

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

COUNCIL SESSION

**Hilton New Bern Riverfront Hotel
New Bern, NC**

December 9-10, 2010

SUNMMARY MINUTES

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South Atlantic Fishery Management Council convened at the Hilton New Bern/Riverfront Hotel, New Bern, North Carolina, Thursday afternoon, December 9, 2010, and was called to order at 1:30 o'clock p.m. by Chairman David Cupka.

MR. CUPKA: We're going to go ahead and call the council session to order. We've got just a couple of items of business to take care of, and then we'll recess and turn it back over to the Snapper Grouper Committee to finish their work, and then we will go into full council session again. I would like to call the meeting to order. The first order of business will be a roll call, and we'll start with Vince.

MR. O'SHEA: Vince O'Shea, Atlantic States Marine Fisheries Commission.

DR. CHEUVRONT: Brian Cheuvront, North Carolina Division of Marine Fisheries.

MR. BURGESS: Tom Burgess, South Atlantic Council.

MR. GEIGER: George Geiger, council member, Florida.

MR. MUNDEN: Red Munden representing the Mid-Atlantic Fishery Management Council.

DR. LANEY: Wilson Laney, U.S. Fish and Wildlife Service.

MR. PHILLIPS: Charlie Phillips, council member, Georgia.

MR. HARRIS: Duane Harris, council member, Georgia.

MR. HAYMANS: Doug Haymans, council member, Georgia.

MR. SWATZEL: Tom Swatzel, council member, South Carolina.

MR. CUPKA: David Cupka, council member, South Carolina.

MR. CURRIN: Mac Currin, North Carolina.

MR. MAHOOD: Bob Mahood, council staff.

MR. HARTIG: Ben Hartig, council member, Florida.

MR. BOYLES: Robert Boyles, South Carolina Department of Natural Resources.

CMDR LOPEZ: Commander Kevin Lopez, Coast Guard District VII, Miami.

LTJG MATTHEW LAM: Lieutenant JG Matt Lam, Coast Guard District VII.

MR. GILL: Bob Gill, Gulf Council.

MR. EASLEY: Otha Easley, NOAA Office of Law Enforcement.

DR. CRABTREE: Roy Crabtree, NOAA Fisheries.

MS. SMIT-BRUNELLO: Monica Smit-Brunello, NOAA Office of General Counsel.

MR. STEELE: Phil Steele, NOAA Fisheries.

DR. PONWITH: Bonnie Ponwith, NOAA Fisheries Service.

MR. CUPKA: Okay, thank you. The next order of business will be adoption of the agenda. Are there any changes to the agenda? Seeing none, then our agenda is approved. The next order of business will be approval of the minutes from our last council meeting in Charleston. Are there any corrections or additions to the minutes? Seeing none, then our minutes are approved.

At this time I would like to invite Dr. Jim Waters to join us up here, if he will. Jim has had a very long and distinguished career in the field of resource economics and has been one of the principal architects and authors of many of the FMP sections dealing with economics in the council's FMPs; and not only this council but other management bodies in the southeast as well.

His work over the years and some of the models he has produced has provided economic information and insight into what the economic impacts will be on some of our management actions. Jim is getting ready to retire, I understand. It is hard to believe. Jim and I served together many, many years ago on the SSC. As I say, he has a very long and distinguished career and has done a lot for the council process.

We wanted to make a little presentation to Jim and thank him for all the help he has given the council over the years and also to wish him the best as he begins this new chapter in his life. Jim, on behalf of the council we want to thank you for all you've done not only for us but for fisheries management in the southeast. We wish you all the best. We have a very nice box here with some utilitarian instruments in there. This says, "Proudly presented by the South Atlantic Fishery Management Council to Jim Waters for his outstanding contributions to the council in the conservation and management of our nation's marine fisheries resources. December 2010."

DR. WATERS: Thank you very much. This is very unexpected. I have spent a lot of time working on council activities and lost a lot of brain cells. It has been very challenging trying to figure out how to analyze all of the different policies that you've proposed over the years. Our analyses have evolved. We started out with almost no data at all in original Snapper Grouper Management Plan. I thought we came up with a pretty clever little analysis given that we didn't have any data. We're doing a lot better now with data. The analyses are a little bit better, but it has always been a challenge. It is that challenge that has kept everything interesting and made it worthwhile. I really appreciate you giving me that challenge and the opportunity to help make my career rewarding for me. Thank you very much.

MR. GEIGER: If I may, David, I can remember when I came on the council how petrified I was with economics and how ignorant I was of how it was all done and how I thought Jim Waters

was a troll that lived under the bridge and one of those people you couldn't approach. But I'll tell you, over the years he has always been approachable and he has gone out of his way to try and help me understand and educate me on these intricate aspects of economics. Jim, I appreciate all your help and you've gone a long a way to dispel the problems I had with economists. Thank you very much.

MR. CUPKA: All right, the next order of business is our public comment period. We're going to split this into two sections. The first will be comments relative to Regulatory Amendment 10, and that will be followed by a comment period regarding any other items on the council's agenda. If you haven't already signed up with Kim in the back to speak, please do so.

I don't know how many people we have to speak, but like I say the first section will deal with Regulatory Amendment 10. If there is anyone here to speak to that that wasn't here earlier this morning, we just wanted to let know where we are in regards to Regulatory Amendment 10. This morning the committee voted to recommend to the council that there would be no closed area; that the moratorium on red snapper would stay in place but that the closed area would not be implemented. That is where we are in regards to that.

It doesn't look like there are a lot of people; so what we'll do, I'll give everybody up to five minutes to make their comments, if you need that long. We still have a lot of business to cover at our council meeting and need to move on, but we'll start out and see if we can give everybody five minutes. The first person I have to speak is Libby Fetherston.

MS. FETHERSTON: Good afternoon. My name is Libby Fetherston. I'm here on behalf of the Ocean Conservancy. I think I can say with confidence that I sort of share your excitement about the news we heard today about the stock assessment benchmark update that we got some news about. The Ocean Conservancy would request an environmental analysis of Regulatory Amendment 10 and formally request notice and comment before issuing the final regulations.

I understand the timing constraints that we're under here before the March meeting, but I think this represents a departure from what we came to expect in Amendment 17A. I would love for the SSC to be able to formally comment on that and provide some input to this council. We didn't necessarily agree with your decision in the first place to extend the closure authorized in Amendment 17A in anticipation of what may happen in the stock assessment and don't necessarily agree with the conclusions that you guys reached early this morning about what MRFSS implies about overall effort in the fishery.

