want to use it for, FMPs. Best available data, I think by definition, is best available data to be used by the council to make informed judgments on issues that pertain to the stocks.

Mr. Woodward: One thing that I would hope would be a byproduct of all this is some standardization in the methods that we use, because it's overwhelming when you have to go to Capital Hill or go to a state legislature and they want to know what the value of things are. They want to know what the value of these fisheries are, so that they can make informed decisions on how they're going to divvy up public resources to manage the public's interest.

This gets to something like what Robert said. You've got all these methodologies out there and I would hope that there would be some uniformity across the country, that we could all come to some agreement on how are we going to describe and quantify the social and economic value of these fisheries that we're tasked with managing. We've got to get to that, because without that, we're just going around and around in circles.

Mr. Boyles: Just one other thing, while we're talking about data and information. I know we're talking about fish and natural resources, but I'm just curious as to what other allocation mechanisms -- What we've allocated, what the government has allocated. We've allocated like for magnetic spectrum through some form or fashion and we've allocated air space. I would ask staff if we could kind of broaden our horizons to see other allocation mechanisms and what, if any, criteria were used into carving up that pie to get to another thing that Spud was talking about.

Mr. Geiger: I guess along with that is the terrestrial and avian resources that are public resources.

Dr. Crabtree: Just to come back to Gregg's comment about the data needs and all that, Gregg is probably right that we've gone through and identified all kinds of economic data needs, but Gregg is also right that the problem is money. The money situation is not likely to get significantly better in the near future and so we aren't likely to have the money to fund all of those things.

To me, the issue becomes all right, this is the analysis that we think is most critical and now, what data do we have and what gaps is the analysis most sensitive to, because it's going to become an issue of prioritizing. What are the most critical pieces of data? Because we can't get all of these things.

I suspect, because this is almost always the case, we've probably got a list of data needs a mile long, but there's probably no prioritization to it. This really is going to become, for this council, a priority issue. Do you want to put your limited resources in collecting this piece of data and this piece of data and do you accept that that means this work over here, that you've also said is important and want, is not going to be done, because we're going to put the money here?

That's what all of this comes down to. It's a zero-sum game in the end. There's this much money available and do you want observers and do you want more port sampling and aging or do you want to go out and collect this type of economic data? We just need to take a look at that, but we need to make sure that we identify what are the key pieces of data and what are the things we're reasonably comfortable making assumptions about, but what are the key things that we're missing?

I think that's an exercise that would be productive to go through and I think probably the folks at the Science Center and some of our economists on our panel would be a good help with it and I think when the allocation work they did for red grouper in the Gulf is released and ready to look at that that is a good starting point, because I suspect there's similar sorts of data available for

most of these fisheries and I think that report will probably identify some of the shortcomings for that kind of analysis.

Dr. Chevront: To that point, Roy. I was also thinking along the same lines that he was in regards to it, because I know, as Gregg had said, we've already outlined a lot of these things. It might be helpful if we could get all those socioeconomic recommendations out of the different FMPs and have folks like the Center, who are familiar with this, help to prioritize, but also give it to the SSC Socioeconomic Subcommittee at one of their meetings.

I've sat in on a lot of these meetings and they're fully aware of what those issues are and ask them, here's your chance and prioritize what you think is the most important and how can you group some of these together and on top of that, ask them what's the biggest bang for the buck in terms of what it's going to cost us to get these things done.

We did something similar in North Carolina and we have found that that does actually help to drive us in terms of deciding what funding we want to seek and also sometimes there's opportunistic funding that comes up. If you've got something on your list that's a little further down, but you just happen to have the money right now that you could do it, you know that it's okay to do it and that you're not going to be spitting in the wind by doing this research.

Mr. Waugh: We can certainly follow up with that. We've already done that for the first version of the research plan that this council will send in. We've had the SSC look at that, but again, I think Brian is exactly right. We can refine that and when we reconstitute our SSC, have that new group look at it again as well, with a fresh eye, and perhaps get some more information out of them for the second iteration of that research plan.

Mr. Geiger: Gregg, do you have the direction that you need to proceed with a lot of the general comments that were made here this morning?

Mr. Waugh: Yes, one specific comment or action that we would need before we finish with this is approval to take this issue out to scoping. This is going to come up in the Executive Committee's report, where we've approved the activities schedule, and this is one of the items that we are proposing that we scope early next year and work on options next year. We would need approval to take this issue out to scoping.

Mr. Currin: **So moved.**

Mr. Harris: Second.

Mr. Geiger: We've got a motion to take the allocation amendment to scoping by Mr. Currin and a second by Mr. Harris. Is there any discussion?

Mr. Harris: Robert and I have been talking over here in the corner and we know we have to go forward and make these allocation decisions right away. We don't have time to collect a bunch of sophisticated data and analyze it and help us in making those decisions. What I would like is simply someone sitting down with us and giving us a real layman's version of what the impact of

these allocation decisions are going to be.

That's all we've got time to do. Roy is right that we're not going to get all the stuff analyzed in any kind of reasonable timeframe. We've got to know what the impact of several allocation decisions might be on the resource and the anglers and the commercial fishermen. That's all we've got time to do and I think we need to put that on the table and just tell folks that.

Mr. Waugh: Just a clarification, Duane. Given that there are so many different ways of measuring economic value, to my mind, the easiest way to give you that layman's version is whatever allocation scenario you look at is to look back at the catch over some previous time by each sector and see what impact that would have in terms of a reduction in their landings. To me, that's the first level of analysis.

If you get beyond that, then you're getting into, as Robert pointed out, value and how do you value the recreational side and the commercial side and you've got the same thing, ex-vessel value and value added. If you just look at the percent reduction in each sector's landings from the prior two years, or however many years you want to use, that certainly is a first iteration of impacts and to me, it's a common unit that we could use to look at the impacts. Is that sort of what you had in mind?

Mr. Harris: It is. Let's just take one example and let's take black sea bass. There's a value of that black sea bass resource to the recreational fishing community and there's a value of that resource to the commercial fishing community. If that resource -- If we reduce the landings in that resource and we reduce them by some percentage to the recreational and commercial fishermen, what is the value that we're reducing that -- To each of those components of the fishery, what is that value? What you said just said it in little bit different way, I think.

Mr. Boyles: At some risk of complicating this even further, let's don't forget that economists will tell you there's something called option value and whether you consume a fish, whether you pursue a fish, or whether you live in Schenectady and never come to the South Atlantic, there are all kinds of ways to slice this pie, that if we're going to do this and do it right, we've got to take that into consideration as well.

Mr. Wallace: I just want to point out we're -- The commercial sector is decreasing daily, but we've got a reasonable handle on the data there. The recreational, we can't keep track of it. We don't have any mechanism to keep track of it. It's growing exponentially. How do we allocate on something that's growing as fast as it is when we don't even have a mechanism to tell us what our universe is? To me, without a recreational permit, we will never get it. There's no way to do this.

I know the recreational permit is not going to happen, but we've got to -- Somewhere down the line, we've got to come up with a mechanism that tells us how many people is out there using this resource and until we do it, I don't see how we can get any control on the data, get any control on the economics of it, get any control on any of it.

Mr. Geiger: Any other discussion? In deference to our absent and long-suffering

transcriptionist, I'll read the motion. **We have a motion to move to take the comprehensive allocation amendment to scoping, which was made by Mr. Currin and seconded by Mr. Harris. Is there any opposition to the motion? Seeing none, that motion carries.** I guess I'm going to defer to Brian. You had an earlier motion about a committee formation or a methodology.

Dr. Chevront: **I would like to make a motion that we establish a committee to frame some of these allocation issues before we bring them before the full council.**

Mr. Boyles: Second.

Mr. Geiger: We've got a motion and a second and might I also ask you to possibly include some thought as to who might comprise that or how we go about naming people? Is that going to be my discretion or voluntary or --

Dr. Chevront: I would actually prefer it to be voluntary, for those who would like to participate on that, but at your discretion to approve them or not.

Mr. Geiger: I'm told by Bob Mahood that it's my job to do it. We've got a motion from Mr. Chevront and its seconded by Robert Boyles. The motion is to establish a committee to frame allocation decisions before bringing to full council. Is there any discussion?

Mr. Wallace: Should we have this committee meet before we take this to scoping or are we already behind the eight-ball?

Mr. Geiger: We have a tentative schedule that's going to come before the council in Executive/Finance that has a time methodology. It probably would have been nice to have the committee formed to discuss these issues prior, but we do have an approved motion to take it to scoping and now the formulation of a committee. We'll do that expeditiously and we'll get the committee to meet as expeditiously as possible, to outline additional items that will help support that scoping document. That's all they can do now, basically, is support the scoping document. **Is there any objection to that motion? Seeing none, that motion carries.**

We're still on the comprehensive allocation amendment. Does anybody have anything else they want to bring up? Okay. Thank you very much. We've got our marching orders and I think we'll be able to take some action on that. Let's go ahead and take a ten-minute break.

(Whereupon, a brief recess was taken.)

Mr. Geiger: Everybody back to the table and we'll get started here. I would like to recognize a couple of folks in the room, Mr. Dennis Spitsbergen. Dennis, raise your hand. Most council members don't know, but Dennis is a long-time former South Atlantic Fishery Management Council and he currently serves on the Mid-Atlantic Fishery Management Council. He's been very heavily involved in this process for a long, long period of time and thank you, sir. Of course, we have Louis Daniel here from the Division of Marine Fisheries in North Carolina and everybody knows Louis's history as past chairman. Thank you, Louis, for coming.

Dr. Daniel: I just wanted to welcome everybody to North Carolina. We've had a very busy week in my office and so I'm sorry I wasn't here more than I have been able to be, but I've been following the deliberations of this council.

Everybody knows the soft spot I have in my heart for this council. I appreciate all the hard work you're doing and I wanted to take an opportunity -- I almost spoke at the public hearing on Monday night, but I did want to just comment on one item and that is how thankful I am and happy I am with National Marine Fisheries Service and the council working with the states to reexamine the data that was available for the vermilion, to look and see if we can build a better mousetrap on that assessment.

Results come as they may, but the fact that we pulled together to get that done, I thought that was a real positive step forward and then all of the cooperative research projects and fishery resource grants that we're doing to collect more and better information on this fishery that we all agree we need, I think we're making some real positive steps forward.

I think this council, along with your partnership with the regional office in the Southeast, is to be commended for those moves forward. I hope you have a great rest of the meeting. I'll be following your activities and if there's anything I can do for any of you, please don't hesitate to give me a call.

Mr. Geiger: Oh, how we have missed your dulcimer tones at the council table. Brian has been doing a great job, Louis, and we need to tell you that. He's a great asset to this council.

Dr. Daniel: He is and I appreciate all the feedback I've gotten about the work that he's done and I look forward to replacing him on the socioeconomic subcommittee with Scott Crowson, another socioeconomic from North Carolina who will bring some good insights on the ITQ work that we're working on in North Carolina as well.

Mr. Geiger: That's particularly good news, because that was a topic of conversation at the SSC, are we going to get a replacement from North Carolina. That's great and good news. Thank you very much. We're going to move into the schedule. Chad, why don't you go ahead and do your presentation?

Lt. Brick: This is about our fourth presentation that we've made for fisheries that we do in District 7 and so I'm going to go ahead and move forward with it. This year, this is a total boarding's -- This is the total for boarding's that we've done this year and as you've seen throughout the year, with my presentations, we've been moving slowly to get more fisheries LMR boarding's and I want to explain a little bit more exactly what these boarding's are and how we get these numbers.

These boarding's are basically within our District 7, we have six sectors. Within each sector, we have the stations and they all have different assets, different FMPs, within each sector that they go by. Within 2006, what we did is we came out with new guidance, when we first got here, on exactly the training and enforcement efforts that our stations and small boats will be doing.

We divided up FMPs as well as different operations, different training and education, that we would then be doing throughout the field and exactly how to record these boarding's. Once a station or an asset gets on scene, they have a mission, counterdrug, migrant interdiction, LMR, PWCS, ports waterways coastal security. They have a lot of different missions that they're doing out there.

Once they determine what they're going to do once they board the vessel, that's the mission that gets entered into the database. Once they come upon a fishing vessel and they realize they're going to be doing a fishing boarding, that's what qualifies them to put in LMR. Within this year, we were able to get 943, which is a significant increase from what we've had in previous years.

I know we don't really have much control as to how many hours that we get out there for fisheries, but we can control the quality of those hours and the focus that we use on our assets while we're out there.

This is our LMR compliance rates. It basically compares how many significant violations versus our total amount of boarding's that we do throughout the year and this is where our compliance rates have been for the first time. We've actually made the commandant's performance target of over 97 percent, which is a huge success for District 7. A lot of that comes from the fact that we've increased our boarding's by almost twofold.

Mr. Wallace: Are these compliance rates overall safety and fishing violations or is it just one or the other?

Lt. Brick: For the compliance rate, it's dealing with just significant violations for fisheries. It does not detail commercial fishing vessel safety, RBS, or any of the other missions. Finally, we work with Larry Yarborough for commercial fishing vessel safety and these for our stats for this year.

In 2007, we had thirty-five voyage terminations, where the boarding officer has come onboard and they found the vessel to be unsafe to be operating and they've taken over the vessel's operation until they were able to correct the safety discrepancy. We've eight vessel losses and two deaths without the year. That is our report right now and if there's any questions, I would be glad to answer them.

Mr. Dunn: You said when a cutter comes up and sees that they're going to do a fisheries boarding, what does -- Fisheries, as I understand it, from our discussion before, was fishing vessel safety as well as actual inspection of the fish.

Lt. Brick: That's correct. When you get onboard, when you determine that you're going to be doing a fishery boarding, your main thing that you're going to be doing is two-sided. It's going to be the CFVSA or the recreational boarding safety part of it, as well as the fisheries, where you're dealing with the gear and the permits and everything else. You're not going to go out and do strictly CFVSA boarding's when you know that they're also fishing. You're going to make sure that you're inspecting their catch and everything as well.

Mr. Dunn: These numbers represent inspections of catch, along with the safety items?

Lt. Brick: Correct. I think something that you might be alluding to is when they go out there and do strictly RBS and they do not have fish onboard or they're not actively fishing, that is not reflected in here.

Unless they determine that they're doing a fishery boarding, where they're going to check the catch and check their permits, those numbers go into a different database, or a different category. Realistically, you could be out there doing migrant interdiction operations and you get onboard and then you realize that they have fishing poles and some catch.

They'll also finish the fishery section of the boarding; however, it will not be reflected as a fishery boarding, because their main mission when they went onboard was migrant interdiction at that time. However, when they're going and they're doing fishing and they see other discrepancies as well, it will be primarily a fisheries.

Mr. Geiger: Any other questions? Again, Chad, that bar graph you showed is indeed impressive and certainly why we hope that the tradition that you've established and the impetus that you've placed on fishery vessel monitoring is carried on. Thank you very much. That was very good. Next is the Joint Executive/Finance Committee. Mr. Cupka, are you ready?

Mr. Cupka: The Executive and Finance Committees met in a joint session this past Monday afternoon. Our agenda was modified to hold a closed session to discuss personnel issues and that was the Executive Director's annual performance evaluation. Following the closed session, the meeting was opened to the public.

Minutes from our September 2007 Finance Committee was approved. The committee received a number of presentations from Bob and Gregg. The first was on the Calendar Year 2008 to 2010 FMP/Amendment/Framework Timelines and an accompanying draft planning document.

The committee reviewed the proposed timelines for completing Snapper Grouper Amendments 15A, 15B, 16, 17, and 18; Mackerel Amendment 18; Shrimp Amendment 7; the Comprehensive Allocation Amendment; the Spiny Lobster Import Amendment; and the Fishery Ecosystem Plan and FEP Comprehensive Amendment. Gregg also briefed the committee on the companion draft planning document.

Most of our committee discussion centered around the limited access participation program, which is Amendment 18, addressing the LAPP Workgroup recommendation that the council hold a referendum of permit holders to determine support for LAPPs. There was also a discussion on the pros and cons of using species groupings in Amendment 17 for stocks that are undergoing overfishing.

Staff pointed out that the proposed timelines are dependent on the Calendar Year 2008 Council Budget, which is unknown at this time. The committee approved the FMP/Amendment/Framework Timelines.