That is why we would like to see some analysis before we collectively as a community in the South Atlantic make this kind of decision. Hopefully, I would come to the same conclusion that you all came to this morning, but I haven't been able to review that material at length and would appreciate and opportunity. In closing, I just want to say that I share your hopes that this fishery can be rebuilt in the absence of a bottom closure, but I don't necessarily share your optimism that this scientific analysis supports that decision. Thank you for your time.

MR. BARBER: My name is John Barber, and I appreciate the opportunity to speak to the council today. I probably have about six minutes of comments. I've pared them down and pared

them down and it's the best I could do. I'm representing the Fishing Clubs of Florida, which includes the Florida Sportfishing Association, the Central Florida Offshore Anglers, the Sebastian Inlet Anglers, the Deep Blue Sea Community and actually some other clubs that just came out late.

These are approximately 4,000 anglers that spend most of their time in the most affected area. I appreciate your indulgence for maybe a minute or two longer. These anglers, we are against and opposed to the continued closures of red snapper. Obviously, we are opposed to the area closure and for any amendments that come up.

The opposition is based on the following – and I'll be concise – the closure of red snapper is unnecessary. The previous regulation of the two fish per person 20 inch or more has led to a steady and of late explosive growth in the red snapper population. Recent sampling has shown at least two huge recruitment classes. Thousands of recreational anglers have stated in petitions and public hearings over the last three years that red snapper stocks are healthy and that closures are not warranted.

These comments have been ignored by the NMFS scientists and managers even though they represent tens of thousands of years of firsthand observation. The South Atlantic Council had to invent the term “stably collapse” to bridge the apparent abundance of fish with a 3 percent and now I hear it is 7 percent estimate of what is out there.

The strongest voice supporting these closures are the professional K Street lobbyists, who have the least amount of firsthand experience but have the financial means and the attentive ears of NOAA and their leader at NOAA to implement an agenda of reducing public access to public resources. The best available science, which is the people with the most firsthand knowledge and experience, has been ignored.

The quality of science that has been used to come up with this, it does not meet the merit of best available science. We can't have a meeting without the term “fatally flawed” is fatally flawed. Congress mandated that you fix the data January 1, 2009, and then enact aggressive measures to end overfishing after that. You never met the first mandate; and without meeting the first mandate, you can't possibly enact these types of measures.

I have given you written comments. I'm going to try and abbreviate it, but I'm going to go back to you did not fix the science and data, and this is why we have all the hand-wringing and all the problems we have because you're trying to manage what you have not measured accurately. It does not meet the mandate.

I will give you two points that we have researched and we would like the science people to look at. One is in many places where there has been severe population declines, Panda Bears, Trout Out West, they have done genetic diversity studies. I have never heard that mentioned in here about any genetic diversity study. It would give you a third eye or another direction to see exactly how depleted that stock is.

The second thing is we have offered over and over again that we would pay for and we would cooperate with a tagging program. There has never been a tagging program run in the South Atlantic that gives us any indices of catch-and-release mortality, migration and a whole bunch of other issues.

The final problem I have with the science is the target biomass is incorrect. You guys have a chart. I e-mailed all the council members the same picture we have been looking at. Your reference date going back to 1945; you have this huge spike of all these fish and then it drops down to 1972 and these fish disappeared. We have had a constant catch in that fishery.

The question is what happened to all these fish that disappeared. If you count all the fish that have been caught and if they hadn't reproduced, it is not even 10 percent of that drop. Your scientists should be out trying to figure out what happened to 90 percent of the fishery that we didn't catch. That target reference number is wrong and it needs to be backed down.

A couple of quick notes on fishing pressure; I've met with the clubs, talked with them, surveyed them and asked them about this. You guys had that – John Carmichael touched on it in his comments. It is hard to describe the magnitude of the collapse of the recreational fishing in Florida. More than half the boat manufacturers in Florida have ceased boat production or have closed doors for good.

More than half the tournaments that brought anglers to our coast four years ago have been canceled. At least half of the charter fishing fleet out of this affected area has gone out of business. Bait stores, tackle stores, marinas, gas docks, repair facilities, they're all out of business. Conchie Joe's in Key West went under. For crying out loud, they've been there longer than I've been alive.

It is unprecedented what we've seen go on here. This started with the hurricanes. Florida never recovered economically from the hurricanes. The Commerce Department and everybody else has figured it out; you guys haven't figured it out. We did not recover from the hurricanes, We did not recover from the fuel going up in the fisheries, and then the Great Recession now has completely wiped us out. They've never recovered.

Our best estimates right now is that fishing pressure across the board, not only just bottom fishing but fishing in general, in the EEZ is 25 percent of what it was four years ago. That is the current estimates from the club presidents and all the people there. There is documentation for that if you guys would ever want to call them and ask them for that.

I don't know why Florida has been picked out by the federal government. If it isn't the drilling ban, it is the fishing ban. We just can't take another one here. I'm here on my own dime. I don't have a lobbyist. We collected money in a pickle jar to get here. It's desperate there. I know it's hard all over, but Florida is desperate.

Just one or two comments; you guys mentioned about diver access to these fisheries or whatever. I don't really have a problem with the sport divers, but we want to be careful of the sport divers, especially the commercial ones, letting them take fish, because they get paid by the pound of

fish. If they take the big fish, we're going to wind up with an age truncation in snapper if you open it up again and grouper.

We would kind of like you to look at that and just fine tuning that. If you open up sport diving, do you put some kind of slot that we can protect these older, mature fish? Other than that, we don't have a problem with that. I'll sum up my final recommendations. You have everything else in writing. You know, you guys are currently on a path – you've got two directions.

I got about five phone calls after you voted. People are, you know, what does it mean, what does it mean? You still really have two paths. One path is to continue down this thing where you're trying to manage what you don't measure and you can't see. You've got little support of the actual stakeholders in the fishery, and this will continue to lead us to an adversarial relationship and the distrust and the lack of confidence in NOAA's ability to measure or manage fisheries.

This will spill over into the other 70 species and into the whole fisheries management system and not just the snappers. These guys that fish snapper fish other fish, too. Once NOAA loses the voluntary compliance and support of the recreational anglers, it will be impossible to manage these fisheries.