The second issue was our Proposed 2008 Activities Schedule. The committee reviewed the proposed 2008 schedule and Bob noted that the activities schedule is based on mandates of the reauthorized Magnuson-Stevens Act and the guidance provided by the council to staff. The meetings, scoping sessions, and public hearings and so forth represent the activities necessary to accomplish our mandates and goals next year. He indicated the schedule is subject to change and that it is tied closely, again, to the funding available for next year. The committee approved the 2008 Activities Schedule.

In regards to our Proposed Calendar Year 2008 Budget, Bob explained that at this time, we do not know what the funding level will be for the council next year. The Department of Commerce budget has not been approved by Congress and NOAA Fisheries is still operating under a continuing resolution, until an appropriations bill is passed.

The Proposed Calendar Year 2008 Budget needs, based on the activities schedule, were presented to the council. Bob explained how these numbers were derived and how funding needs are tied to the activities schedule. He pointed out that if the council is only level funded next year that we will not be able to conduct all of the activities we've planned.

Since it is unknown what our budget funding level will be next year, no action was taken on the budget at the committee meeting, but staff hopes to provide a budget to the committee for approval at our March council meeting.

In regard to our current year budget status, this was reviewed and Bob explained that due to the uncertain budget climate, we have been conservative in our spending this year. Consequently, based on total expenditures to date and projected expenses for the remainder of this year, there will be some unexpended funds this year to carry forward into our next year's budget.

We also discussed the proposed new scoping and public hearing process. Gregg briefed us on this new proposed process. There were several concerns expressed about it. It was pointed out that one problem that could occur is that the annual one-time process may become out of sync with SEDAR.

The committee determined that if this occurred, additional scoping and hearings could be conducted. There was concern that the process would require extensive staff resources each year relative to the amount of public participation that may or may not occur. It was decided to try and abbreviate a process in the first year to determine the public interest in this type of program. Also, council members from the areas that the scoping and hearings are held should participate in the process.

Additionally, there should be a major upfront effort to publicize these scopings and hearings, including providing appropriate documents to inform the public as to the purpose of this meeting. Staff will coordinate with council members in setting the locations for scoping and hearings and the committee approved the modified process by consensus.

We have two motions that came out of our joint committee meeting. **The first is to approve the**

2008 FMP/Amendment/Framework Timelines and on behalf of the committee, I would so move. Is there any discussion on the motion? **Is there any objection? Seeing none, then that motion is approved.**

The second motion was to approve the FY 2008 Activities Schedule and on behalf of the committee, I would so move. Is there any discussion on the motion? **Is there any objection? Seeing none, then this motion is approved.**

The other item, as I say, we didn't really do a motion, but by consensus, we approved the modified scoping/public hearing process. I guess if anyone has any comments or concerns, now would be the time to voice those. Otherwise, that concludes my report, Mr. Chairman.

Mr. Geiger: Thank you, Mr. Cupka.

Mr. Woodward: I applaud the effort to try to do things different than the status quo. For twenty years, I've been trying to figure out new and novel ways to get people to come to public meetings. We feed them and we've given away prizes and we do all kinds of things. I'm just a little concerned that if we expect people to come to something during the daytime that they're just not going to go.

We're hard-pressed to get them there in the evenings, after work. It would probably be worth a try, but I think if we are going to embark on this kind of change that we ought to give some serious thought to trying to sync something like this up with an already established event, like a big boat show or something.

I realize that might prejudice it towards the recreational sector and that sort of thing and we need to consider that, but getting people to something during the daytime is going to be very difficult during the week, unless there's already something there to draw them to our venue. I think it's always worth trying new things, but I would sure hate to have the staff sitting around in a hotel meeting room talking to each other all day and waiting for people who are not going to show up, because it's eleven o'clock on a Thursday and everybody is working or doing other things.

Mr. Geiger: Thank you, sir. Any other comments? Thank you, Mr. Cupka. Ginny Fay, are you ready for your South Atlantic Alliance?

Ms. Fay: Thank you, George and Duane and Bob. Thank you for inviting me to brief the council on the recent efforts by the states to develop a South Atlantic Alliance. I also would like to acknowledge Chris Russo from North Carolina, whose presentation, slightly modified, is what I'm using.

For the background, over the past few years, there's been a wide variety of efforts to look at and address regional ocean governance, ecosystem management, and development of region-wide priorities, both at the national and the local level, including here in the South Atlantic. Some of the efforts here, of course, are the extensive work by the council on the EFH and the FEP plan, the U.S. Commission on Ocean Policy and the Pew Commission. These final reports led to the President's Ocean Action Plan and a number of other regional efforts, as listed on the slide as an

example.

The last bullet, SERPPAS, was an entity that was new to me and it was introduced to me as a way for the states to meet and actually conduct the conversation of forming a South Atlantic Alliance. Part of that rationale was because there's limited staff and limited hours in the day for folks to meet and work on developing such a large effort.

SERPPAS is the Southeast Regional Partnership for Planning and Sustainability and I don't know how familiar most folks are with it. It is an entity of state and DOD, Department of Defense, entity that was formed a few years ago, primarily to look at buffer issues around military installations and develop projects for mutual gain.

Secretary Ross of North Carolina is a co-chair of SERPPAS and Secretary Ross obviously was very interested in marine coastal issues and requested that SERPPAS develop a marine coastal committee, which it did. Under the Marine Coastal Committee, that team had a task of two goals. One was to look at mapping issues and the other was development of the South Atlantic Alliance. I'm only, of course, talking about the South Atlantic Alliance here.

There was a sub-team developed from that workgroup and some council members are included in that team to draft a white paper recommending the structure and priorities for a South Atlantic Alliance. That alliance, that workgroup, met at the end of August and we have a white paper that is still under revision.

Actually, next week an even smaller group is getting together to finalize the revision of the white paper, which is why I didn't include it here. The group met again at the end of August and drafted the white paper and recommended priorities and structure for the alliance and at the end of October, the SERPPAS principles endorsed the concept of the alliance for the states to go forward and go up their respective hierarchies to the governor's office.

The states decided on criteria for success for the South Atlantic Alliance. It clearly is a state led and federally supported effort being designed and resourced with the staff. That's very important and linking policy and science.

The mission -- I don't expect anyone to read all that right now. It is a little bit wordy and I acknowledge that, but it's clear that it focuses on mutual beneficial projects, regional collaboration, and cooperation and it was developed -- The workgroup that developed this was not only the state folks, but academia and NGOs.

The recommended structure for the South Atlantic Alliance is very similar to the Gulf of Mexico Alliance, in that the four governors of North Carolina, South Carolina, Georgia and Florida are the executive group and under that executive group is a steering committee of senior state folks, perhaps at the secretarial level, and under that are the actual teams that will work on the four priorities, the four initial priorities, that the states have agreed on at the moment.

The four priorities are working waterfronts, healthy fisheries and habitat, disaster resilient communities, and clean coastal and ocean waters. On the left-hand side, in the yellow area, is

where the supporting role can be found and the federal agencies will support the state alliance, the efforts and the priorities of the states, as well as what's interesting with the recommended structure for the South Atlantic Alliance is the NGO's -- TNC proposed a clear role for the NGOs and that is unlike any of the other alliances across the country, so that the NGOs will support the alliance.

There has yet to be a defined role for the private sector, but everyone has acknowledged that having private sector input and support is important for the formation of the South Atlantic Alliance and in the purple on the right-hand side are examples of tools that can be used to help further and meet the goals of the four priorities, such as the work by the council and ASMFC, needing mapping, education and outreach, data issues, the issues that the council certainly finds as a priority.

What's happening next? Again, the white paper was drafted and endorsed. Where we are is next week, we're finalizing the white paper for the states to take up the chains to the governors. It's a very ambitious schedule, as you can see. The game plan is to have the alliance fully functional by November of 2008 and so it's very ambitious and it's hoped that the governors will agree to the concept of the alliance and sign off on the alliance through a letter or a press release, similar to the way that the West Coast Governors Alliance was initiated.

After that, then there will be public workshops to further define and refine the priorities and have a signing ceremony sometime in the fall. With that, that's the end of the presentation and I'll ask my colleagues on the committee if they would like to add anything or if there's any questions.

Mr. Geiger: Any questions?

Mr. Wallace: Can you explain what is different from what we are doing now, I mean between us and the Atlantic Coastal -- I know it may be -- It pulls it down to the four-state level instead of the entire Atlantic coast, but is there an inherent difference?

Ms. Fay: They're all complementary and the focus of this is really, in a way, to focus resources, particularly federal resources, to help work on the defined priorities of the states.

Mr. Boyles: John, to that, my particular interest in South Carolina, as being our state's representative, one of our state's representatives, is there are strong indications that the federal government is going this way with respect to ocean and coastal issues and very parochially, my concerns are that outside the commission, the Atlantic States Marine Fisheries Commission, and outside this council that there's really no unifying body, group, organization, or otherwise that brings the diverse coastal and ocean interests together to, quite frankly, compete for available federal funds.

There's a Gulf Alliance and there's a Western Alliance and my concern is being left behind, quite frankly, so that we can compete for those federal resources, whether it's for fisheries, for habitat, for water quality, for working waterfronts, things that are very, very important to this council and certainly the State of South Carolina.

I think from my perspective that we're trying to position ourselves so that we can compete not if, but when, the federal government goes to looking at appropriating funds to regions on the basis of issues and needs that they have identified.

Mr. Wallace: Maybe I'm oversimplifying it. I have a tendency to do that, but it's a coordinated four-state group of grant writers to go after the federal funds, to do whatever we're going to be doing, and my next question is -- Maybe it's a little far-fetched, but will the South Atlantic Council be under the alliance's purview or under NOAA Fisheries? Where do we stand in this process, other than just being an advisory board?

Ms. Fay: The formation of the South Atlantic Alliance will, in fact, have no impact, so to speak, on the functioning of the council. The council is its own separate entity. As a matter of fact, I think the Alliance will further the councils, in trying to get the resources, states and academia and whoever we need, to look into problems and start solving some problems. It will only benefit the work that the council does in fishery and marine resource management and habitat protection. The council will not be a subsidiary of the Alliance.

Mr. Wallace: To that, maybe we can use this Alliance to help us get funding to do some of the research that we need done.

Ms. Fay: Right.

Mr. Cupka: At this point, there's no specific funding that's been earmarked for the activities of the Alliance then?

Ms. Fay: Not for the South Atlantic, but certainly the Gulf of Mexico region has benefited from the Gulf of Mexico Alliance. There's money also that's been directed towards the West Coast states, as well as the Northeast, but for the South Atlantic, because it's not formed just yet, there is no line item right now.

Mr. Cupka: If I may, Mr. Chairman, just to follow up, obviously there's a long history of cooperative efforts in the South Atlantic and we can point to programs like MARMAP and SEAMAP and things like that that there's been a long history, in this part of the country at least, in trying to work cooperatively, in order to fund programs that were needed. I guess this is a continuation of a tradition we've had and recognized a long time ago, that the way to be successful in trying to fund some of these initiatives was to go in cooperatively, rather than individually.

Mr. Boyles: David, to that, and I may be stepping out on a limb here, and I hope I'm not stepping on toes, but I think the Fisheries Service, working with the councils, probably has got a lot more experience in dealing with things regionally. This is where I may be stepping on toes, but I don't know that the National Ocean Service, particularly, another arm of NOAA, has that same level of experience and certain indications that I'm getting is that they are certainly moving in that direction and all of NOAA is.

To speak to what John indicated, Louis and I talked specifically about this and one of the things

that Louis was very, very interested in was the same thing that he's said to this council very, very many times before, about enhancing the investment, the federal investment, to living marine resources data collection efforts, to be, as Louis calls it, more representative of those species and the distribution throughout the South Atlantic. I do think this is an opportunity that collectively we can bring some influence to bear on the appropriations process to get more resources down here to the Southeast to deal with the issues that we've got.

Mr. Geiger: Any other discussion or questions? Ginny, thank you very much. It was a very informative presentation and we appreciate your work. You're in charge of the Gulf network as well?

Ms. Fay: No, I'm not involved with the Gulf of Mexico Alliance. I'm involved, to a certain degree -- NOAA also has aligned itself regionally and we have a Gulf of Mexico team, as well as a Southeastern Caribbean team, and I'm on the Southeastern Caribbean team.

Mr. Geiger: Great. Thank you. Mr. Harris, are you ready, sir, with Habitat and Coral?

Mr. Harris: Yes, sir, Mr. Chairman. Before I get into the report, I just want to call your attention to the letter that was passed out yesterday and I'm going to ask your endorsement of sending this letter regarding the Calypso Deepwater Port Project. If you have not had a chance to look at it, please do so while I'm giving you my report.

The Habitat and Ecosystem-Based Management Committees met jointly on December 5, 2007, in Atlantic Beach, North Carolina. The committees received presentations by, number one, Dr. Doug Rader, who is the Habitat and Environmental Protection Advisory Panel Chair. He presented recommendations brought forth at the joint meeting of the Habitat AP and Coral AP on November 7 and 8, 2007, in Charleston, South Carolina.

Dr. Rader presented an overview of the discussions that took place regarding the proposed designation of deepwater coral habitat areas of particular concern and the advisory panel's recommendations on boundaries and applicable management measures. The ensuing discussion resulted in a modification of the alternatives regarding designation of C-HAPCs that the Habitat and Coral APs have proposed. These modifications, and I will make those in the form of a motion in a couple of minutes, were intended to better structure the document and minimize redundancy.

Number two, Roger Pugliese and Gregg Waugh presented a status review of the Comprehensive Ecosystem Amendment. In addition, the committees received the timeline for the continued development of this document, which is on track to be approved for public hearings at the March 2008 council meeting on Jekyll Island, Georgia.

Number three, Dr. Doug Rader stated the intent of the Habitat and Coral APs to revise the council's current energy policy to address alternative energy development in the South Atlantic region. Revision to the current policy will be coordinated through the advisory panels and the National Marine Fisheries Service Habitat Conservation and will be accomplished in time for its inclusion in the Fishery Ecosystem Plan.

Number four, Roger Pugliese gave a presentation on the EFH Consultation Project for the Calypso Liquefied Natural Gas Deepwater Port Project. Roger reviewed the EFH recommendations that the NMFS Habitat Conservation has submitted to date and requested that the committees review and provide feedback on the council's position on this project.

Roger provided the committees with draft copies of the letter that was prepared for submission for the council's approval and at this time, I'm going to stop and ask if there's any objection to sending the letter. There are a couple of errors with respect to periods not being in the correct place and closed parentheses, but other than that, I found the letter to be reasonable and responsible, based on the council's position on these issues.

Dr. Chevront: Not that I found anything wrong with the letter, but I was just wondering if it would be appropriate -- I didn't see anything in the letter, but would it be appropriate for this council to make comments about potential marine mammal interactions with the equipment and stuff that they're planning on having in the water?

Mr. Harris: I think the council can request staff add whatever they would like to see added to the content of this letter.

Dr. Chevront: I know other councils have dealt with that, but I would think that there may be a potential for something like that, with these buoy systems and chains and all that, and I would like to see there be some kind of analysis of the impact of that, whether it's on migratory patterns or actual interactions with collisions or I don't know.

Mr. Harris: Is there any objection to adding that language, some language that staff will develop to the letter? Seeing none --

Mr. Cupka: I wasn't going to say I had any objection. It would be good to put something in there. I did notice, in looking over it, that they're aware of that and seem to be -- They do talk about impacts on threatened and endangered species and whatnot, but it wouldn't hurt to highlight that, particularly in that part of the world, where have the possibility, I guess, of maybe some right whale interactions and whatnot.

Mr. Harris: My sense is, since this is a response to the draft environmental statement, the staff, in reviewing that element of the DEIS, was satisfied with what's being done, but I agree with you. It certainly wouldn't hurt to highlight that concern.

Dr. Crabtree: Just so you're aware, I'm sure we would have to do a Section 7 consultation on this project at some point.

Mr. Harris: Thank you. With those comments, is there any objection to sending the letter? Seeing none, it will be done. Number five, Dr. George Sedberry gave a presentation on the proposed Islands in the Stream Concept for the Gulf of Mexico and the Gray's Reef National Marine Sanctuary's proposed research area.

Number six, Roger gave an overview of the material currently included in the draft Fishery Ecosystem Plan. Roger provided the committee with status information for the various sections of the draft document. The latter is on track to be approved for public hearings at the council's March 2008 meeting in Jekyll Island, Georgia.

Number 7, Roger provided an overview of the recently submitted proposal to the Southeast Coastal Ocean Observing Regional Association, SECORA, utilizing regional ocean observing capabilities to address fisheries issues, such as gag grouper recruitment. A summary of the Minerals Management Service's synthesis report on alternative energy was not presented to the committees, but pertinent materials will be provided to the committee members for their information.

The committee approved the following motions. **Motion 1 is to adopt the revised list of alternatives for the FEP Comprehensive Amendment and that includes two alternatives. Alternative 1 is the no action alternative, do not establish additional coral HAPCs, and Alternative 2 is to establish deepwater coral habitat areas of particular concern with Sub-Alternative 2A the Cape Lookout Lophelia Banks HAPC; Sub-Alternative 2B the Cape Fear Lophelia Banks HAPC; Sub-Alternative 2C, Stetson Reef, Savannah, and East Florida Lithoherms and the Miami Terrace HAPC; Sub-Alternative 2D the Portales Terrace HAPC; and Sub-Alternative 2E, the Blake Ridge Diapir Methane Seep HAPC. On behalf of the committee, I so move.** Is there discussion on the motion?

Mr. Wallace: I've still got concern. We've asked for it, but we have not seen the actual coordinates of these areas. We see the generalization of how they're placed on the map, but we don't know if this is right or not. We've asked for this information, but have not received it yet. It's got to be based on what we know on how to enforce this. It's got to be more of a step-by-step coordinates to lay this thing out and not just an overlay on a map with no coordinates on it whatsoever. I'm just having problems with viewing any of these alternatives without seeing the actual coordinates.

Mr. Harris: Understood. Is there other discussion on the motion? **Is there objection to the motion? With one objection, the motion carries.** In addition, the committee provided the following guidance and/or made the following requests.

Dr. Crabtree: Could we ask staff at the next council meeting, when we come back here and review this again, to hand out to all of us a hard copy of a map that clearly shows where each of these is and what the name of it is? We must have coordinates, in order to plot them. If we could make sure we have those on something as well and I think that would help us avoid some of the confusion we went through this time. I know we probably have maps in the document, but it's hard on your computer to pull those up and then have the alternatives before you too and that sort of thing.

Mr. Harris: Roy and I had that discussion yesterday.

Mr. Waugh: We will make sure that we have a set of charts for you that have these proposals. We'll also hopefully be able to overlay the VMS data and we also will have the input from the

fishermen from their January meeting and in addition to having the material electronically, we'll make sure we have a handout, color, so that you can see these areas with detailed coordinate information.

Mr. Harris: If we could have those handouts actually mailed out, along with the disk, I think it would be helpful for people to have the handouts before the meeting as well.

Mr. Wallace: My problem is that we've made these alternatives without viewing this stuff. We're doing a trust-me scenario and that always hasn't worked in the past.

Mr. Harris: Other comments? Let me finish the report. Some members were concerned that the fisheries that are currently operating inside the proposed coral HAPCs would not be able to continue to operate if the C-HAPC designation goes forward before obtaining input from the fishermen. Number two, the committees would like to have the option to alter the proposed coral HAPC boundaries to address overlap with deepwater fisheries.

Number three, a suggestion was brought forward that the comment letter from the council on the Calypso LNG Deepwater Port Project contain a recommendation for mechanisms to adjust the depth of seawater intake in light of potential impacts to ichthyoplankton. Before I go forward, is there any objection to including that language in the letter on the LNG port? Without objection, we'll include that language as well.

Number four, the committees asked whether any of the current council policies for the protection of the EFH addresses impacts from drinking water withdrawals. The committee expressed concern that water rights are not easily addressed for coastal resources, because there is insufficient knowledge on the amount of water needed to maintain estuarine habitats.

Flow regime recommendations should be crafted by watershed. Staff will address the inclusion of policies on water flow regime for possible inclusion in the Fishery Ecosystem Plan and Number five is the intent that all other management measures be moved to the Comprehensive Ecosystem Amendment Number 2. Mr. Chairman that concludes my report.

Mr. Geiger: Thank you, sir. Any comments or questions? Thank you, Duane, and good job. Bob, can we do the Review and Develop Comments on the EA for HMS?

Mr. Mahood: Yes, we can. Let me give you a little chronology. All of the information relative to this is under the Council Tab, consisting of the Number 4 Attachments, running A through E. Also, we have a handout, which is a response to a letter that Chairman Geiger sent asking for an extension of the comment period on the EA and I guess the EFP.

Chronologically, let me take you back a little bit. At our June 2007 meeting, as you recall, we visited an exempted fisheries permit request that NOAA had received from the Bluewater Fisheries Association relative to allowing a number of pelagic longline vessels to fish in the closed area off the Charleston Bump and the closed area off the east coast of Florida.

We held a public comment period, because of the controversy involved with this activity, and we

had quite a few people come and speak. Rich Ruais from Bluewater, representing Bluewater, came down and spoke to the council also. Ultimately, the council voted to recommend that the exempted fisheries permit request be denied. On June 19th, Chairman Geiger sent a letter with our comments and our concerns. Subsequently, the National Marine Fisheries Service denied the Bluewater Fisheries Association EFP request and that was that, we thought.

On November 11th, a Federal Register notice was published under the title of "Atlantic HMS Pelagic Longline Research" and it was asking for comments on an EA that had been done relative to an exempted fisheries permit that would allow for this research very similar to what the Bluewater request had been, but with a reduced number of vessels. Also, there was a notice published by NMFS relative to the same subject and the EA was made available.

Since the comment period ended prior to this council meeting and the council wouldn't have a chance to comment on it, Chairman Geiger sent a letter on November the 9th, asking that the comment period be extended to December the 10th, so that the council would have a chance to visit this notice and comment on the EA and the exempted fisheries permit request.

On November 16th, the letter that was just handed out was received by the council and basically, our request was denied for an extension and the bottom line -- The letter goes into the detail. I think they felt like we had commented, because of the similarity of the previous request, and that they had taken our comments that were sent in our letter into account when developing the EA and the new pelagic longline research program.

At the last, it says NMFS would appreciate any comments the council has on the current research proposal and looks forward to working with the council to implement this important research project, which to me says they're going to do it. That's where we are, Mr. Chairman. I'm not sure what -- The comment period is closed. I guess we're invited to comment, if we wish to do so. To what consequence, I'm not sure.

Mr. Geiger: Thank you, Bob. I did speak with Chris Rilling about it and he certainly invited the council to make comments and expressed the fact that they would take our comments into consideration. I guess we're at a point here of whether or not we choose to make comments to the latest proposal or not. Is there any desire on the part of any of the council members to submit comments? Tony? Do I take that as a yes and we can move or are you going to --

Mr. Iarocci: Yes, I totally agree and I fully, 100 percent, support this research, after talking to not only commercial longliners, but recreational fishermen that know we need this research. It's important to get this research at this time and I fully support this.

Ms. Merritt: At the risk of being repetitive when this came up before, I supported it from the beginning, even when it was with Bluewater, because of Dr. Hogarth's assurances that this would be a highly controlled research project and that if there seemed to be any indication of the damage that some of the public comments implied were possible, that he had the ability to shut down the project and there wouldn't be any further damage to occur. I do support it.

Mr. Currin: I'm much more comfortable with the way they're going about this now, I think two

vessels, approximately two, and I'm not sure what that means, whether that's three. I hope it's not more than four.

That's getting a little more than approximately two, but the greatly reduced number of vessels, the association with the university to make sure that the project and the science is going to be useful coming out of it makes me a lot more comfortable with it now. It actually looks like an experimental fishing permit application, or it did, as opposed to establishing a fishery under the guise. I see no reason personally for the council to comment or write a letter, unless it would be perhaps thanking them for considering our comments earlier.

Mr. Geiger: Dr. Crabtree, when will they be publishing the formal controls that will be in place and eliminate the approximates and give us the details of the research project?

Dr. Crabtree: I don't know, George. I would have to check with HMS and see what else is going to happen and when the work would take place. I'm not even sure when they would actually do the work. The information I have from HMS indicates that it will be two vessels and there will be 100 percent observer coverage and there will be 289 sets, at 500 hooks per set. 50 percent will be made outside of the closed areas and 50 percent inside the closed areas and they will all use 18/0 hooks, with an offset not to exceed ten degrees.

Mr. Geiger: In that information -- I assume there's not, or you would probably have read it, but there's no caps on maximum numbers of bycatch and specifics in regards to --

Dr. Crabtree: No, that's part of the study, is to see how much bycatch there will be. They have estimates of the bycatch that would occur, but that's based on work that was done in the closed area before it was closed and it's based on j-hooks and so part of the motivation for the study is to see what will happen using the circle hooks, 18/0 and greater.

Mr. Geiger: One of the things that Ms. Merritt indicated was that Dr. Hogarth assured us that he had absolute control over this and was able to terminate -- He said it in the previous one as well, that he could terminate the research, I guess within twenty-four hours is what he stipulated. I'm curious on what basis he would terminate or what would be the data to which he would exercise that option.

Dr. Crabtree: I think probably, as an example, leatherback turtle interactions. If they were much higher and we had excessive takes of leatherback turtles, I would think they would consider shutting it all down there, because that could, in effect, shut down the whole fishery if that happened, because they are operating under an incidental take allowance for turtles and so those types of things.

Bill would have discretion to look at all of the bycatch estimates and if they exceeded these estimates, then they could take a look at it. Bear in mind too that these vessels would be expected to be fishing either way. They would just be fishing outside of the area.

Mr. Geiger: The estimates on bycatch are located where?

Dr. Crabtree: I believe these are in the EA.

Mr. Geiger: I understand it was going to be reported on a daily -- The bycatch, based on the observer coverage, was going to be reported on a daily basis and is that going to be put up on the website for public observation?

Dr. Crabtree: That, I don't know, George. I doubt that the observer coverage would be reported on a daily fashion. It's usually on a per trip scale, although I suppose they could call in somehow, if they needed to. We normally post the HMS bycatch observer study on a quarterly basis and they are posted on, I believe, the Science Center's website. I have not asked as to whether they would follow that same process here or not.

Mr. Geiger: Can I make a suggestion that it might be prudent, based on the public interest in this process, to allow that observer coverage be posted whenever it's obtained by NOAA Fisheries on some website to allow the public to see what incidence of bycatch there is associated with this EFH?

Dr. Crabtree: I can check into that. The data would have to come back and be compiled and aggregated and put into a report. I don't believe they would put the raw data up, because there may be confidentiality issues there, I don't know. I'll certainly carry back to HMS your interest in making sure we have timely and transparent posting of the results of the study and the bycatch estimates.

Mr. Geiger: Any other comments? I guess the general consensus is we don't need to write a letter to HMS. Okay, thank you. Moving along, Bob, is there anything else on that issue?

Mr. Mahood: Not on that one. The next one kind of parallels it a little bit. Roy, you can help me with this, if you would. It's under Attachment 5 and it deals -- It looks like kind of a generic notice relative to the issuance of exempted fisheries permits in the future by the National Marine Fisheries Service.

I don't recall seeing one of these before, Monica, and I don't know if it's a result of the controversy of the ones we've been dealing with or not, but basically, NMFS announces its intent to issue exempted fisheries permits, scientific research permits, display permits, letters of acknowledgement, and chartering permits for collection of Atlantic highly migratory species in 2008.

It sounds kind of generic. I'm not sure if then, when they issue an EFP, do they have to come back and specifically notice that or does this cover it? If this covers everything, then I think we might want to write them a letter on this, saying that we certainly would like the opportunity to review any EFPs that occur off of our jurisdiction. I would think they would have to do that by law, to consult with us. That's what it says in the Code of Federal Regulations, but do you know, Roy, what this means?

Dr. Crabtree: I think a comment like that would be appropriate, Bob. There have been all kinds of issues with exempted fishery permits in the past and the process we go through. There's been

a lot of criticism that the process is way too slow and it's holding up a lot of research operations and things like that. I think this is HMS's attempts to better refine the process and try to make it more timely and more open. I certainly think if you wanted to send a comment to that effect and emphasizing your desire to be consulted and all that that would be appropriate.

Mr. Mahood: I think we probably should, Roy, because anything in the region that comes to your office, you certainly bring to the council and we follow the procedures that are established in the Code of Federal Regulations, but I just wanted to make sure this doesn't kind of route around that process.

It seems like if they have a specific EFP, they would still have to follow this process. This shouldn't replace the chance for the councils to consult with NMFS on a particular exempted fisheries permit, because obviously we don't know what one might be, based on what we have here. My assumption would be they would still have to come and consult on specific exempted fisheries permits, but then I'm not a lawyer.

Mr. Boyles: My read on this, it looks -- On the second page of the attachment, NMFS may also consider applications for bycatch reduction research in closed regions of the Atlantic, Gulf, and Caribbean to test gear modifications and blah, blah, blah. These permits may require for the NEPA analysis that NMFS will seek additional public comment on these applications as necessary, unless the research is being conducted from bonafide scientific research vessels.

What's implied there, to me, is that this is a blanket authorization which would require no further public comment, unless specifically required. I would think that -- I'm not real comfortable with the blanket.

Mr. Geiger: I think a couple of people have interpreted it as thus and have expressed the same degree of discomfort in just allowing this to move forward without comment. Mac, do you --

Mr. Currin: I'm a little concerned about it too, George, for the same reasons. If this is just a blanket approval to allow them to issue them as they see fit, without consultation or seeking comment from the council on the individual permits, I'm very uncomfortable with that.

Ms. Smit-Brunello: I don't have any further information either and I haven't discussed this with the HMS NOAA attorneys and I think if you have a concern, it looks to me like -- As you've discussed, this is open. There's some sort of comment periods.

They're going to receive written comment periods through December 10th and so I would convey your concern and tell them that you would like to be consulted on all of the potential EFP applications that are in your area of authority. I'm not sure what else you can do, because this is a notice that's just going out saying we're getting written comments on this sort of thing and here's what we propose to do. I would convey your concerns.

Mr. Geiger: Dr. Crabtree, did you have your hand up?

Dr. Crabtree: No, Monica covered it. I think if you have concerns about the intent of this and

all, you ought to put those concerns in a letter to HMS and comment on it.

Mr. Mahood: I would like to go ahead and just draft a letter for the chairman that points out, relative to our comment, what 50 CFR 600.745 says and it says Scientific Research Activity, Exempted Fishing, and Exempted Educational Activity, Number 3, Issuance, states the following: the Regional Administrator or Director, which I assume will be the Director of HMS, also will forward copies of the application to the councils, the U.S. Coast Guard, and appropriate fishery management agencies of affected states, accompanied by the following information and then it lists a certain amount of information, including biological, economic, and social, basically an EA.

Then it says as soon as practicable after receiving responses from the agencies identified in Paragraph (B)(3)(i), which I just read from, of this action and/or consultation, if any, they will -- They're supposed to get comments from these groups before they take any action. I don't know how they can preclude that by this one Federal Register notice, without providing us the specific information. We'll put that in our letter and say that we hope that they will meet the mandates of the rule.

Mr. Geiger: Before we do the letter, let's make sure there's nobody in opposition to the letter. Are there any council members in opposition to writing a letter containing the information that Bob just covered in his --

Mr. Cupka: I'm not in opposition, but again, I'll note the pretty short fuse, time fuse, to get the comment in. It says it should be received on or before December 10th, which is Monday. We don't have a lot of time or we can email it.

Mr. Geiger: Knowing Bob, he probably already has the letter drafted on his computer.

Mr. Currin: I'm very sensitive to their desire to streamline that process and make it more expeditious and I can greatly appreciate that. If there's any way that the council can do that, or anybody else, by allowing commentary in between council meetings to expedite things and if we can figure out some way to do that, I'm all for it, by passing things around by email to the council members and getting comments. Some things may not be controversial at all and we can save them some time with it. I would love to be able to do that, if it's possible.

Ms. Smit-Brunello: I believe there might be some specific exempted fishing permit regulations under the HMS regulations, in 50 CFR Part 635, in addition to the ones that you usually look at in 600 Part 745. I'll find those and point them out to Bob, to see if that would -- He might need to cite to that as well when he drafts a letter.

Mr. Geiger: Thank you, Monica. Bob, last word.