This is a long way from the MSA-stated purpose in the original document to promote domestic commercial and recreational fishing under sound conservation and management principles. You are to promote it. The reason given for the existence of the regional councils is to exercise sound judgment in the stewardship of the fishery resources. These are our resources, our public resources, and you are stewards. I'm almost done.

The MSA has given NOAA and NMFS the responsibility to be stewards of the public's resources. It is ironic that the MSA was set up to protect our natural resources from foreign interests and now we have to go to our congressmen and we have to go to the federal courts to protect our fisheries from our management system – what a turnaround!

A better path would be to inform congress that the task of re-architecting the science and data systems used by NOAA and NMFS is a lot larger than anybody thought, and it is a big task, and that NOAA and NMFS is aggressively pursuing a plan to rebuild these systems. If NOAA and NMFS were to submit a rebuilding plan with milestones, stakeholder oversight, independent peer review, the angling public would be much more willing to work with NOAA and NMFS on the issues of education, compliance and data collection while it gets its science and data house in order.

SEDAR 15 exemplified the deficiencies in the SEDAR process and it has destroyed the reputation of NOAA to measure and manage public resources in the South Atlantic. If SEDAR 15 was the best available science, then we are very suspect of the other SEDARs and some of the other stock assessments.

MR. CUPKA: John, can you start to wrap it up?

MR. BARBER: Thirty seconds. The choices between facing litigation by well-funded, well-connected K Street environmental mafia or facing litigation by the stakeholders in the South Atlantic; the difference is you will get to explain it to congress this year why you chose to manage without measuring. You will have that opportunity; trust me. The issue has never been our opposition to the closure of snappers. We're not against any closures that are mandated by science.

The issue is NOAA's and NMFS unwillingness or inability to fix the science and data systems before enacting anymore fishery management plans as directed by congress. I'm not representing them, but Congressman Mica and Congressman Posey have issued a statement for you today. I forwarded it on to you. I appreciate your time.

I know this is a difficult task, but backing away from that area closure ain't going to do it. We've got to open these snapper back up. That is what we need to do. The position of managing us anglers by putting a nuclear option of closing the whole world and then coming halfway, well, we're just closing snapper; that's not management. That is politically moving us around to get halfway to where we wanted to go. We need sound management and we need science. Thank you for your time.

MR. KENNETH HADDAD: Thank you, Mr. Chairman, it is good to be here. I'm going to comment on Regulatory Amendment 10; that is where we are if I grasped that. I'm representing the American Sportfishing Association, which is one of the nation's – it is the nation's recreational fishing industry trade association for the U.S., and it includes sportfishing gear manufacturers to retailers to other angler advocacy groups.

As a general comment, I just want to be clear that we continue to oppose as a management tool the closure of bottom closures based on a single weak species, to protect the weakest species. We also have issue with the economic data. We're written that to the council. We think that it is being inadequately accounted for, and I think we've sent some information in on this.

Also, the regional assumptions in the social and cultural analyses we believe need to be looked at ultimately in these amendments because I think they're also missing the mark in many cases. And then finally we believe congress didn't contemplate such drastic measures that aren't being enacted but we do still have these things on the table as a management tool, and we just want you to look at that.

That's why the Fisheries Conservation and Transition Act is in front of congress, both in the House and the Senate, which is a tool to try to mediate some of what we have been seeing happening here particularly in the southeast. Now, with all that said, we want to thank NOAA, number one, for moving the closure date to June 11th even though that's likely a moot point right now, but it was a move to help kind of satisfy the situation that was confronting us.

And then we want to compliment the council and NOAA for moving ahead with changes to the Snapper Grouper Regulations in Amendment 10, and we expect that hopefully tomorrow we will see a vote that removes the bottom closures to fishing. While we do not like the snapper closure that will be left, we trust we will reopen fishing for snapper as soon as the data warrants.

We hope that the science center will stick to a rigid data collection system and put us in a place where we can get back to fishing as soon as the stock rebuilds far enough. We expect better information in the future, and I think it's incumbent on all of us to do that. Given the improving status of the snapper stock demonstrated in SEDAR 24, it is incumbent to continue to act quickly and without reservation and to allow the bottom fishing. We know you're moving in that direction and I believe it will restore some confidence in the council and its actions. I'm going to speak later to this in the next round. Thank you, Mr. Chairman.

MS. HOLLY BINNS: My name is Holly Binns, and I represent the Pew Environment Group. Chairman and council members, I appreciate the opportunity to comment here. We are cautiously optimistic that based on both the new assessment and early indications that the moratorium is reducing encounters and effort, that the council will end red snapper overfishing. We've continually urged the council to not pursue a particular result but instead make sure that you're following the science.

We were encouraged to see that the science center and the council demonstrated confidence is using the MRIP or MRFSS data as a basis for adaptive management in the committee meeting this morning. I think the process of developing Amendment 17A and Regulatory Amendment 10 provides a good example of the flexibility that is already inherent in the Magnuson Act.

The council has incorporated significant input from your stakeholders in the fishing community throughout the process I think, and you've landed on a plan that is both supported by the best available science and I think has been in many ways responsive to the concerns and issues that have been put before you in public hearings and in testimony.

We all know that fisheries management involves a lot of uncertainty, but we're hopeful that this plan will achieve the ultimate goal that I think we all share, which is a healthy and vibrant red snapper fishery. Thanks for all your hard work and we look forward to continuing with you guys.

MR. McCAFFITY: My name is Chris McCaffity. These are my written comments and oral comments about Regulatory Amendment 10. The council should have never rushed through Amendment 17A based on an old stock assessment when you knew an updated assessment was coming. The environmental groups like Pew and Oceana that threatened to sue you if you did not meet the hard deadlines they demanded in the Reauthorized Magnuson-Stevens Act are causing this council to pass one bad amendment after another.

This council claims to have mismanaged the red snapper fishery and others to the point that you needn't take the American people's freedom to recreational and commercially bottom fish on the majority of the U.S. South Atlantic seafloor. You have not done as bad a job as your scientists would claim. I propose that Regulatory Amendment 10 abolished the area closures in Amendment 17A.

I understand you already have taken that action, and I would like to thank you for that. That is some of our god-given freedom that we should be allowed to keep. I ask that RA 10 allow

fishermen to fill the quota by keeping one red snapper per person per day. That would allow fishermen to use these fish the way God intended.