Mr. Mahood: David, it was interesting that the December 10th date was the date we had requested for the extension of the EA comments and so I thought that was kind of interesting, that they did give us until December 10th on this one. Maybe people are talking with each other up there.

Mr. Geiger: We'll send a letter and you're going to consult with Monica. We're moving right along here. We've got just under an hour. What I would like to do is move into the Status Reports and Activity Reports from the states. We can get through those and we can get a couple of afternoon presentations out of the way before we have to do our public hearings this afternoon and I'm sure we're going to be done with this agenda today. If we can, Dr. Crabtree, are you ready with your species status reports?

Dr. Crabtree: Yes, sir, Mr. Chairman. If you look in your briefing book under Attachment 6, you'll find the preliminary landings estimates for all of your managed species subject to quotas as of October 31. I'll just hit a couple of highlights. King mackerel, we're at 47 percent of the quota and remember that's on a March 1 fishing year. Spanish is at 17 percent of the quota.

Snowy grouper, which is on a January 1 fishing year, is at 57 percent of the quota. Golden tilefish is closed and you may remember when we closed it that there was some concern that we may have closed too soon, but it looks like 101 percent of the quota was caught and so it looks like we came pretty close on that one.

Vermilion snapper is at 69 percent of the quota and so they may come close to catching the quota, but it looks like they will fall short. Red porgy is at 58 percent of the quota and so those are some of the issues there.

We are making progress on the red drum transfer of authority. We've had a number of back-and-forths with Monica and GC on it. I'm hoping that we will get that cleared in the next short term, so that we can get a proposed rule out on that. Amendment 14 is still under review to resolve some jurisdictional issues. We have had two control date notices published. One was for the for-hire fishery and that was published in the Federal Register on October 26th and then the commercial dolphin wahoo notice published and that control date is December 5th.

Also, you may recall we had discussions over the last six to ten months about our intent to revise the bycatch reduction device testing protocol and that, we are making progress on. That final rule, I expect, will go to the Federal Register very soon. Remember the intent of that was we changed a lot of the requirements on how you have to test new bycatch reduction devices and it includes a modification of the statistical procedure and then also a process for provisionally certifying a bycatch reduction device for two years, if it achieves 25 percent total bycatch reduction rather than the 30 percent.

That rule will also change the certification criteria for bycatch reduction devices in the western Gulf of Mexico, which has been previously based on achieving a level of red snapper mortality reduction, and it will change it to 30 percent total finfish reduction, which means that we will have a uniform BRD criterion for the entire Gulf of Mexico and the South Atlantic region.

My hope is that we will see quite a few new BRDs certified over the next year or two and I'm hopeful that final rule will publish in the next two weeks. The Mackerel Framework Action that you submitted to us, this lines up the trip limit with the change in the fishing year, is still under review in the region, but I think that we will be able to move that fairly soon.

I know we've had a lot of discussions about workload issues with NOAA Office of General Counsel and just so you know, Shepherd Grimes, who I believe most of you know, started. He's returned to the Southeast GC and he started a week ago. I think last Monday was his first day and having him there, we're already seeing what a help that is, in terms of clearing out some of the backlog. I'm hopeful that our actions are going to start moving much more quickly. You remember that we were doing pretty good for a while, but when Shepherd left, it really created a backlog for us. I think things will get much better soon and that's all I have to report, Mr. Chairman.

Mr. Geiger: Thank you, sir. Monica, is there anything that you wish to share with the council members other than what was shared in closed session, I realize, but I wanted to give you an opportunity if you have anything.

Ms. Smit-Brunello: No, nothing further. Roy pointed out that Shepherd is now back, which is, as he said, already a great help to our office. Things should be moving through our office even quicker in terms of review.

Mr. Geiger: I would suggest you make him work twice as hard for the little vacation he took while he was in Hawaii.

Ms. Smit-Brunello: We are and he's dealing with some things that he dealt with before he left. He's got plenty to do.

Mr. Geiger: Hal or Tracy.

Mr. Dunn: We submitted our report electronically and so I don't know if you've received that yet or not. Of course, it always comes about that our report is one-quarter, pretty much, behind where we are right now, but we had a lot of significant things that happened the last quarter of the fiscal year.

We have a pending trial right now on a couple of charter/headboats that were involved in not reporting a lot of their catch, to both the state and us, and also were involved in a scheme to get people to mount billfish when they didn't really need to and so a lot of fish were kept that were unnecessary and that trial is actually coming up and so we're looking forward to seeing the results of that.

We also, speaking of spiny lobster, we had an arrest of an individual who dumped a bunch of product to avoid inspection with the U.S. Coast Guard. We investigated that along with the Coast Guard and that is pending trial as well and pretty much since the end of the last quarter, we haven't done anything and so I don't have anything else to report. No, we've had a lot of search warrants and arrest operations, but I can't really go into a lot of detail. That really slows us down as our ability to get out and communicate with the fishermen once we start doing these larger operations, but they are important.

Mr. Geiger: How are you guys doing with the bassa catfish sales?

Mr. Dunn: We're still working with that. We're working with a lot of the states on their investigation of it, as far as consumer fraud. We're taking time out of our schedule to try to provide them what information we can for anything that they're doing in regard to consumer fraud.

Mr. Geiger: Have you been able to get rid of all that product you seized?

Mr. Dunn: Not yet.

Mr. Geiger: You still have it, huh?

Mr. Dunn: Yes, that process is always lengthy and cumbersome.

Mr. Geiger: Any questions for Tracy? Thank you, sir, we appreciate it and please convey to your agents the appreciation we have on the South Atlantic Council for all they do to uphold the regulations that we put in place. Spud, Georgia.

Mr. Woodward: Thank you, Mr. Chairman. I was a little disappointed to show up at this meeting and realize that we were not going to have bottled water, because there's an order in our state that any time we leave, we're to bring more water back with us when we come. These pitchers are a little unwieldy to try and get back in my vehicle. I don't know and I guess I'm going to have to stop and buy some, so that I can be admitted back into the state.

Seriously, we're in the throes of a drought in the northern part of the state that's much more severe than the last one we experienced and it's ironic that it has come at the time when our general assembly is going to be debating over a state water plan and that's going to be pretty serious in terms of the politics at our upcoming session.

At the same time, we're going to be looking for the reauthorization of the enabling language for us to participate in the Coastal Management Program and so we're hoping that these things don't all get snarled together on the axle of political expediency, but we are -- We've commented on our water plan.

It does contemplate the creation of more water storage reservoirs within the water sheds of the Atlantic Slope rivers. We're very concerned about that, but as I mentioned in the Joint Habitat and Ecosystem-Based Management Meeting, we are poorly armed with information to inform that process and it's going to, unfortunately, be a situation where we're going to get what we're given and that's a bad place for us to be in terms of coastal ecosystem function, but it's the result of ignoring issues for decades and decades and now push comes to shove and we're in a tough situation.

We're going to be watching that and the other thing is that we are about to hire a biologist within our sort of newly created habitat program that's going to be worked on an EPA-funded project to develop a rapid assessment methodology to determine the health of coastal aquatic wetlands and different kinds of habitats.

This is our first real foray into how can we quantify the status of coastal wetlands and their ecosystem function and we're excited about the potential to develop a tool that can inform decision making, but as this council knows, the world of habitat is kind of overwhelming and it's always hard to know where to grab hold and do something that's going to be meaningful, but we are at least embarking on a course that we hope will be fruitful.

Then last, but not least, we've released several more hatchery-reared red drum in our collaborative effort with South Carolina DNR. We're going to have another batch of fish released sometime this month, which will be one of, if not the, latest releases of hatchery-reared fish that has occurred in South Carolina's experience and certainly in our experiment. We're looking forward to seeing the results of this, so that we can better inform our angling community about the merits of using hatchery-reared redfish as a tool. Thank you, Mr. Chairman.

Mr. Geiger: Thank you, Spud. I might want to suggest that you might want to come down to the Indian River Lagoon and stock some of those fish. It would give you an opportunity to come down there and broaden your research by geography. I would encourage that. Go ahead, Brian, with North Carolina.

Dr. Chevront: First, I would like to start off by mentioning that many of you know Mike Street, who is a biologist at the Division of Marine Fisheries. He's retiring after thirty-eight years of service at the end of this month. Most recently, he's been really instrumental in helping the State of North Carolina develop its Coastal Habitat Protection Plan.

There's hardly an area of marine fisheries management in North Carolina that Mike hasn't been involved in, including the initial establishment of the socioeconomic program in North Carolina back in the mid-1990s.

Some other things that have been going on, our commission just recently extended the southern flounder fishing season, because of environmental changes. The water was too warm and fish weren't moving. That season was supposed to have closed December 1st, but what they did is they extended it to last another two weeks, just to give the fishermen a chance to catch fish, because they just hadn't been showing up at all.

We've also heard about the fact that the North Carolina Marine Fisheries Commission and the Division of Marine Fisheries both are very interested in looking at LAPs as a way to manage some of our state-managed fisheries and one of the things that we did between September and our November meeting of our commission was to go out and do a survey of the commercial fishermen within the state, to get their opinions and attitudes about LAPs within the state.

If you'll indulge me for just a second, I would like just to give a few of the results of that survey. When asked, and this is overall, do you think LAPPs make more sense than the current regulations as the way to manage some fisheries, 58 percent said no and 42 percent answered yes, but do you think the idea of fishermen buying and selling quota shares from each other would be a fair way to allocate a total allowable catch for a species, 62 percent said no, they didn't think that was fair at all.

However, we asked them about species they thought might be better managed under a LAP and they put in the striped bass fishery, particularly the ocean fishery in North Carolina, which has a tendency to be a derby fishery, summer flounder, snapper grouper, and some other fisheries. I'll get back to snapper grouper in just a minute, but the agreement with snapper grouper, and this is among all the fishermen, was only 27 percent thought that would be a good way to manage those fisheries.

If they were given a choice between a LAP or a shortened season, which would they prefer, 52 percent of the fishermen, in general, approved of a LAP, but when we asked that of the fishermen who hold South Atlantic snapper grouper permits, 56 percent said that they would have preferred a shortened season over a LAP.

When asked about what they thought about managing snapper grouper species under a LAP, about 23 or 24 percent agreed that LAPs would be a good way to manage the species. There's no a whole lot of support, at least among North Carolina snapper grouper fishermen at this point, for a LAP, but on the other hand, we also asked the fishermen did they feel that they had enough information about LAPs and many of them did, but the split was when we asked them the question on do you think that we should continue to explore the possibility of having LAPs in North Carolina and it's split 50/50. It was like a one vote difference out of nearly 500 surveys that we received.

That's kind of where we stand with LAPs. We've got several fishery management plans in the state that are seeing some action right now, oyster and clam and bay scallops. We have an interjurisdictional management plan and a kingfish management plan and all are in the process of either being reviewed by our commission or have had the plan sent forward to our state secretary of environment and natural resources for his approval. That concludes my report.

Mr. Geiger: Thank you, sir. Are there any questions?

Mr. Mahood: Brian, on the survey, relative to the snapper grouper fishermen, was that everybody that had a commercial North Carolina license? Would that have included some of the people that have been selling under the bag limit, as well as the federal permit holders?

Dr. Chevront: Yes, when I said the -- I actually gave the numbers twice for that. Once was for all the commercial fishermen in the state who responded to the survey and that would have included some who sell under the bag limit, but then we also pulled out those who specifically had snapper grouper permits and those who had the snapper grouper permits were more likely to want a shortened season over a LAP.

Mr. Mahood: The second question is since the last time we were here we got to go touch some bluefin tuna, have they showed up yet this year? Maybe that's a question for Rita, I don't know.

Dr. Chevront: I think it would be better for Rita. I don't know a whole lot about bluefin tuna right now.

Ms. Merritt: Not at my house, but I understand there are a few.

Mr. Geiger: Fish and Wildlife Service and Columbus.

Mr. Brown: Thank you, Mr. Chairman. The Fish and Wildlife Service just released its National Survey of Fishing, Hunting and Wildlife-Associated Recreation. That data is for sixteen-year-olds and older, both residents and non-residents of the states, and as promised during the last meeting, I was able to pull together some of the information for you, in particular the trip information, because that's information that is not contained in any of the data that's been released to date.

Thankfully, our Washington office was able to provide that data to us, so we could have some comparisons, but this slide provides a broad overview of the number of anglers in each of the states, the number of days angling, and the number of trips. I might add in the case of Florida that that includes both coasts. We have no way of separating out the Gulf from the Atlantic, but if you went 50/50 or 40/60 or 60/40, Florida still would have more anglers than any of the other states.

This slide is one that we have a trend of saltwater anglers from the 1991 through the 2006 survey and I was able to glean information from previous surveys and add to it the 2006 data. This will not be presented in any of your state-wide reports in this manner, but I thought it's something that you would appreciate having.

There's been a decline overall in angling nationwide over the past 2001 through 2006, as well as 1996 through 2006, but the data shows that in the case of fishing overall, the decline in the number of anglers nationwide is 15 percent and for the Great Lakes, it's been -- It's 15 percent from 1996 to 2006 and from 2001 to 2006, it's been 12 percent. For the Great Lakes, it's been 23 percent in the last five years, 10 percent for freshwater in the last five years, and 15 percent for saltwater in the last five years.

Georgia is the only state in the South Atlantic that had an increase in the number of anglers from the data from this survey. In terms of the days of saltwater fishing by South Atlantic states, Florida had a substantial decline, Georgia had a substantial increase, and for North Carolina and South Carolina, there were numerical increases, but really no significant increases in the data.

Our hunting and fishing survey folks have been very good at providing early on information. The information in these reports, I think, is very helpful in getting an overview, a big picture, of what's going on in the recreational sector and I think this is information that kind of can help us gauge what direction things are going in the future and how that might affect the level at which our stocks are being exploited.

Our Hunting and Fishing Survey Office in Washington is very helpful. If there's any information that they can provide to the Science Center or to the commission, I'm sure that they'll be happy to provide that, because there's quite a bit of data that's stored up in what was collected that can be of use in more definitive analyses that statisticians can do.

I might add that the hunting and fishing survey is one of the top ten economic surveys in the country and it's something that we've been very proud of since 1955, for providing that level of data. In closing, I would like to say that it's been great working with all of the members of the council and the staff. I appreciate your camaraderie and I'll never forget that and you can be assured that I will be encouraging good things to happen through the council process as I retire. Thank you.

Mr. Geiger: Thank you, Columbus, and, again, best wishes and good luck and Godspeed on your retirement. Enjoy it. It's well deserved. Are there any other questions for Columbus?

Ms. Merritt: Columbus, has there ever been any data that ever separated out or indicated percentage-wise the number of these recreational fishermen who are also commercial fishermen or people who are dependent upon commercial fishermen?

Mr. Brown: No. Due to the way the funding stream is from this report, it comes from the Sport Fish Restoration Fund and I think they stretch things about as far as they can to provide good data, but the commercial aspect is one that they have to avoid, because one of the provisions of the Sport Fish Restoration Act is anything that we do with those funds has to benefit sport fishermen, and so we do not do commercial data as part of that process.

Ms. Merritt: Maybe I wasn't being clear, but because most commercial fishermen also have recreational licenses and permits and they recreationally fish and their families recreationally fish. I was just looking at it from the standpoint of those people who are both and that's all.

Mr. Brown: I hear you, but we don't differentiate. That's not one of the data cells.

Mr. Geiger: Anything else for Columbus? Thank you, sir. Next is Robert.

Mr. Boyles: Thank you, Mr. Chairman. Before I start, can I take a short recess so I can call the State Transport Police? I understand a Georgia state official will be taking water through the State of South Carolina on his way home. Spud, thanks for the tip.

In all seriousness, we do have very similar water issues as Georgia does and, Spud, it's a long way home if you don't go through South Carolina and so we do appreciate the help with the water supply along those lines. A couple of things that are going on, Tom indicated to you all the staff's progress on aging the vermilion. That is working well.

We are well over halfway done with our obligations to the Fisheries Service in terms of reading those slides and so that should be -- I think we've got until March and I think we'll be well ahead of that, to get those slides read. A lot of what is requiring a lot of my attention these days is changes that we are going to require which will require legislation through our general assembly to provide exempted status from the recreational registry requirements.