The fish would feed people and give you a way to collect data, ask fishermen to record the water temperature, depths and other information related to when and where they caught the red snapper. We are not all liars and many fishermen are willing to collect data to help the fishery we love. It is wrong on every level to force us to discard every red snapper we catch and fill the quota by guessing how many have died slowly from stress, infection and decompression damage.

What a waste of our resources and a squandered chance to collect data. RA 10 should take out the part of 17A that gives you the power to take unspecified drastic action against American citizens and our god-given freedoms. It seems like it should be painfully obvious to any American how bad this part of the law. No bureaucracy should be able to give itself unchecked and unlimited power like that.

Please give back that power before it unleashes even more evils of bureaucracy than what already plagues our fishery and country. RA 10 should take out the mandate to use circle hooks. Those hooks break a fish's jaw if they are not removed properly. Many of the fish released wrong slowly starve to death.

There is no need to release all of these fish if you allow for bycatch and remove size limits. We need to make efficient use of our resources. Slowly killing fish from starvation, stress, infection and decompression damage does not help anything. It is cruel and it is wrong. If you really want to force fishermen to waste God's good creations, then give us a way out of the fishery.

The regulatory discards offend me so much that I never wanted to fish again if this is what I am forced to do. The fish and fishermen deserve to be treated with respect. Neither one should be tortured to death. What the council is doing to our fishery is sentencing some fish and fishermen and to a slow, painful death. Please think about what you are doing.

Amendment 17A should never become law. I hope some of you supported it because you knew the updated stock assessment was coming and you would be able to make changes to 17A based on that assessment. Now is your chance to make those changes. We can rebuild the red snapper population without all of the unintended consequences that waste our resources, cuts our income, compromises our safety and takes our freedom. Please have mercy on the fish and the fishermen. Thank you.

MR. CUPKA: That's all I have in terms of people who wish to speak on Regulatory Amendment 10. Is there anyone else who wishes to do so? Rusty.

MR. HUDSON: Rusty Hudson, President of Directed Sustainable Fisheries. I am here representing the East Coast Fisheries Section, which is a chapter of the Southeastern Fisheries Association. We formed ourselves about 20 months ago into an organization in order to be able to advocate our concern over the SEDAR 15 results that were going to lead to problems with our red snapper access.

We hired a scientist of which, as you remember, has participated in the SEDAR 24 process. We also brought in a lot of fishermen into the SEDAR 24 process which were absent in the SEDAR 15 process. It would have been nice if we had more scientists from our side of the fence from the recreational and from the environmental community. I've even issued that challenge a few times, but we got through SEDAR 24 to a certain degree.

We weren't entirely satisfied with the results, for sure, and we had some positions that we took when we dealt with the review workshop and at the Scientific and Statistical Committee meeting. At least the SSC had the choice to go and look at the iterative re-weighting and to take the best data that was available for the red snapper, which was the headboat catch. The CPUEs had been down-weighted.

The Center of Independent Expert back in August warned about that. By using this process, he warned to make sure you don't let it down-weight those CPUEs that were very good in these last few years of red snapper fishing. That got corrected. We only got to see the results here in the very recent days, and it has made it kind of tough to get around a couple of hundred pages of documents, but we're trying.

Likewise, I'm looking forward to seeing the appendices and the other analysis that will go in Regulatory Amendment 10 so that we can make a clear, written comment when that period comes for public hearings. At the same time we've engaged our state of Florida and we're getting ready to work with the state of Florida with regards to a tagging program for red snapper on the east coast of Florida.

I believe that this will help enhance some of the knowledge because I brought to the table a lot of research as a participant of the data workshop of SEDAR 24, which included the Schlitz Tagging Program that occurred from the early sixties to the mid-sixties. There was a lot of tagging, a lot of documentation of the tagging, and a lot of documentation of the recaptures.

Dale Bomrage, who put a report out in 1969 on that effort wound up actually helping the FWRI scientists to be able to locate the box of information, so we're going to be examining some of that to see if we can bring some of that to the table at a later date. Likewise I offered 1,300 pictures from my family that have fished over a hundred years out of Ponce Inlet, and most of those pictures start in the late forties and extend into the seventies.

This is what is known as the historic period where you don't have as much knowledge as you need. Hopefully, those 1,300 pictures and the others that I might be able to access by the thousands would be potentially useful for not only red snapper but all the other fish that we fish for. The other document that I found was a Department of Interior Document by Mr. Anderson in 1965 where 447 pictures from my relatives and friends of theirs provided in 1962.

Also, they had field biologists that were put out there by the U.S. Atomic Energy Commission because the survey was from Melbourne to Daytona Beach, and because Cape Canaveral was just coming into vogue at that time, they wanted to know about all of the fishing. In the analysis they found that the recreational component, between the pictures and the actual field biologists, were ranging between four-and-a-half and five pounds as an average.

There was four years of commercial data in there that averaged out to eight pounds gutted, and I would figure that would be about a nine-pound whole weight animal. There are two things that the review workshop said, and the iterative re-weighting effort has already been re-examined – that's good. That is part of why we've made the difference with Amendment 17A, and I hope that by tomorrow's vote that will have effectively disposed of the closed area.

The other part was to examine the historical mean fish weights. I believe I've just explained a couple of ways to be able to do that. I'm hoping that having participated in the steering committee meeting, which I was informed that I was one of the first of the public ever to attend such an event, would be useful in being able to help get these updates so that when you're getting the data at the science center level is you can keep updating what you've got, keep working on what you've got because it is not quite right.

If it was right, then the people at the side of the boat would know that the piece of paper reflects what they see, but it doesn't quite do that yet. Our catch-per-unit effort is out the ceiling. A lot of guys cannot get away from the red snapper just like with sandbar sharks and other types of stuff. There is an explosion of certain animals through the management measures.

MR. CUPKA: Rusty, can you start to wrap it up?

MR. HUDSON: Yes, sir. In essence, when we brought the one scientist on board, we felt like we were really dealing with a challenge; and with this council we've felt like we've had to deal with a challenge. I hope that we won't have this adversarial situation but instead try to work together. I guess that is going to be my take-home message at this moment.

MR. CUPKA: Thank you, Rusty. Anyone else wishing to speak in regards to Regulatory Amendment 10? If not, then we'll go into the other agenda items on our agenda, and the first speaker I have is David Tucker.