South Carolina specifically exempts shore-based recreational anglers and those fishing from piers and we've been given some preliminary notification from the Fisheries Service that that exemption will bump us out of being able to exempt our anglers from the recreational registry

requirements and so we are awaiting formal notification from the Service before we proceed with legislative fixes to gain that exempted status to have all our recreational anglers licensed under the state saltwater fishing license.

Along those lines, something we're working on as well, on the same theme as the water theme, we've got some issues with some shrimp resource issues in Port Royal Sound, where people are targeting these shrimp as they aggregate in the inshore waters late, as the waters start to cool.

Probably part of our legislative fix will be to require those folks targeting shrimp with cast nets, but not using bait, to be licensed as a saltwater recreational angler. Presently right now, unless you are casting for shrimp over bait, you are not required to be licensed and part of this, again, is to prevent the net export of shrimp to the State of Georgia and so that's something we're working on as well. I say that a little tongue-in-cheek.

I will say I think the governors of Georgia and South Carolina have announced plans to jointly develop a port terminal in Jasper County and so we're working together well, I think, on those lines.

A couple of other things that are going on is staff are working on some large-scale mitigation projects for some environmental issues related to shellfish habitat creation in the Charleston Harbor Estuary and this is related to port terminal expansion, as well as some environmental remediation, under RICRA and Superfund projects.

Lastly, just along the lines of shrimp, we continue to see, as Columbus indicated, we still see some fluctuations in participation in recreational activities in South Carolina. We just had a fairly good year on our recreational shrimp baiting fishery, but the number of permits sold was down considerably. I think we sold right at 9,500 permits for the sixty-day season that ended several weeks ago.

There's a lot of stuff going on. I'm trying to mind the farm with respect to licensing recreational anglers and keeping our resources where they ought to be. Thank you, Mr. Chairman, and that concludes my report.

Mr. Geiger: Thank you, Robert. It's duly noted that Mark Robson is absent and I'm not skipping over him and there's no Florida report. Unfortunately, the Florida Fish and Wildlife Conservation Commission meeting conflicts with our meeting here this week and Mark had to leave early to go back to that. That's another issue we need to resolve at some point.

Mr. Iarocci: If I may, Mr. Chairman, hopefully that will be resolved at this meeting, because I think they're dealing with that today.

Mr. Geiger: Great. Thank you. Mr. O'Shea and the Atlantic States Marine Fisheries Commission Report.

Mr. O'Shea: Thanks, Mr. Chairman. It occurred to me that we sent you a copy of our annual meeting report from two years ago and I'll give you an update from that. I meant to give you the

one from October of this year, when we met in Annapolis, Maryland.

First up, I wanted to thank you all for your hospitality and warm welcome earlier in the week and it's a pleasure being here, Mr. Chairman. Our commission met in Annapolis at the end of October and maybe I'll just give you a couple of highlights that you all might be interested in from that meeting.

With regard to Atlantic herring, our commissioners cut the upcoming TAC by 10 percent for the inshore fishery up there. Those of you that are watching the forage fish issue, Atlantic herring is lining up to be another, frankly, battleground, if you will, where the intersection of capacity, bait for the lobster fishery, food fish, as well as ecological considerations, are all sort of coming together. There's a new environmental group that's arrived in July to play into this issue and I think there will continue to be a lot of controversy associated with Atlantic herring.

With regard to our Spiny Dogfish and Coastal Sharks Board, they took action to increase next year's TAC on spiny dogfish to eight million pounds and they've authorized the states to go up to 3,000-pound trip limits. They also put in a provision for a 58 percent/42 percent north/south split to take into account that those dogfish show up at different times of the years and try to allocate them more equitably to the southern states.

The board voted to go forward with the ASMFC Coastal Shark FMP, which we're in the process of working on now. With regard to the American Shad and River Herring Board, the commission finished a significant stock assessment on American shad. There's some twenty-nine subunits of that species and interestingly, American shad occur in all of our member states, from Florida to Maine, including Pennsylvania has American shad runs.

That stock assessment, unfortunately, concluded that American shad is at an all-time low and in addition to that, we've received information and continue to receive information on the precipitous drop in certain river herring runs and so in reaction to both of those facts, the board had voted to initiate Amendment 3 to respond to American shad and river herring. The first step for us is to develop a public information document and we're in the process of doing that.

Moving on, Mr. Chairman, another issue further up north that's of great concern to our states, but I know it affects states down here as well, is the issue of the introduction of non-native oysters into the Chesapeake Bay.

Maryland and Virginia have a very high interest in doing this and the adjacent states have a high concern about the de facto introduction into their waters, due to the hitchhiker and bilge water possibilities. It's a sensitive issue at the commission and we're coordinating the states involvement through our Interstate Transport Committee and then we'll continue to monitor that. An EIS is being developed in the Chesapeake Bay to evaluate and get the different issues on the table and we're participating in that process.

Moving over to the people side of the commission, at our annual meeting we presented an Annual Award of Excellence to an old friend of your council, Dr. John Merriner, for his contributions over the years to the ASMFC process, particularly the science process.

We also recognized with our highest award, the David Hart Award, Preston Pate, a former Director of Marine Fisheries for North Carolina. Actually, I'm looking around the table and I'm trying to think who else -- David, have you gotten a Hart Award?

Mr. Cupka: Yes, I got one and Bob got one and Susan Shipman got one over the years. We're well represented in this part of the country.

Mr. O'Shea: Dr. Hogarth has got one and Gordon Colvin has got one and so it's really -- In the commission family, Mr. Chairman, it's the NFL Player of the Year Award, Lifetime Achievement Award. We're very happy to do that.

In our governance structure, George LaPointe from Maine was elected as our chair for the next year and your own Robert Boyles from South Carolina was elected as the vice chair. Moving on to the commission staff, many of you know a person who used to go by the name of Megan Gamble.

She was an FMP Coordinator for us and she came back as our Science Director with a new name, Megan Caldwell, and served for about a year-and-a-half with us. She is now happily with child and her husband has taken an assignment up in Connecticut and so they've moved out of D.C. and Megan is leaving us and our new Science Director, Patrick Marchman, is now onboard.

He has come from the west coast and so it's a name that you all don't know from the ASMFC process, but he took over Megan's duties as of Monday and Megan is going to continue to serve for a few more weeks in a consulting capacity and helping with the transition. Patrick is onboard and we're excited about having him.

With regard to a thing that's on the commission's plate is our full commitment to participate with Dr. Boreman in the Marine Recreational Data Improvement Program. I serve on the Steering Committee and we had Megan on the Ops Team and Bob Beal is taking her place on that, in reflection of the commission's commitment to work with the Service and improve the MRFSS program.

Mr. Chairman, our next meeting is in February, the first week of February, the 4th through the 7th. It's at the Crowne Plaza Hotel in Alexandria, Virginia. As always, those meetings are open to the public and from time -- I know you were at our annual meeting and we see Mr. Mahood from time to time and we certainly welcome all of the council members when we see you there.

A summary of our annual meeting, our calendar, and other things are available at our website, www.asmfc.org. As soon as I finish this, I'll find the October 2007 Annual Meeting Report and I'll send that to you electronically, so you'll have something to read on the way home. Thanks, Mr. Chairman.

Mr. Geiger: As always, thanks, Vince. We appreciate you being here. Thanks very much and Mike Ray from the great state of Texas and Gulf Council liaison, we don't expect you to make a report, Mike, but we wanted to certainly thank you for being here and we enjoyed your

interactions this week and being able to discuss a number of issues with you and thank you.

Mr. Ray: I certainly wish to thank the council staff and the members here for the hospitality and certainly all the information that I received and I really enjoyed the week and thank you.

Mr. Geiger: Thanks. What we're going to do is we're going to have one more action and we're going to hear from the LAPP Working Group before lunch. Then, what I anticipate we'll do is we'll go ahead and break and come back probably around 3:30 and we'll hear then from Preston Pate, who will be here to give us a presentation on the MRIP Program that Vince just discussed, and then we'll have the public hearing at four o'clock and then we'll take action on Amendment 15A.

Unfortunately, we're going to have to hang around until this evening, for another public hearing at seven o'clock. That's the bad news. The good news is we'll be finished today and so I hope that mitigates -- The hearing is at six o'clock tonight. Hopefully we'll be able to mitigate that by being able to be done today.

Mr. Geiger: LAPP, Kate. Ben Hartig, are you going to come to the table? Certainly for those who don't know, Ben is a past council member and chair and has agreed to serve as the chairman or was elected to serve as the chairman of the LAPP group. He also serves as our chairman of the Mackerel AP. Welcome back, Ben.

Mr. Hartig: Thank you, Mr. Chairman. It's good to be back at the table again. I'm going to let Kate go ahead and give the report and then try and answer any questions you may have afterwards.

Ms. Quigley: You should each have a printout of the summary report from the Limited Access Program Exploratory Workgroup. The met yesterday and today and actually, we're still meeting. We have a couple more presentations after lunch. The workgroup received presentations from Gregg Waugh in a presentation titled "What's Next for Snapper Grouper Management or What's the Status Quo Expectations".

The presentation provided workgroup members an overview of the various amendments being worked on and future commercial quotas for various species. Eileen Daugherty of Environmental Defense gave a presentation on sector allocation programs implemented in the Pacific whiting fishery, North Pacific Alaskan pollack, and the New England Cape Cod hook sector fisheries.

I gave a presentation on fishing cooperatives, with focus on the Pacific whiting conservation cooperative and the Chignik Food Processors Alliance. I also provided the workgroup with information about quota distribution to communities and regional fishing associations under an LAP type program, as defined in the Reauthorized Magnuson-Stevens Act. After lunch, we expect a presentation from Scott Crowson on the results of a survey to North Carolina fishermen regarding the potential for an LAP for various North Carolina fisheries.

The workgroup discussed various characteristics of LAPs and continued to develop options for a

possible commercial snapper grouper LAP. They discussed the possibility of a referendum and options for cost recovery, use-it-or-lose-it provisions, individual overage and underage provisions, regional fishery associations, sector allocations, community quota, and some aspects of initial allocation.

The committee has the following request. Doug Gregory had requested that Sherry Larkin replace him as a proxy at the January and March meetings of the LAP and that concludes the report.

Mr. Geiger: Thanks, Kate. Ben, do you have anything to add?

Mr. Hartig: Yes, I do. I think if you all haven't seen what Gregg put together for us, it was very sobering for the group of fishermen who are members of the workgroup. I had asked Gregg to put together at the last meeting. As we've gone through this process, it seemed to me that we needed to have something to present to the fishermen of what's coming at them down the pike and hopefully in an effort to choose some future -- Maybe to prod them at looking at LAPs a little harder.

What Gregg put together was very good. It was very sobering and we spent most of the morning discussing it and so -- I'm sure you've all seen it and if you haven't seen it, when you do see it, it's a real eye-opener, but we really appreciate Gregg for doing it and it's brought us down in that direction.

Mr. Geiger: Ben, give us your sense. Where are we headed here? Is this a thumbs-up or thumbs-down? Where are we?

Mr. Hartig: Fishermen in my area are guardedly optimistic. They want to see what the initial allocation schemes are going to be, but overall, to be frank with you, it's very hard for me to see fishermen asking for a LAP program without having to undergo some of the heinous regulations that most of the other fisheries that have gone to LAPs have had to undergo, when you had the snapper fishery in the Gulf with a two-week season, when you had in British Columbia the halibut season was six days and in Alaska, it was one day.

All these fisheries had to fish under heinous scenarios before they actually grasped the ITQ savior pole and so -- With what Gregg put together and if fishermen can digest that and get a handle on it, I think that could prod people farther along. I think it's a very powerful document that he put before us and I think if we get that -- He's going to polish it up and have it ready for the public here directly.

I think if we can get that distributed to the public and let them digest that over a period of time, as we go through this process, I think we're thumbs sideways, to be honest with you, right now. We're not up and we're not down yet, but we will continue to finish the template that you'll have by the time that we're done.

Mr. Geiger: Thank you. Are there any questions or comments?

Mr. Iarocci: I just also would like to reiterate what Ben had put into the record about Gregg's paper yesterday and the information that he did put forward and watching and being there most of the day yesterday, trying to be in two places at one time, but being there and watching Ben and Kate and some of the input coming from that group, I feel the same way you do, Ben.

I think, in talking to the different people, we're right there. We're not up and we're not down on this, but where we do move forward, and especially in getting the information out -- I know Gregg, the other Gregg, the female Gregg, was there taking lots of notes and Kim was in and out of there.

I talked to the male Gregg and Kim about this yesterday, trying to figure out how to get this in the Update and get the right information out and to move forward with this, because that's going to be really important. Once again, great job to both of you guys for what you're doing in there, because I know what a hard job it is right now, the way everybody is feeling about this.

Mr. Geiger: Any other questions or comments? Rita, Chairman of LAPPs?

Ms. Merritt: I haven't had a chance to get over there enough.

Mr. Geiger: I know.

Ms. Merritt: They've pretty much said what I've observed, but I would like to compliment Kate for hardly putting a blip on the screen while going out and having a baby in the middle of all of this. I really appreciate all the work she's been doing.

Mr. Geiger: I'll bet you she would say that baby was a blip on the screen, but -- What we'll do is we'll stand in recess until 3:30 and at that time, we'll hear from Pres and then we'll go into our --

Lt. Brick: If I don't see everybody before I take off today, I did want to thank everybody for welcoming me into the council family and everything and I really appreciate everything you did for me during this time and your emails and everything. Fisheries will always be near and dear to my heart, no matter what I'm doing in the Coast Guard, and you're a big part of that.

Mr. Geiger: Godspeed and good luck, man. We stand in recess until 3:30.

(Whereupon, the meeting recessed at 12:15 o'clock p.m., December 6, 2007.)

December 6, 2007

THURSDAY AFTERNOON SESSION

The South Atlantic Fishery Management Council reconvened in the Pamlico/Hatteras Room of the Sheraton Atlantic Beach Oceanfront Hotel, Atlantic Beach, North Carolina, Thursday afternoon, December 6, 2007, and was called to order at 3:35 o'clock p.m. by Chairman George

Geiger.

Mr. Geiger: It looks like everybody is here and so we'll go ahead and start. We're honored this afternoon to have Pres Pate with us and Pres has been pressed into service, I guess, by Bill Hogarth in regard to this MRIP Program. I don't think there's any better person who could have been drafted to oversee this and kind of shepherd it through the process. We're honored to have him here this afternoon and get an update on where we stand and what's been done. I know there's been significant progress and, Pres, would you tell us all about it please, sir?

Mr. Pate: I'll do my best, George. I'm honored to be here and thanks to you and Bob for the invitation to come today. You're right about being pressed into service. I liked your pun. Dr. Hogarth did a little arm twisting to get me out of full retirement to do some part-time work for the Service to oversee one component of the program that will redesign the MRFSS survey.

Some of you have heard this presentation before, at least the part that I'm responsible for, and I hope I can do justice to the full picture that involves the registry program and the outreach program, which are being overseen by other NMFS staff, but what I wanted to do today is give you a little bit of background information about how we came to be and where we are and bring you up to speed on the progress that has been made ever since the National Resource Council came out with their report in 2006 to require that the Service build a new program to improve the collection, analysis, and use of recreational data.

A lot of controversy surrounded the estimates that came out of MRFSS, a lot of that dealing with the summer flounder fishery in the Mid-Atlantic, prompting the National Marine Fisheries Service to commission the National Research Council to do a review of the survey methods embodied in MRFSS and make recommendations for how that program can be improved.

There's built into this process, naturally, some skepticism about where we're going to go and a lot of questions about how far we have come so far and the progress that we have made has not been very obvious, because we aren't producing, at this point, any products that will be obvious to the recreational angler, who are the main constituents and beneficiaries of the improvements that we're making, but a lot of work has been done and there was initially the creation of the management structure, in getting a lot of good, experienced people into the process in the right place to help us prepare a development plan that will guide the process to its completion.

Funding is a big part of this, as you can easily realize. Dr. Hogarth was able to identify \$3 million dollars that we can allocate to this program over the next year. Unfortunately, that has been delayed by the lack of an approved budget and will be delayed, as a result, in implementing some of the research projects that have been developed to address the deficiencies that were identified by the NRC.

Those project plans have been developed. They've undergone review by the Operations Team and we'll be submitting our Operations Team recommendations to the Executive Steering Committee soon for their approval for funding.

The governance structure for this program involves, as this slide shows, an Executive Steering

Committee and three major groups: the Operations Team, which I chair; the National Saltwater Angler Registry Team, which is being chaired by Gordon Colvin, who many of you know who until retirement and taking this job was the fisheries director in the State of New York; and the Communication and Education Team, which is being headed up by Forbes Darby, a staff person for the National Marine Fisheries Service.

Under the Operations Team are four work groups that are populated by experts from a variety of different sources. There's a lot of involvement in those groups by state employees and constituents that are looking at groups of issues that were identified in the NRC Report.

The Executive Steering Committee make-up has representation from the fishery management councils, the interstate commissions. Vince O'Shea is on that and one representative from MAFAC and four from NOAA Fisheries and that group is chaired by John Boreman, who is the Director of the Science and Technology Division for the Service.

The Operations Team, which is under my guidance, again, has broad representation by a variety of groups, the fishery management councils, the interstate commissions, as many states as we could press into service for participation, and several members of the National Marine Fisheries Service.

We brought these groups together as a large body. Let me back up and say that the workgroups are -- All of them have at least twelve members. One has, I think, twenty-one, because we merged two groups. It's a large number of people that are involved in this process and we made an attempt, and were successful, in bringing all of those people together three months ago in a workshop in St. Petersburg, Florida to identify and develop priority projects to address the specific issues raised in the NRC Report, which fell into various categories, as shown on this slide, categories of survey design, data analysis, data management, standards, the for-hire fishery sector, and the various species fisheries for highly migratory species.

It was at this workshop that we gave the workgroups their charge to develop projects that will address these specific issues identified in the NRC Report. The design and analysis workgroup is working on the bias in catch and effort estimates and has developed a number of projects that will hopefully improve the approach for statistical estimation, reducing the estimates of catch error, or more accurately defining what the catch error is, by accounting for anglers that are not included in the catch sampling frame, such as those fishing from private access points, those engaged in night fishing and tournament fishing, and developing studies to account for anglers not included in the effort sampling, such as those that are residents in non-coastal areas and have no phone, which is becoming a big problem, with people's reliance on cell phones now instead of land lines, or are fishing with no license, and then to get more accurate estimates by examining alternate methods for collecting information about discarded catch.

Our data management and standards workgroup was addressing the issue of improving standardization of surveys among regions between state and national surveys, because we will not only be utilizing the information that is generated through the MRIP, which it's being referred to as now, but it also states that surveys will be conducted on a regional basis and within the individual states.

Their projects will identify existing data collection programs and categorize common data elements that are necessary for all of the programs and establish minimum data elements in regional and national standards.

The for-hire workgroup is examining the NRC issue. Survey methods and reporting requirements should be different from private anglers, testing the assumption that success in the for-hire fishery cannot be extrapolated to the private angler sector. Projects include documentation of existing for-hire data collection programs, independent review of for-hire data collection methodologies, and pilot electronic reporting programs for Puerto Rico for-hire catch and effort data.

The highly migratory species workgroup, even though the NRC report did not identify highly migratory species as being a deficient program, the reauthorization of the Magnuson Act charged National Marine Fisheries Service with improving all of its data collection programs and so HMS was included in this effort as a result.

The projects that are developed by that workgroup include a pilot study to characterize the HMS angling category fishery in the Gulf of Mexico and South Atlantic, a pilot study to characterize the HMS charterboat fishery in the Gulf of Mexico and South Atlantic, evaluate the large pelagic survey tournament data and develop a non-tournament HMS data collection program for the Caribbean.

We also had, before the workgroups got started funded, a project that is being conducted in the Gulf of Mexico which will utilize state saltwater license databases as the telephone survey sampling frame and integrate that with the coastal household telephone survey, which is characteristic of the current MRFSS program in a dual frame approach, to cover all anglers, those that are licensed and non-licensed. A very similar project has begun in North Carolina, through the Division of Marine Fisheries, and has a lot of promise in addressing some of the deficiencies in the angler license registration that we are currently faced with and probably will be faced with in the future.

The NRC Report is not the only force that was driving the need to make these improvements. With the reauthorization of the Magnuson-Stevens Act this year, it's called for more accurate and precise fishing information to be collected and used in management decisions and it directed that data be improved by creating a national saltwater angler registry, which in layman's terms would be a phone book of marine fishermen that could be used as a database for conducting the surveys.

As I mentioned earlier, Gordon Colvin was brought into service, after his retirement from the State of New York, to chair this group and I think has done an admirable job in getting that part of this process where it is now and believe me, it's been a hot-button issue in some of the presentations that we've made and is going to be one of the most difficult components of this project.

Again, we've put a lot of emphasis in formulating this team on state membership, taking

advantage of the experiences that various states have had with licensing programs, and also to bring as much regional need into the discussion as we possibly can, as well as having representation by the recreational fishery through membership by Dick Brame, who many of you are familiar with, as well as Jim Donofrio and Eric Schwab, who now is working with Maryland DNR.

The National Research Council had several conclusions and statements relative to the need for a registry in its report. It recommended establishment of a comprehensive and universal sampling frame with national coverage by creating a registration of all saltwater anglers, through new or existing state saltwater angler programs, that would allow no exemptions, a very important recommendation in that report. That would provide appropriate contact information from anglers fishing in all marine waters, both state and federal.

The Act, as I said, creates the national registry, which becomes effective January 1, 2009, and applies to any angler that is fishing in the EEZ or is fishing anywhere for anadromous species. No fee for that registration will be required before January 1st of 2011 and there is a provision in the Act for exemption of anglers, based on the data that can be provided by the states.

The registry provisions of the Act gives the Secretary of the Department of Commerce the authority to exempt from the registration program those recreational fishermen and charter fishing vessels licensed, permitted, or registered under the laws of a state if the Secretary determines that information from the state program is suitable for the Secretary's use or is used to assist in completing the Marine Recreational Fisheries Statistical Survey or evaluating the effects of proposed conservation and management measures for marine fisheries.

That gives the registry team, NOAA, and the Secretary a lot of flexibility in coming up with the standards that will be applied to the states in making the decisions on which licensing programs will be accepted or which regional programs will meet the various management needs and sets the basis for what we're calling the hybrid approach, that will allow the regional programs to be conducted if they are based on a license base.

The registry team, which includes Spud Woodward, and I forgot to point that out when I went through earlier, has been on a pretty aggressive schedule. They've developed their plan that incorporates the approach for this segment of the program and are working on the rule that will eventually go into the Federal Register to provide the details for the registration program and the criteria for exemption from the registration requirement.

Establishing the process for registering anglers for non-exempted states, they have a goal of completing that project by December 1, 2010 and you can, I think, easily understand how daunting this might be, when you're talking about potentially registering millions of anglers and we'll hope to begin by January of 2009 the registration of anglers and receive angler identification and contact information from exempted states and input that data into the new angler registry database.

One of the points of interest that has arisen early, after the presentations that we've made on this issue, is how the states get to exempt status and we're working on those criteria now, as I said,

and I'll say more about some of the exemptions that will be exempted in just a minute, but ultimately, the states would provide NOAA with a license or registry-based frame of anglers and for-hire vessels, including identification and contact information, or the state uses the registry-based information in a regional survey that is accepted by NOAA as meeting the data standards and satisfying completely all of the needs that are identified in the Magnuson Act. As I said earlier, this is what we've come to refer to as the hybrid approach.

As we go about examining the various state license programs, it became clear that there are going to be certain exemptions that those individual programs currently provide that will have to be accepted and factored into the criteria for exemption from the federal registry requirement and so those criteria could potentially include exemptions at the state level for use under the ages of fourteen to sixteen, seniors, at least initially, for the first couple of years of the program, those fishermen fishing on licensed piers on for-hire vessels, disabled anglers, and active military, while on furlough.

The exemptions that we have a lot of concern about, because they create some pretty significant gaps in the databases and might not be able to be resolved by other statistical methods, are fishing on a licensed or private boat, such as provided by the states of Maryland, Delaware, Virginia, and Florida; fishing from private property, such as is the case in Virginia; exemptions for shore and public pier fishing, which is the case in South Carolina and Florida; and exclusion of some marine waters, such as those in Maryland.

Some of these may very well prove not to be very significant, because of the numbers involved. For example, the Florida private vessel license is a thousand dollars a year, which makes it economically prohibitive for most anglers or vessel operators, and there was only nineteen of those issued in 2006, but for other vessel operators in some of the other states that can get the license at a much reduced rate from the Florida fee, it could be statistically significant.

In addition to the exemption criteria, there are other challenges to be addressed in completing the sampling frame, such as those states that offer lifetime or long-term licenses, combination licenses that allow anglers to fish in both fresh and saltwater, licenses available for seniors on a lifetime basis, and just the mechanical data delivery to the federal database.

All of these will require a commitment by the states to assess the efficiency of updating those various license categories and make sure that the federal license frame is kept up to date, to the extent that we possibly can.

As part of the hybrid approach, certain state survey data will be accepted as a basis for exemptions if that data is part of a regional survey, regions, such as those in the western Pacific, Alaska, and the Caribbean, and that the surveys utilize angler registry frames and the surveys are determined by NOAA to meet the minimum national survey design and data collection standards.

One of the very important principles that we have adopted in this is to make sure that the process is very well communicated to the states. State involvement in the ultimate success of this program is going to be critical, for any number of reasons, with the mere fact that the registry

requirement applies only to anglers in the EEZ or those fishing for anadromous fishes, and it makes state involvement in this very critical, so that we can catch angler effort and success in all marine waters and not just in those two regional fisheries.

We are committed to providing regular progress reports to the states. The website that we use is updated almost on a daily basis, with meeting minutes and other documents that are pertinent to the effort. We invite states to participate in outreach and communication actions, which is going to be very important, and cannot be stressed enough, as it's necessary to rely on the states for a large part of that.

Of course, upon request, just like I've done today, we are able to brief state agencies, and any other management groups, on the program and where we are and where we're going. The website, as I said, is a very important source of information for the progress that we're making, Gordon Colvin being the contact person for the registry and myself for the Operations Team. Of course, we can provide information across team boundaries, if that's necessary.

As I mentioned to someone just prior to this presentation, it's a pretty daunting task and there are a lot of high expectations for some immediate changes in the estimation of recreational angler effort and landings and I'm hopeful that we'll be able to implement some of those fairly quickly and provide some clear indication that we're responsive to the needs of the managers and our constituents, but realistically speaking, the ultimate improvements will take place over time, after a lot of the changes that we're making are fully realized as far as their potential and benefits.

We'll be able to make adjustments and hopefully have enough flexibility in the program to evolve it over time to give us a lot better tool to work with than we have now. Mr. Chairman, that's it, in a nutshell and in a rush.

Mr. Geiger: Thank you, Pres. That was a good presentation. Are there any comments or questions?

Ms. Merritt: Thank you, Preston. I was so glad to hear this program coming up and congratulations and condolences at the same time. I know it's a big job, but as I recall reading about the program, isn't your schedule like two years away before you're expected to have anything, a plan, that's actually in place?

Mr. Pate: The registry requirement begins on January 1, 2009. We are hopeful and I'm fairly assured that we'll have all of the aspects of that program in place to implement it at that time. The research projects that I was referring to that are designed to address the many issues raised in the NRC Report have been prioritized and we'll be applying the funding that is available now to those, to begin them right away. There are two or three of those that we can begin probably right after the first of the year.

The lack of an approved budget is making that process more complicated than we were hoping it would be, in that we only have about \$400,000 to apply to a set of research projects that are going to take about two-and-a-half-million to fully complete.

Some of those projects can be completed in six months. Some of them will probably take a year-and-a-half to complete, just because of the nature of the work that's being done, but we're hopeful that we can learn enough in the projects that have a short duration to make some changes in the current MRFSS program that will be realized fairly soon, and hopefully before the registry starts in 2009, if that gives you a little bit clearer picture of what the timeframe is we're working on.

Ms. Merritt: Thank you. That sounds great, because now it's really looking more like a year, if everything goes well with budgeting and all. Is there something as a council that we can be doing? This is so important to us in the decision making process. We had a long conversation this morning regarding the lack of some of the data and this is really important data.

Mr. Pate: I think one of the most important roles that this council and the other councils and management entities can provide is to stay abreast enough of the progress that we're making and the types of research projects that we're doing to be confident that the potential improvements that will result are meeting your management needs.

We had a lot of discussion about this program when we convened a group in Denver a couple of years ago and focused a lot on what the needs of the management agencies are. The picture in some cases was clear and in some cases, it was not as clear. Some of the management agencies may have unreasonable expectations about how well the program will apply to certain management programs and some recommendations that were made were taken into consideration and considered justifiable within the current management framework.

I think, for example, with your annual catch limits, which you all are working on now, as I understand -- There are a lot of improvements, or some improvements, that the Service can make internally to the process that could expedite providing you the information that you need in a more timely manner for that, but it won't be real-time data.

It's still a survey and there are inherent delays in analyzing and presenting results of those surveys to the managers that may not be able to give you the results that you expect, but that's something that you have to stay on top of and determine yourself and give us feedback when you realize that we might not be doing exactly what you need to be done. Hopefully we can respond to that with more survey design changes or any other measure that might be available to us. We're doing this for the managers, obviously, and we've got to have -- It's very important and critical that we have the feedback from the people that are using this information.

Mr. Geiger: Of course, then you get appointed to the committee as well, Rita, to help fix all those problems. Robert, did you have something?

Mr. Boyles: Pres, thanks for that. It's always good to see you and it's nice to be closer to your turf. I have, I guess, a very specific question with respect to the timeframe, and I've spoken with Gordon about this. For programs like our program in South Carolina, that does have some exemptions that would likely put us outside the category that would completely and fully meet the Secretary's needs for data collection, specifically with some exemptions that our license program has, one of the concerns I have is obviously to fix that, it will require legislation.

Our legislative session begins in approximately a month and I don't want to open up a can of worms. I don't want to go to the legislature twice with a license bill, but at the same time, I noted in some of the materials on the web page that January 1, 2009 is when the federal registry will be up and running. Do you have any advice in terms of how we move as expeditiously as we can through the legislative process just once, in order to be ready to go and have our program in compliance, so to speak, by January 1, 2009?

Mr. Pate: Robert, there are a lot of factors that are not under your control, or that of the Service, that are going to influence that and one of those is rulemaking and having a clear picture of exactly what the criteria for exemptions are going to be, so that you can go to your General Assembly with confidence that you only have to make that one request.

The federal process is slow sometimes and we've been -- It's taken us longer to get those draft rules, proposed rules, approved for inclusion in the Federal Register and we may, as a result of that, ultimately find ourselves with the need to transition some of those exemption criteria, like I indicated in one of my slides, and maybe not very clear, but the seniors, that we would accept some exemptions, such as for seniors or some other categories of anglers, for a period of two years or whatever, to allow you to develop a complete package to go to your General Assembly.

We want to make -- I think it's going to be very important, since we at every opportunity stress the importance of cooperation with the states. We want to make every effort that we can to extend that cooperation not only from you to us, but from us to you, particularly in the case of those states that have to have legislative action to modify that license. That can be ugly. I've been there and I don't want to ever go back there again.

Mr. Geiger: Any other questions or comments?

Mr. Currin: Pres, I talked to you about this a little bit beforehand, but one of the problems that we have in trying to utilize estimates of catch or harvest of recreational anglers derived from MRFSS is the very high proportional standard errors that are associated with a number of the species under our management authority.

It's not so much a question for Pres, but if he's got a comment, I would appreciate it, but just so everyone else around the table understands what to expect out of the new and improved MRFSS, I think your response when we were talking about this was that we probably shouldn't expect a whole lot of improvement on those species that are relatively rarely occurred in the surveys. That's strictly, I think you said, related just to the overall sampling effort associated with the program, but I just want to make sure everybody understands, in that particular vein, what we can expect.

The estimate of landings of rare event species is problematic in a survey. There are some improvements that we hope to make in the surveys in the HMS fishery and in the for-hire sector that will reduce the standard error for those rare event species, but for the recreational angler, about the only good way you can do that is just to increase your sample size to great proportions. That has a lot of problems, in order to be able to do that. Rare events are going to be an ongoing

problem for us, unfortunately.