MR. TUCKER: Good afternoon. My name is David Tucker. I'm a young man of 31 years old. I own a small wholesale/retail seafood business out at Atlantic Beach and Morehead City, North Carolina, with two partners. I just want to briefly discuss a few of the concerns that I have in this fishery. I finished graduate school when I was 24 years old and started work in this fishery as a fisherman, being a wholesaler and a retail fishmonger.

That's all I've done my entire life and I want to be able to stay in the business. I've seen a lot of changes over the last seven years. I just want to briefly let you guys know about a few of my concerns that are really bothering me. First, the restaurant side that serve fish today, they want to be able to use local seafood.

People come down from Raleigh and Greensboro, and they come and eat in our restaurants, they want me to serve local grouper, local black sea bass and local snapper. It is hard to do now that we have this derby fishery that we have now because I'm unable – the grouper season is getting ready to be closed. Even though we haven't caught the quota, the gag grouper season is getting ready to close January through April, so what am I supposed to do for grouper those four months for my restaurants that I serve?

I'm being forced to use imports, which I don't want to have to do that and they don't want to have to do it. It is tough for us to make the mortgages we need to make when we bring the fish in. Also, another big concern I have is we fight the recreational anglers. They catch a lot of seafood and they turn around and want to sell them to the restaurants that we sell to.

For example, last fall when the black sea bass season was closed, there was a restaurant in Morehead that had black sea bass on their menu for over a month. I had to go in there personally and tell them it was illegal, that the season is closed. Well, they had bought those fish illegally from recreational anglers, paid cash for them, had it on their menu for a month, and there was nothing done about it. I mean, it was in plain sight.

If you went and ate in the restaurants, well, we have local black sea bass on our menu today. The season is closed. That is just one example. I could sit here and talk about it. I mean, there are recreationalists that go catch 500 pounds of red grouper and they know not to sell them in Carteret County because they don't want to get in trouble. They take them and bring them to New Bern and sell them where there is less of a chance of getting caught.

Also, I have a federal snapper permit; and I can't help it, I'm only 31 years old, don't punish me and don't keep me from black bass fishing in the wintertime because I don't have a history that goes back 20 or 30 years. That's basically all I have to say and I hope it will help you guys make some decisions that will help us out. Thank you.

DR. CRABTREE: Yes, sir, thanks for your comments. I wonder could you tell me what the name of the restaurant was that was selling sea bass?

MR. TUCKER: I don't want to do that because they're friends of mine. I don't want to name any names, but there is no enforcement. I guess Chris is going to come. He has worked with us for a long time. He will tell you and he knows about it, also. It has always been a big problem in our business. You go in the restaurants there will be a cooler sitting there with two or three hundred pounds of grouper in it that who knows where they came from.

Every fish that we catch has got to be accounted for, but the recreational angler – I'm not saying all of them, but there are guys that they're president of the local CCA chapter that they also want to go and they want me to sell their fish to pay for gas money when they're not really a commercial fisherman.

DR. CRABTREE: And I understand, but when you all see stuff like that happening and you'll let us know, we'll put a stop to it.

MR. TUCKER: We do but it also puts us in a bad situation because if we call – you know, after we walk into a restaurant's walk-in cooler and we see 200 pounds of fish sitting there, if we turn right around and call, they know it's us and then we lose that business that we have to have to survive.

MR. CONKLIN: Good afternoon and thank you for the opportunity to provide public comment. My name is Christopher Conklin. I'm from Murrells Inlet in South Carolina. I

represent ten commercial fishing boats, their owners and crews; also, the South Atlantic Fishermen's Association. I've been in the seafood business my entire life. My father and I, much like this fella, would like to stay for the duration.

I see other fishermen who have been vested in the fishery for a long time and so to make this possible is to end the derby fishing and support an aggressive urgent movement to a comprehensive catch share plan, well designed, you know, fishermen input, so that we can safeguard our fish. We also feel that the recreational fishermen are trying to put a stop to us getting a catch share.

I just want you to know that we don't have the money and the resources that many recreational associations do, but we're here and we have a voice. Also, another message is we want to be sustainable. We're looking to held accountable. We're ready to step up and be stewards of our resource for better management of the fishery. Also, the South Atlantic Fishermen's Association, we're moving to educate fishermen in the communities throughout, especially South Carolina is just where we're based out of, on the different options and what ifs of a catch share plan or what is going to happen when you get a trip limit plan in place.

There are a lot of people who are in the dark and you all know that. So if we could get these guys' eyes opened up a little bit, we're looking forward to working alongside the council to get people off your backs so much. That's all I have to say. Pete and Scott Vaeth from the Florida Keys wanted to read their letter on the record, if you don't mind, so I'll do that at this time.

MR. CUPKA: Well, if you want to provide it, we will have them and we'll make copies available to all the council members.

MR. CONKLIN: All right. Well, it's pretty short; do you mind if I read it?

MR. CUPKA: Well, if it's short go ahead, but we've got a lot to do.

MR. CONKLIN: "South Atlantic Council; I support catch shares and recently received a South Atlantic Update which stated snowies weren't on the amendment. This is unbelievable. After a lifetime of fishing, I'll have no history because most of my landings are deepwater fish, which are mainly snowy groupers.

"I want to see the species included up front and expanded to include all shallow water grouper, snowy grouper, golden tilefish, greater amberjack, red porgy, black sea bass, gag grouper, vermilion snapper, red snapper, scamp grouper, red grouper, blueline tilefish, black grouper, yelloweye snapper, yellowedge grouper, misty grouper and queen snapper with species groupings as follows: one, deepwater grouper species; and, two, almaco and greater amberjack and banded rudderfish grouping; three, yelloweye, vermilion and queen snapper species grouping; and, four, the species groupings' individual species ACLs should be combined for a total grouping ACL.

“We need catch shares as a preferred alternative to Amendment 17B or we will be out of business. Please develop a catch share amendment quickly. Please include all fish so no fishermen are left out. Thank you for your time. Peter Boehm and Scott Vaeth.”

MR. GREEN: I’m Robert Green. I’m the owner of the Big Daddy and half owner of the CJR and another boat I got. The same things I said at the last meeting are basically what I was going to repeat again, so you probably don’t need to hear that again. I’m sure you have that on record. The one thing I wonder about, though, is the red snapper issue.

Do you realize that the reducing of the shrimping fleet and what has happened to the shrimping industry is one reason we have so many red snapper now. Years ago when they started the BRD – I mean, I drag a shrimp net every year and the bycatch reduction device in the shrimping nets was basically designed to reduce the mortality of juvenile red snapper, especially on the Gulf side.