Mr. Woodward: Another thing that people need to get ready for is the fact that there's going to be no miraculous conversion from MRFSS to the MRIP. It's probably going to have to be a dual frame sampling program that goes on for some point of time, where there still is a MRFSS and there's the new methodologies, to make sure that we can transition. I know a lot of people just want MRFSS dead and buried and a gravestone put over the top of it and that's not realistic.

Mr. Geiger: I can tell you that Dick Brame is advertising that far and wide and at every opportunity, with almost every breath he takes. It's trying to be conveyed. Are there any other comments? Pres, thank you very much for the great presentation. We appreciate it.

We're going to go into the public comment period. This is the last step -- Each time we take an action, the last step in the process, before we either approve or work on rejecting a plan or an action, the public has an opportunity for an informal comment period. This is the least formal of all of our comments and so we do ask that people complete a public attendance record, so we can just have a factual record that you did comment.

If you would, please, come to the table. Perhaps you could come right up here to where Mr. Cupka is. There's a place right up here that's vacant and, again, identify yourself and with whom you are affiliated and we'll be happy to take your comment. I have one comment card from Libby Fetherston.

Ms. Fetherston: Libby Fetherston from the Ocean Conservancy. I just wanted to thank all you guys for being so responsive to our comments in the committee session and the full council session. It looked like everybody was pretty supportive of what we had to say and some of the changes that were made at the committee level. I commend you guys for -- It's about two-and-a-half years of hard work on this document and I hope to see it approved for the submission to the Secretary of Commerce, I guess in a couple of minutes. Thanks again to everybody.

Mr. Geiger: Thank you, Libby, for your help as we went through this process. We appreciate your comments. Is there anyone else who wishes to speak? Seeing no one else, we will close the public comment period and I'll turn it back over to our Snapper Grouper Chairman, Mr. Currin.

Mr. Currin: Thank you, George. **The final motion from the Snapper Grouper Committee was to recommend that the council approve Amendment 15A for submission to the Secretary of Commerce and on behalf of the committee, I so move.** Is there any discussion of that motion?

Mr. Geiger: That is a roll call.

Mr. Currin: Rita, did you have discussion?

Ms. Merritt: I had a couple of things I would like to say and some of it is -- I'm trying not to repeat myself from the earlier committee meeting, but I feel like the new Magnuson-Stevens

Reauthorization has put some unreasonable parameters on our decision making process in this and that the approval of this amendment is basically being mandated by a judge and his order, without really allowing us as a council and NMFS as well to pursue any further information or analysis that we may have felt that was needed, whether we needed it or not.

I feel like that the judge's ruling in that case strangled pretty much everybody to meet a time schedule and all of the public hearing sectors who gave us any input found some fault and we all recognize that, because we did as well, in particular the lack of the social and economic impact data and just as a reminder that even though the environmental sectors have encouraged us to move forward with this, I think that in some cases even they have recognized and have said that without the accountability for the recreational sector that it does impede our decision making, especially in dealing with allocations. Thank you.

Mr. Currin: Any further discussion? Is there any objection to the motion?

Mr. Geiger: It's a roll call vote.

Mr. Currin: Go ahead, Bob.

Mr. Mahood: Mr. Harris.

Mr. Harris: Yes.

Mr. Mahood: Mr. Boyles.

Mr. Boyles: Yes.

Mr. Mahood: Dr. Crabtree.

Dr. Crabtree: Yes.

Mr. Mahood: Mr. Cupka.

Mr. Cupka: Yes.

Mr. Mahood: Dr. Chevront.

Dr. Chevront: Yes.

Mr. Mahood: Mr. Iarocci.

Mr. Iarocci: Yes.

Mr. Mahood: Ms. Merritt.

Ms. Merritt: No.

Mr. Mahood: Mr. Woodward.

Mr. Woodward: Yes.

Mr. Mahood: Mr. Swatzel.

Mr. Swatzel: Yes.

Mr. Mahood: Mr. Wallace.

Mr. Wallace: No.

Mr. Mahood: Chairman Geiger.

Mr. Geiger: Yes.

Mr. Mahood: Chairman Currin.

Mr. Currin: Yes.

Mr. Mahood: **The motion passes by a majority. The vote is ten to two with one absence.**

Mr. Currin: Mr. Chairman that ends my report.

Mr. Geiger: Thank you, sir.

Ms. Smit-Brunello: Similar to what was discussed after the committee meeting, the council chose a different preferred alternative at this meeting than was originally chosen and I would request and ask that it's your decision to let staff have editorial license to change the document so that it reflects the new preferred decision and any other minor editorial comments that need to be cleared up.

Mr. Currin: Yes, Monica, and we had some of that discussion, I believe, during our committee meeting and the consensus of the committee was to give the staff the latitude to make those changes.

Mr. Geiger: Okay, thank you. That completes that action and that will be forwarded as soon as possible. There are two items left, the SSC Report. The SSC Report is contained in an email and everybody is in receipt of that. We received a partial report from Carolyn I believe the other day, our SSC Chair. The complete report is located in the email. That wraps us up until -- Let's take a five-minute break and we've got to clarify a point here. We may be able to proceed.

Dr. Chevront: Did you say earlier that you wanted to say something about the allocation committee? This might be a good time to do that.

Mr. Geiger: It's a good time to fill in the five minutes. Thank you, Brian. Let's just continue here for a second. We talked earlier about creating -- We had a motion which was approved to create an Ad Hoc Allocation Amendment Committee and I've done that. I've asked Brian Chevront, Duane Harris, John Wallace, Robert Boyles, Tom Swatzel, Rita Merritt, and myself to serve on that committee.

We had a brief ad hoc committee meeting already and elected Brian Chevront as chair and we have an idea to put together a short agenda and may have a meeting as soon as the third week in February or so. Hopefully we can bring back to the council some preliminary results from that original meeting. We've got good news, a day fraught with good news, and Bob is going to share that with us all.

Mr. Mahood: Correct me, Monica and Roy, if I'm incorrect. Initially, it looked like, the way that the Gulf Aquaculture Amendment was moving, that we would have to take final action at this meeting, so the Gulf could take final action at their next meeting, which means we would have had to vote to submit it to the Secretary of Commerce.

My understanding is now that the DEIS has not been filed and this will come back to us in March and we'll have another opportunity to comment. Because we're not taking final action, we don't have to hold a comment period following this, but we certainly -- A couple of us will be here in case someone were to show up from -- I don't know where they would show up from, but to have comment on the Gulf's aquaculture amendment. I think what we're going to do now is Roy is going to make a presentation on it and we can have some questions and there will be some other public hearings, I understand, Roy?

Dr. Crabtree: Yes. The Gulf Council held public hearings on this some months ago. They were poorly attended and since then, this has gotten quite a bit of attention and at the last Gulf Council meeting, we took public comment on it and one of the main things we heard from the public comment was a request to hold more public hearings.

We are holding those hearings, I think, this month. We may actually have already had some of them and I believe they're holding hearings in each of the Gulf States. The DEIS has not filed yet. We're still working with NOAA General Counsel on the document. I'm hopeful that it will file between now and the next Gulf Council meeting, which is in the second half of January, but even if we get it filed, then the council will be in the comment period at that time.

I don't think the Gulf Council will take final action before their March/April meeting and your meeting, I think, is one or two weeks prior to the next Gulf Council meeting and so we can come back at that time and review the document again.

Now, it's not clear to me whether the comment period on the DEIS will have ended by that point or not. We'll just have to wait and see how the timing plays out on the document. You will -- I don't think it creates any issues to see the document again at your next meeting and you can see the revisions and things and we should be able to go over all of the comments that come out of the public hearings that the Gulf is going to hold. If you would like, Mr. Chairman, do you want me to go ahead and proceed?

Mr. Geiger: Yes, would you, please? Also, let me ask one other question. Are you also going to do the Review and Application for Deepwater Shrimp Advisory Panel, Attachment 8?

Dr. Crabtree: I wasn't planning to.

Mr. Geiger: Go ahead.

Dr. Crabtree: I'm going to go over highlights of the Gulf Council's Generic Amendment for Aquaculture in the Gulf. I believe there's a copy of the document, the latest version of it, in your briefing book. Probably everyone is aware that we're running a significant seafood deficit in the United States. 81 percent of the seafood consumed in the U.S. now is imported and of that 81 percent, 40 percent of it is farmed or aquacultured seafood.

In the U.S., aquaculture accounts for only about one-and-a-half percent of our seafood supply that's domestically produced and most U.S. aquaculture right now is shellfish, mainly oysters, but also clams and mussels. We have a lot of aquacultured oyster and clam production in the Southeast.

There's a two to four-million ton shortfall projected for the U.S. in 2025, based on demand and population growth. I'll show you a couple of figures. You can see in the -- I think it's a blue line, but I'm kind of colorblind. The blue line indicates the current U.S. harvest, that's the second line from the bottom, and these are all projected out to 2025.

It's generally felt that we are basically maxing out what our wild stocks are able to produce and we're not going to be able to get any real increases in productivity out of U.S. production. Now, we export a lot of our U.S. harvest and if you look at the bottom line, that's our supply after you remove the exports.

The red line that's above the U.S. harvest is the demand, in per capita consumption, at current consumption rates. It really reflects U.S. population growth and as you can see, the demand far exceeds the current production and if you look at the uppermost line, that's based on new dietary guidelines, which suggests that we should be eating two four-ounce seafood meals per week. If folks did that, then the demand for seafood increases dramatically.

I think it was a few years ago that the Office of General Counsel determined that aquaculture would fall under the definition of fishing under the Magnuson Act, so that the councils did have the authority, under the Magnuson Act, to regulate aquaculture.

You're all aware that there has been proposed legislation that would set up a permitting structure for aquaculture and would exempt it from the Magnuson Act and set up a different regulatory structure of it. We've reviewed that legislation here at the council, or proposed legislation, and you've sent comments in on it.

If approved and I don't know what the prospects, frankly, for the legislation are right now. It's just a guess right now as to what's going to happen with this bill, but even if it was passed by this

Congress, we would then have to put in place implementing regulations and go through the NEPA process to do that. We're several years away, at best, with implementation of any national legislation to allow aquaculture in the EEZ.

The Gulf Council has decided that rather than wait on national legislation that they wanted to go ahead and put in place an amendment to provide for opportunity for aquaculture in the Gulf and the purpose of it is to maximize benefits to the nation by establishing a regional permitting process to manage the development of environmentally sound and economically sustainable aquaculture in the Gulf of Mexico.

This is really a response to growing demand of seafood and there have been a number of parties who have been interested in conducting aquaculture operations in the Gulf of Mexico, primarily offshore cage operations. Where the Gulf is coming at it is that we can increase the yields that our fisheries can produce. You can basically supplement the wild-produced MSY and optimum yield by producing additional yield through aquaculture. They're trying to do this in an environmentally sound way, consistent with the goals and objectives of the Act.

What I'm going to do now is go through the actions in the document and Action 1 is to require a permit for aquaculture in the EEZ and the preferred alternative at this time is to require a NOAA Fisheries Service permit in order to operate a marine aquaculture facility in the Gulf. The Fisheries Service would have the authority to review siting criteria, which is a separate action, establish permit conditions, which is, again, another action that I'll come back to, before approving any permit.

In addition to a National Marine Fisheries Service permit, there are other permit requirements that would have to be met in order to conduct an operation in the EEZ. That would include Army Corps of Engineers permits, EPA permits, USDA and U.S. Coast Guard permits. All of those requirements remain in effect.

Action 2 addresses the duration of the permit and currently, the preferred alternative is that aquaculture permits would be effective for ten years and could be renewed in five-year increments. The current status quo would be the only way you could do aquaculture in the Gulf would be through an exempted fishing permit. Those have a one-year duration and it's felt that that's too short to provide for a viable aquaculture industry.

At this point, the council believes that ten years is an appropriate duration and that a permit of that duration is needed in order to attract investment and the capital outlays that are required to get the investment necessary for aquaculture operations. I believe that's consistent with the versions of the aquaculture legislation that have been looked at on the Hill.

Regardless of the council's decision on the permit length, the Fisheries Service will still regularly review the operations for compliance and would have the authority to revoke the permit, in the event that there were serious non-compliance issues.

Mr. Wallace: You were talking about you had to have a permit from the USDA. Is that for the food or for the food supplement for the species? Seafood falls under USDC.

Dr. Crabtree: John, I'll have to check and look in the amendment specifically. I'm assuming that is some kind of inspection of the product or something like that, but I'll have to check on that and get back to you, because I can't answer that question right now.

Mr. Wallace: I was just curious if it was because of the food they were feeding the fish.

Dr. Crabtree: Action 3 addresses permit conditions and the preferred alternative would establish permit conditions that include an assurance bond, plans for collecting and spawning brood stock, maintaining genetic diversity, emergency disaster plans, environmental monitor and aquatic animal health plans.

There is a use-it-or-lose-it provision and there are other provisions to enhance law enforcement capabilities and these conditions are intended to prevent or to minimize, to the extent practicable, the impacts to wild stocks. The council is not -- I think I'll come to that again. The use-it-or-lose-it provision is that there has to be some operation of the facility within two years of permit issuance. That was because the council didn't feel they would want to issue an aquaculture permit for an operation and then have it just sit idle for eight years. They want people to either do it or they lose the permit.

The assurance bond is something that NOAA GC is still looking at exactly how we would do that. That basically is to assure that should the operation go under, or go bankrupt, that there's a bond to pay for removal and undoing of anything that might be left out there, if there was a bankruptcy.

Mr. Currin: Roy, back to your use-it-or-lose-it provision. Is there a production criterion as well or is it simply just activity at the site?

Dr. Crabtree: I believe it's just to begin operation of the facility. I don't believe it is that you have to actually start producing product. I don't believe there was any specificity about some minimum amount of product you would have to produce.

Mr. Wallace: To that, I guess the production, as long as you're showing that you're still in the process of even getting your permits and getting your cages built and getting everything done, it would be considered production that you are in good faith pursuing it? It could take two years to get there.

Dr. Crabtree: It could. The document, I don't think, is that specific. I think the Fisheries Service would just have to review that and make a determination that there is activity ongoing and that it's not just sitting idle. I don't think it's the council's intent to revoke permits when people are making a good faith attempt to establish a facility.

For the species allowed, the council would allow all of the marine species that are currently managed by the council, with the exemption of shrimp and coral. They also intend to request the Fisheries Service to develop concurrent rulemaking to allow aquaculture of HMS. The council would not allow non-native species, transgenic species, or otherwise genetically-modified

species for aquaculture.

You would have to demonstrate that the brook stock that you're using for these is of the same stock that's in the Gulf of Mexico and follow a lot of the similar best practices that we follow with hatcheries, when we're deliberating introducing. Coral was removed because they wanted to continue to allow live rock culture, which we do have some operations in the Gulf, to be regulated by the current regulations that are in place under the coral reef fishery management plan.

Shrimp was removed probably for a number of reasons. This happened at the last meeting, but I think the feeling was that most shrimp operations are going to be coastal and not EEZ-type operations and so that wouldn't fall under this.

Mr. Wallace: Maybe you'll answer this later on, but under the country of origin labeling that's in effect now, would these go under farm raised or wild caught?

Dr. Crabtree: The best I can answer that is what I see when I go to the grocery store. It usually indicates farm raised and the country. I assume that these would be indicated as farm raised U.S. product. It appears to us right now that the most promising species for aquaculture are cobia, which there is currently an operation going on in Puerto Rico, in territorial waters, and red drum. There are some aquaculture operations for red drum going on.

There's been talk about red snapper, but I think that may be more problematic than some of these other ones. There's been a lot of public comment and a lot of concern about bringing in non-native and non-indigenous species. This plan does not allow that.

Mr. Woodward: Would this have any bearing on species that aren't managed under the council's jurisdiction, say for instance triple tail?

Dr. Crabtree: That would not be allowed, is my understanding, under this plan, because this plan applies to marine species managed by the council, and we don't manage triple tail. If someone wanted to do that, I guess I would have to sit down with the attorneys and talk about how could we handle that.

I think the best way and the cleanest way, if someone wanted to try that, would be to come to the council and ask them to add triple tail to the management plan and then it would then fall under the FMP. There was discussion about could we regulate aquaculture of species that we don't include in the FMP and don't manage. That got into a lot of gray areas and uncertain areas.