What we have now is so few shrimp boats compared to what there used to be that we have an explosion of red snapper, and you all don’t seem to understand that. Well, you don’t understand a lot of things, apparently. There are places that I don’t even stop on anymore. I mean, places I used to go catch gags hand over fist, I cannot catch a gag because there are so many red snapper stacked up on it.

That is an issue that I don’t think – it must go across the top of your heads, I don’t know, but it’s an issue where I cannot go fishing in certain areas and certain places. Just like when the red porgies started out, you know, there are places where you just can’t fish because all you do is throw back fish. And when we’re throwing back these fish, we’re wasting our resource.

We are wasting our resource when we throw back fish, and these fish are fish that should be harvested, should be made available for a food source and a local source of fresh local seafood. Where I’m from in Murrells Inlet, Murrells Inlet and Calabash, North Carolina, which is up near Little River, where basically the whole economy was built around fresh local seafood.

The only fresh local seafood we got anymore is our fish. I mean, the shrimping industry is so messed up now, everything is imported or farm grown. There is a handful of fresh local shrimp but not many, but, you know, our fresh local fish is – the only thing they’ve got left is fresh local seafood. Everybody that has been around here and knows fresh local seafood, you don’t really get it anymore.

You’re getting something that’s imported, farm raised or whatever, who knows where it comes from? But you guys are, you know – really some of these things that are coming down from you all are – you know, you put us all out of business, what jobs do you need if you put us all out of business? I mean, why do we need fisheries managers if we don’t have a fishery to manage because we can’t go out there and do it? Think about that.

MR. THOMPSON: Captain Robert Thompson, Murrells Inlet. First off, I would like to thank you for giving me the opportunity to speak. I understand you’ve all been given a very daunting

task I've ever seen in a congressional mandate, and that's not an easy thing to do. A few things I'd like to talk about is data collection.

The data collection system we have in place now is just not working. I mean, the charter/headboat exit – I mean, our logbooks, they're just not taken seriously. I mean, I can tell you everyday on the radio we're laughing about what are you going to put in today? I mean, some people put these grand catches and some people put nothing, some people make it up, whatever, you know, send it in.

You feel like you're damned if you do and damned if you don't. If you put you catch a lot of fish and you caught too many, so we can't have anymore. If you don't catch any, then there is not any so we still don't have anymore. That's kind of the issue we have that. I just think that the feeling is with the NOAA and the Fisheries Service, they're just out to pass mandates and stuff to close us down all the time.

We just need better data collection and I don't know how to do that, but there is a good bit of brainpower in the room and maybe we can get better at that somehow. It also seems that they pass more moratoriums, more closures, more amendments and there is no way to do away with them if they don't look they were good. The B-liner, for example, I mean those fish are there and it seems like they are and everybody agrees they're there.

But, you've got a four- or five-year process to think about expanding the recreational limits, expanding the commercial limits; I mean, in the meantime I've got several banks and lot of insurance agents and all that who want me to pay them and I can't. I need to be able to go fishing year-round. Eight months out of the year; I need year-round and need to stay open.

That's basically what I'm trying to get to on everything is I just need to – the council, please, just look forward as you pass these amendments, be able to open them up if you figure out you were wrong. I mean, there are a lot of people that yell you and tell you you're wrong, and there are other alternatives than closing us down.

We don't like that; the moratoriums are not going to work. \We need to be open year-round. That's basically what I have to say. I just want to thank you for the time and just please help us stay in business and not hurt us from being in business is what we're looking at. Just keep that in mind as you do your job as council members and researchers and all that. I want to thank you.

MS. FETHERSTON: I'm Libby Fetherston from the Ocean Conservancy. Thank you for indulging me for a second time this afternoon. I'm going to try to cover as much as I can and be as brief as I can at the same time. For the annual catch limit amendment that you guys suspended to talk about, Amendment 10, this morning, Ocean Conservancy continues to recommend using an annual catch target in all of the managed fisheries.

There is a lot of talk about data and uncertainty and reporting, and to me that doesn't add up to no management uncertainty in the South Atlantic fisheries, particularly if you're going to set the annual catch limit at the allowable biological catch. I think we have substantial management uncertainty in South Atlantic fisheries and that warrants some thorough discussion in this

document and the use of an annual catch target or some other appropriate accountability measure to ensure that overfishing is ended and prevents it.

Further, I would reiterate a recommendation I've made a couple of times, and that is to include an alternative before this document goes to public hearing to reconsider the annual catch limit setting process for the nine species in Amendment 17B. I have submitted a letter to Kim Iverson – hopefully, that will make its way around for the record – with some supporting rationale for this request. Monica, I've got a hard copy for you.

I'll just briefly iterate the rationale for that based on my comment we submitted on the proposed rule for Amendment 17B, saying that amendment lacks the sufficient mechanism for ending overfishing and fails to use the best available science, which we consider to be the SSC's ABC Control Rule. It fails to establish OFLs for six of the nine stocks. It fails to set allowable biological catches for five of the stocks and fails to include an ABC Control Rule, which the SSC has developed and you guys have as a preferred alternative in the Catch Limits Amendment.

It fails to account for management uncertainty in the setting of annual catch limits, which we find particularly troubling because these species are depleted, because they're identified as undergoing overfishing. It fails to account for discard mortality in the annual catch limit setting process and fails to implement accountability measures that prevent overfishing as a result of bycatch. It establishes annual catch limits and management measures that are unlikely to end overfishing. And it is for these reasons specifically we recommend you guys add an option before this goes to public hearing to address the 17B species in your Annual Catch Limits Amendment, using the ABC Control Rule established by your SSC.

And at a minimum, if there is no time to address those nine species, we recommend that you identify a process we intend for the SSC's ABC Control Rule to apply to species as they come out of SEDAR assessments or identify some intent with that control and spell that out in the document. But, again, our preferred recommendation is that you take up ABCs for those particular species.

Our second recommendation with ACLs is to write into the rule an idea that in five years you'll review the amendment in total so parts of this document will be revised over time. Some things will be added and allocations will be revisited, accountability measures may be tweaked, but in total the system of species groupings, group annual catch limits, accountability measures for those groups or individual species could and should be revisited in total after it has been in place for some amount of time.

These things, if they're not required by law, if they're not on fire immediately often get overlooked so we recommend writing that specifically into the amendment that this whole system would be revisited in five years or some number. Addressing Amendment 18A, unfortunately we didn't have that discussion before public comment, but I would encourage you guys to consider the recommendations of the advisory panel on this amendment relative to the data collection items.