Action 5 deals with the allowable marine aquaculture systems and in other words, what types of facilities would be allowed. The council discussed whether they should restrict it only to cages or net pens or should they be specific about what types of pens would be allowed and they ultimately decided, with the preferred alternative, to have NOAA Fisheries evaluate each proposed aquaculture system on a case-by-case basis, to ensure reliable offshore growing system technology is used to provide environmental safeguards.

They did this because they were afraid if they were too specific about what types of facilities would be allowed that there would be new technologies and innovation and that would tend to stifle that and as we're all aware, amending these plans is time consuming. They felt like they wanted to allow flexibility, because this is a new industry developing, at least in the U.S., and they wanted to encourage innovations and improvements in the technologies that are available.

Action 6 is the designation of sites or areas for aquaculture. Again, they developed general siting criteria that would be applied on a case-by-case basis to ensure reliable offshore technology is used. In the amendment, there is a table that lists a long list of different criteria that the various federal agencies would evaluate, or should evaluate, when determining if the siting is appropriate.

That would include not just NOAA Fisheries, but EPA and the Army Corps. Some of the things that they asked us to look at are water depth, dissolved oxygen, sediment type, current speed, location relatively to ecologically important habitat, EFH and those types of things, marine reserves, HAPCs, and traditionally important fishing grounds.

Action 7 has to do with buffer zones and there was discussion of whether we should establish buffer zones around these facilities. At least at this point, the council's preferred alternative is not to establish buffer zones around the marine aquaculture facilities and one of the concerns was that while the Fisheries Service and the councils would have authority to prohibit fishing around the aquaculture facilities, we would not have authority to regulate non-fishing vessels and non-fishing activities around them.

The council also was afraid that by setting up buffer zones that it would be seen as setting up marine protected areas and things like that and that that would be objected to by fishermen and so at this point, they are not restricting access around the aquaculture facilities.

Action 8 establishes record keeping and reporting requirements. The preferred alternative would require that these operations provide NOAA Fisheries with copies of the Army Corps of Engineers, EPA, and the other federal permits; have to report all fish landed and harvested; have to report incidences of disease, escapement and entanglement; maintain feed labels and harvest and sale records for at least three years; obtain approval from NOAA Fisheries Service on the species that are going to be cultured; inform the Fisheries Service when the type of aquaculture system used for culture is changed; and submit annual standardized reports. That covers the eight actions in the document and so I can try and answer any other questions you may have.

Mr. Geiger: Thank you, Dr. Crabtree. Are there any questions?

Mr. Harris: Roy, I know it said species that are managed by the Gulf Council and I think you said they must be indigenous to the Gulf of Mexico. Does that include the species that are used for spawning? Could they bring a red drum in, for example, from Georgia and spawn it out and use those juveniles for their aquaculture activities?

Dr. Crabtree: Duane, I believe there's a requirement for a brood stock plan and for them to show how they're going to maintain the genetic integrity of the brood stock and in my view, what we

would be looking for is if you're going to rear aquacultured red drum, then you ought to have brood stock that is Gulf of Mexico red drum. We all know that there will be escapees at some point. I think that's just a good management practice and so we would be looking for that in our review of the permits.

Mr. Boyles: Roy, one of the things -- Mike Rubino came and visited us last week and gave us a presentation on the legislation and one of the things that staff found -- That gave us some pause was some language that was unclear about the role of the states in opting out of any potential or objecting to any potential project within twelve miles. Is there a similar role for the states to be consulted in what the Gulf is going through?

Dr. Crabtree: There's not, right now, any sort of opting out process and none of the state directors on the council have brought that up, at least not that I recall. That has been an issue with the legislation, but it's not in here. Of course, we would consider comments on any permit application and take those into account.

I don't think it's likely you're going to see operations that close into shore, because in general, in the Gulf, to get out into the depths where you can deploy these cages and have them be stable, you need to be out in deeper water and you're going to be further offshore, I think in most cases, than that.

Mr. Iarocci: There's been some talk of this in south Florida, in the Keys, and in the Gulf, but I would like to request maybe that the Gulf hold a public hearing in south Florida, in the Keys, to get this information out to the people down there. Also, maybe we could send this to our -- We could get a copy of this stuff to our APs, the Spiny Lobster AP, the Mackerel AP, the Habitat and Coral and the SSC, so they know what's going on with this. It is an issue, I think, that we are going to need to keep aware of and educated to and make sure that our constituents know what's going on with this.

Dr. Crabtree: Okay. I could probably find the hearing location in Florida. I'm fairly certain it is not in the Keys. It may be in Tampa is my guess, but I could carry that message back to the Gulf Council and see.

Mr. Geiger: Any other questions?

Dr. Crabtree: If I could just add, because I should have said this, but the reason we're presenting this to you, of course, is that the Coastal Migratory Pelagics Plan and the Spiny Lobster Plan are both joint plans between the two councils. The Gulf Council will need you to approve the plan before they could submit to the Secretary.

Mr. Woodward: Was there any discussion about lease fees, like there's lease fees for the Minerals Management Service and that kind of thing, if you're tying up a piece of ocean for a purpose --

Dr. Crabtree: Not that I recall, Spud, and I doubt that -- I'm not aware how we would have any authority to collect lease fees and I think some of the response would be that we don't lease

bottom to fishermen when they go out and fish on it and since this is being regulated as fishing under the Magnuson Act -- I'm not aware of any authority under the Magnuson Act that would allow us to do that. In fact, we're struggling with finding authority to establish assurance bonds.

Mr. Currin: Roy, I just want to make sure I got all the permits that were required. It's NOAA, USDA, Corps of Engineers, Coast Guard and then there was one more. Was it EPA? Is that it?

Dr. Crabtree: There's definitely an EPA permit requirement.

Mr. Currin: I think that's all of them then. Thank you.

Mr. Boyles: I have just one thing and David can probably comment on this a lot better than I can, in terms of the bonding requirements. We have some experience with that in South Carolina, with mariculture operations inshore, and in a word, that has not ended well. I just urge the Gulf Council to really, really carefully look very, very, very closely.

In many cases, aquaculture operations in this country -- In my sense of things, they're operating so close to the margin and in an effort to enhance the viability economically in South Carolina, we went to some lengths to encourage that development. Long story short was the bonding requirements that the state required of that mariculture operator were not sufficient to deal with the eventuality on infrastructure removal. I strongly urge you to really, really look carefully at that. Thank you.

Mr. Geiger: Thank you, Dr. Crabtree. We appreciate it.

Mr. Wallace: I thought it was kind of appropriate that you put that close to an oil rig like that, because you better have somebody up there with a long high-powered rifle to keep the poachers away.

Mr. Geiger: I've got you. Thank you, Dr. Crabtree. In our angst and haste to try and satisfy a request from our sister council in the Gulf, we've created a bit of confusion here. If there is anybody in the audience who would like to speak on this issue, raise your hand and we'll be happy to listen to you at this time. Seeing none, we'll move along then. We have one last piece of business, Other Business, and I'm going to turn it over to our AP Selection Chair, Mr. Cupka.

Mr. Cupka: You all will recall that we've recently advertised to try and get some additional AP members on a number of our APs and one of them was the Deepwater Shrimp AP. We did have an individual who applied, Woody Moore from Richmond Hill, Georgia.

At the time, we hadn't completed all the background checks, but it's my understanding that that process has now been completed and that there aren't any problems. On behalf of the AP Selection Committee -- Let me mention too that Mr. Moore is very involved in the royal red shrimp fishery, which is one of the fisheries that we don't have a lot of fisherman input on. **On behalf of the AP Selection Committee, I would like to make a motion that we approve adding Woody Moore to our Deepwater Shrimp AP.**

Mr. Harris: Second.

Mr. Geiger: Is there any discussion on the motion? **Is there any objection to that motion?** It cleans up a long-lingering piece of business. **Seeing no objection, that motion carries.** Thank you, sir. Any other business to come before the council today or this week?

Seeing none, I would like to, again, thank the staff and along with the staff, the Regional Office staff and the teamwork that's been accomplished. I think the reason we're ending a day early is based on the efficiency of our committees, our committee chairs, and the staff who support them and again, the great committee reports that help expedite this process. We've done a great job and we're looking forward to being able to do more business on the day that we have now and it seems like we're getting every meeting. Again, thank you. I hope everybody has a safe, merry Christmas.

Two members of the staff who never get any acclimation and I think we need to really identify are the two administrative ladies back in the office, Deb Buscher and Cindy Chaya. They do a tremendous job in processing all of our paperwork and getting us meeting locations and generally, it runs seamless.

They're never seen and we never really hear from them, but you do, every time you get your check. If you would, next time you call the office or make a special effort just to call the council office one day and thank those ladies for all the work they do on behalf of the South Atlantic Council and our staff. With that, we stand adjourned.

(Whereupon, the meeting recessed at 5:05 o'clock p.m., December 6, 2007.)

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SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

FULL COUNCIL SESSION

**Sheraton Atlantic Beach Oceanfront
Atlantic Beach, NC**

December 5-6, 2007

SUMMARY MOTIONS

PAGE 18: Motion in Amendment 16 to select Alternative 2 as the preferred alternative for the action to establish a gag allocation of 51 percent commercial and 49 percent recreational. The motion carried on page 18.

PAGE 18: Motion to include Sub-Alternative 3(c) as a preferred for the action to specify a snowy grouper rebuilding strategy, with a TAC for 2009 of 102,960 pounds whole weight, until modified. The motion carried on page 18.

PAGE 18: Motion in Amendment 15B to select Alternative 4, which is a 50 percent commercial allocation and 50 percent recreational allocation, as the preferred alternative for red porgy. The motion carried on page 18.

PAGE 18: Motion to approve Amendment 17 for public scoping. The motion carried on page 18.

PAGE 19: Motion to accept the terms of reference, schedule, and current participation list for SEDAR-17 and to include Dr. Chevront as the South Atlantic Council participant in all SEDAR-17 workshops and Mr. Cupka. The motion carried on page 20.

PAGE 20: Motion to pre-approve any additions to the SEDAR-16 king mackerel terms of reference approved by the Gulf of Mexico Fishery Management Council. The South Atlantic Council June 2007 modifications to the Assessment Workshop Terms of Reference 8 will also be retained. The motion carried on page 20.

PAGE 21: Motion to send letters to the SSC to clarify current commitments; request that SSC members sign and return by January 15, 2008, if they agree to remain on the SSC, given the new requirements and workload; send letters of thanks to any members who decide to not participate; solicit new members and clearly inform them of the new requirements and workload expectations; and review new applications at the March 2008 meeting for participation at the June 2008 SSC meeting. The motion carried on page 21.

PAGE 23: Motion to delete Alternative 2 from the analysis. The motion carried on page 23.

PAGE 31: Motion to take the comprehensive allocation amendment to scoping. The motion carried on page 32.

PAGE 32: Motion to establish a committee to frame allocation decisions before bringing to full council. The motion carried on page 32.

PAGE 36: Motion to approve the 2008 FMP/Amendment/Framework Timelines. The motion carried on page 37.

PAGE 37: Motion to approve the FY 2008 Activities Schedule. The motion carried on page 37.

PAGE 43: Motion to adopt the revised list of alternatives for the FEP Comprehensive Amendment, which includes two alternatives. Alternative 1 is the no action alternative, do not establish additional coral HAPCs, and Alternative 2 is to establish deepwater coral habitat areas of particular concern with Sub-Alternative 2A the Cape Lookout Lophelia Banks HAPC; Sub-Alternative 2B the Cape Fear Lophelia Banks HAPC; Sub-Alternative 2C, Stetson Reef, Savannah, and East Florida Lithoherms and the Miami Terrace HAPC; Sub-Alternative 2D the Portales Terrace HAPC; and Sub-Alternative 2E, the Blake Ridge Diapir Methane Seep HAPC. The motion carried on page 43.

PAGE 71: Motion that the council approve Amendment 15A for submission to the Secretary of Commerce. The motion carried on page 73.

PAGE 81: Motion to approve adding Woody Moore to the Deepwater Shrimp AP. The motion carried on page 82.

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- PREG PATE

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- JACK MCGOWAN

- ~~ALEX CHESTER~~ TRACY DURN

- HAL ROBBINS

- TOM JAMIR

- MIKE RAY GMFMC

- JENNY FAY - SOUTH ATLANTIC
ALLIANCE

- ALEX CHESTER

- PRGS PATE

PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

Council Session Atlantic Beach, NC Thursday, December 6, 2007

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

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South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
843-571-4366 or Toll Free 866/SAFMC-10

FULL COUNCIL - ROLL CALL VOTE

Date: December 6-7, 2007

Meeting Location: Atlantic Beach, NC

Issue: AMENDMENT 15A

	YES	NO	ABSTAIN
GEIGER	✓		
HARRIS	✓		
BOYLES	✓		
CRABTREE	✓		
CUPKA	✓		
CURRIN	✓		
CHEUVRONT	✓		
IAROCCI	✓		
MERRITT		✓	
ROBSON <i>ABSENT</i>			
SHIPMAN <i>WOODWARD</i>	✓		
SWATZEL	✓		
WALLACE		✓	



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

Mr. George Geiger, Chairman
South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, South Carolina 29409

NOV 16 2007

Dear Mr. Geiger,


On November 5, 2007 the National Marine Fisheries Service (NMFS) published a notice in the Federal Register (72 FR 62441) requesting comments on an Environmental Assessment (EA) to "Conduct Scientific Research Experiments Using Pelagic Longline Gear in Portions of the East Florida Coast and Charleston Bump Closed Areas of the Atlantic Ocean." The comment period ends on November 20, 2007.

On November 9, 2007, we received your letter requesting that NMFS extend the comment period until December 10, 2007. At this time, NMFS does not intend to extend the comment period. NMFS has consulted with the South Atlantic Fishery Management Council (SAFMC) on previous proposals to conduct research in the closed areas and considered the SAFMC's previous comments in designing the current research project. As described in the EA, NMFS has developed a scientifically sound research proposal with minimal ecological and social impacts. Details about the research design, number of vessels, fishing effort, hook and bait requirements, observer coverage, and analyses describing the ecological impacts of the proposed activities are included in the EA.

NMFS specifically took into account previous concerns that have been expressed by the SAFMC regarding the scientific basis for the research, the number of vessels to be used, and the level of observer coverage for proposed research in the closed areas. To address these and other concerns, NMFS will be working directly with researchers at Nova Southeastern University to implement a scientifically rigorous research project to collect baseline data on the effectiveness of current bycatch reduction methodologies, will use a limited number of vessels (approximately two) to collect data in portions of the closed areas where bycatch is expected to be minimal and gear conflicts are not likely, and will require 100 percent observer coverage for the duration of the one year research project.

NMFS would appreciate any comments the Council has on the current research proposal, and looks forward to working with the Council to implement this important research project.

Sincerely,


William T. Hogarth, Ph.D.

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES

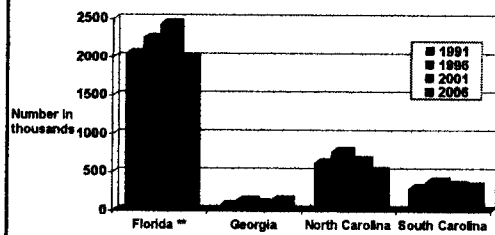


Participation in Saltwater Fishing South Atlantic States*

State	1991	1996	2001
FLORIDA**	2,002	23,077	17,620
GEORGIA	146	1,707	1,103
NORTH CAROLINA	519	3,434	2,107
SOUTH CAROLINA	325	2,174	1,574

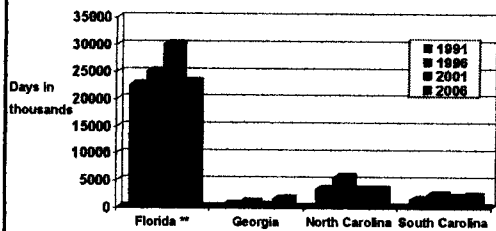
*Data from 2006 National Survey of Fishing, Hunting and Wildlife-Associated Recreation (16 year-olds and older - residents & non-residents)
** includes both coasts of Florida

Saltwater Anglers South Atlantic States-



* 16 year-olds and older - residents & non-residents
** includes both coasts of Florida

Days of Saltwater Fishing South Atlantic States-



* by 16 year-olds and older - residents & non-residents
** includes both coasts of Florida