The ACCSP is an impressive and comprehensive methodology for collecting data, but, alas, it is unfunded in this region and has failed to provide NMFS and this council with the data required to manage annual catch limits and accountabilities on an annual basis. We have some recommendations about setting up an advisory panel or a council committee specifically to make recommendations about data collection to the National Marine Fisheries Service and work collaboratively to ensure sufficient validation, coverage, et cetera.

Simply relying on the ACCSP as your bycatch methodology doesn't seem to be serving you in discussions on 17B, 17A, Regulatory Amendment 10, et cetera, and so there are some recommendations about how to improve that and I encourage you to take a look at those. Thanks again for your time this afternoon.

MR. SCHOOLCRAFT: My name is Kelly Schoolcraft, commercial fisherman from Frisco, North Carolina. There are three or four subjects I wanted to touch bases on real quick; the first being the new control date for king mackerel. The old day was June 15, 2004, and apparently it has now been raised to September 17th of this year.

Personally I think that's a bad move on your part. There was no public comment to my knowledge about this taking place where I think there should have been. The one thing that hits my mind on this was testimony by a Florida fisherman at the last meeting in Charleston where he said in fact that latent permits were being bought up, and in fact some boats have put them on everything from personal watercraft to canoes and rowboats.

I think that's highly abusive and that can come into play to shorten seasons and whatnot. Secondly, about a month ago I received a letter from the Gulf of Mexico Fishery Management Council on how they're starting to put together an options paper for catch shares in the king mackerel fishery down there. If that's what that group down there wants, so be it, but I can assure you no king mackerel fisherman in the state of North Carolina that I know of wants to see commercial catch shares placed in the king mackerel fishery.

For one thing, based strictly on the Magnuson-Stevens Act, that is only required in fisheries that are overfishing and overfishing is occurring, of which that is not happening in the South Atlantic King Mackerel Fishery. I hope you stay away from this issue. Even though it might be something that the snapper grouper boats want, there again that is a different ballgame altogether.

I think we should go ahead and follow up, as I said before, in the divorce of the two councils; you know, the Gulf go ahead and manage their king mackerel and let the South Atlantic do the same. I don't see why I should have any say so or you should have any say so on what they're developing and vice versa.

Thirdly, for many sessions now you've been hearing me talk about a state allocation. I'm still very adamant on that. I think ultimately that is the way it should go. With that being said, there is precedence that I've used in the past with the northern states doing it where they've have a hard quota and we are allocated certain percentages to be managed by our state director of marine fisheries, which we do a very good job of.

We can monitor the quota, we can shut it down, and make any kind of adjustments our director wants to as long as it's within the guidelines of those fisheries. To deny us that, I find that very – it's just not good. I have a hard time swallowing that, to be denied that ability when it comes to king mackerel.

Our AP did vote on a regional, as I've said before, with North Carolina and South Carolina being a region; and Georgia/Florida being a region. I'm not for that. I think North Carolina should be its region in its own or zone or sector, whatever it needs to be called. The precedent is set way back in history in Amendment 1, 1985. In September 1985 the council was formed. The two groups said that there was two different stocks of king mackerel in the Atlantic and Gulf.

As far as the Gulf was concerned, that was divided up into two regions, and eastern and western zone. There again this was in 1985. Flash forward to Amendment 6, November 1992, the commercial allocation was further subdivided into those regions or zones or sectors, whatever you wish to call them; 69 percent for the eastern zone and 31 for the western zone. This was done in 1992.

Then comes Amendment 7, March 1994, two years later, suballocations, you further divided the eastern zone into a north and south subzone because of the same issues that those fishermen were saying then are the same issues that I'm saying here now. They were disappointed because of the time and the season was there when the fish availability, they mentioned weather – everything that I'm saying now, these guys were saying back in 1994, and you did form these subzones, so the precedent is there.

North Carolina needs its own fair share allocation. You can go back five, ten, twenty years and look at our landings and compare them to what has been landing, and we historically land 33 to 40 percent of the TAC. I don't necessarily of getting 40 percent, but I would like to see 37 percent of the TAC allocated to this state to be managed to North Carolina. That is a fair across-the-board from a low year to a high year – 37 percent is what I would like to see.

MR. CUPKA: Kelly, can you start to wind it up, please?

MR. SCHOOLCRAFT: Yes, sir. And to the point, one thing that would help North Carolina out is I believe you are dealing with this – and Mac brought it up at the last session was the commercial bag limit sale. That needs to go by the wayside. What needs to happen to that is the same thing that this council applied to the snapper grouper, only allow bag limit sales if you have the right permits to go. That action alone would help out the commercial fishery for king mackerel in North Carolina. Thank you.

MR. FEX: I'm not speaking on behalf of the AP by all means. My name is Kenneth Fex. I'm a commercial fisherman out of Southport, North Carolina. It has been a hard year. I mean, this year it's the first time I've ever filled out a no-fish report. The closures, they were kind of hard, but I'll tell the council the fish have made a good comeback. We're catching a lot black sea bass in deeper water than I've ever seen them.

I'm actually catching a lot bigger size vermillion in the shallow water. I'm pretty confident on what is going on with the management measures. I know it hurts. I mean, it's hurting me. I drove four months of the first of this year without twin engines. I have twin engines, but actually I couldn't afford to fix the other engine, so the first four months I was driving on one engine, but I've survived it and everything.

I'm not for the IFQ. I attended the Orlando meeting and nobody there was really in support of it. At the Charleston meeting a couple of months ago, we had a couple of people stand up and they were in support of it. I don't think it's right. I've got a trip ticket right here. I handed it out to some of the council members right there.

One of the people that come up at the Charleston meeting said something about vermillion being at two dollars a pound. This trip ticket is right after that council meeting. I got three dollars a pound for my vermillion snapper. The reason they got two dollars a pound for their fish is they had 30 and 40 boxes on each vessel. When you bring that amount of fish of just one species, you're going to get a supply-and-demand drop, and that's a fact.

Plus, them vessels were out there for seven, eight, ten days, so the quality of that fish isn't very good. I'm out there three days, four days, I'm on the average in the South Atlantic. I am the average boat. I went out there and in this trip ticket I caught a thousand pounds of vermillion snapper. I had caught a few red grouper, but my trip ticket itself shows a thousand pounds of red grouper. I, myself, in three days, as a captain made \$1,600. Being an owner, I made \$1,500.

That is an average of \$500 a day for the vessel owner and for the captain. I think that's a substantial living. If I would have maxed out on my grouper quota and my black sea bass trip limit, that would have been a really great trip. I think trip limits would really help out because the value of the fish will stay there and the availability of the fish will stay there in the market. I'm really in support of the trip limits.

The other handout I handed out was an article that I handed out to the AP. It was about the catch shares and the IFQs in the Gulf of Mexico. I'm from that area. The article is from the St. Pete Times, and many of you guys in here are familiar with St. Pete, most of you who live there. It clearly states that people are paying three dollars a pound to catch a four dollar a pound snapper.

So, me as a fisherman, I'm going to pay somebody sitting at home three dollars to catch a four dollar a pound fish. So if you think that is very fair in an IFQ system, I don't, so I'm really not in support of that. The AP themselves weren't in support of the IFQ either by vote. The AP was in support of trip limits. I just wanted to let you know that on record.

On another hand, the ecosystem management plan, I see a couple of flaws in that, and this being because some are management measures; one being triggerfish. For an example, this year I've caught an abundant amount. Next year if we mandate the circle hooks, I ain't going to be able to catch half of them.

So if you do an assessment on a fish and say, okay, they've caught a million pounds this year and then next they drop down to 500,000 pounds, you're going to like, wow, they must have really

hurt the stock when in fact it wasn't that. It was a management measure that made it harder for me to catch that fish, so I'm really not in support of the ecosystem management, but I understand the philosophy behind it. That's what I figured I'd bring forth to you, and I thank you for your assistance and letting me talk to you guys. Thank you.

MR. HADDAD: Mr. Chairman, my name is Ken Haddad. I represent the American Sportfishing Association. I'm going to speak in general, but it's a reflection on the volume of decisions you're making just at this meeting alone on things like ACLs, bag limits, trip limits on various species and species complexes.

One is economics. There is a vast potential for the economic impact – I'm going to speak on the recreational fishery – throughout the country based on Magnuson-Stevens. To us it's imperative that the council and NOAA not only better understand the economic impact of management decisions on the entirety of the recreational fishing sector but also take this more into complete consideration when implementing amendments and rules.

I understand that's a tough task. Being a former manager, we rarely had what I would consider adequate economic data and it seemed okay at the time. However, with such incredible impacts at such unprecedented pace is being levied at the fisheries as a result of Magnuson-Stevens, economic information is now absolutely critical. We ask that you address how you can acquire and use better economic and social data in your decision-making.

Second, we'd like to see the council begin discussions how to better implement MSA through management tools and scientific information that will preclude the need for discussing and/or implement bottom closures or multispecies closures based on the weakest fish. I know this is a difficult thing to think about, also, but it just seems it's going to be a recurring theme; and without really discussing it and getting it out in the open, we're just going to be – it will be difficult for every decision made.

Over the last two days, as I've been sitting here, something struck me. We're in economic hard times, the overall fishery is depressed. We saw that in your decisions this morning that contributed to some changes. Also, as the state fisheries managers know on the council, many of the states base their fisheries management on funding through excise taxes that were self-imposed by the industry and recreational fishermen to actually provide for fisheries management and conservation. I guess you see the circle that we're creating here.

Are there really no other interest groups that have contributed billions throughout the nation to fisheries conservation? It is not there. If we're not careful we have the potential for killing the goose that lays the golden egg for much of our nation's fisheries management, particularly the inshore management, and we're going to do that without realizing it's happening.

So, kind of finally is just a thought that the council, if you can find time and the effort, take a step back, just kind of take a deep breath and look at the big picture for the South Atlantic. It strikes me that we're making all kinds of I'll call them smaller decisions with large impacts, but we're not grasping how they all fit together.

It is evident that Magnuson-Stevens, along with societal changes, has impacted the complexity of marine fishing. It would be good to see the council address this. I don't know that I've seen a strategy for the future looking at fisheries for the South Atlantic. What that creates is everybody having a different vision of the future and it just perpetuates controversy and trouble when you don't know where you're going.

The result is no feel for the cumulative impact of rapid and often severe regulations, which we're seeing now, and those impacts are both on economics and social and cultural behaviors, and we just don't understand how that is going to all interact compounded with the economic problems we're facing today. It's something it seems the council should address.

ASA is very concerned about where the economics of all this is heading and how it's measured and how it's used in the decision-making. We would urge the council to begin looking comprehensively at these issues. You're kind of tackling one piece at a time and somebody needs to connect all the dots and begin to see how these deliberations are adding up to a future; because at least for me, when I look at it, it is not clear.

Those are just some thoughts we want to provide that perhaps it's difficult to dig out of the daily routine of doing your job and particularly with the mandates of MSA, but it just seems important that there is a vision and a direction that is followed for the southeast, and we hope you'll think about doing that. Thank you, Mr. Chairman.

MR. KELLY: Mr. Chairman and members of the council, my name is Bill Kelly. I'm representing the Florida Keys Commercial Fishermen's Association. I would like to address you on two issues, spiny lobster and king mackerel. Number one, as far setting an ACL on spiny lobster, based on the recent SEDAR Committee's rejection of the models used to define spiny lobster in Florida and the southeast, our preferred alternative would be for no ACL to be selected until a SEDAR has been ordered and rescheduled and satisfactorily completed.

The overwhelming evidence of near total external recruitment clearly indicates an international fishery and most likely warrants a Pan-Caribbean assessment for verification. However, we anticipate the council will move forward without updated science and encourage you to set the ACL as high as possible and at least no less than 7.9 million pounds to protect this very valuable and sustainable fishery.

Dips in catch statistics from 2005-2009 were clearly caused by tropical weather systems that impacted the Florida Keys and the soured economy. With increased demand and no tropical cyclone activity this year, catch shares in 2010 are on track to be the best in the last 40 years. Those that doubt the extent of external recruitment can assuage their conscience in knowing that fishermen in Florida and the southeast do not harvest egg-bearing females and there is also a closed season during the spawning months, thus protecting any local propagation of recruitment that may exist.

Number two, with regard to the use of undersized spiny lobster as attractants in the fishery, this is not a moral issue. When one goes fishing, it is prudent to take bait and baited traps are three times more productive than non-baited. We respectfully request the council adopt the state of

Florida rule and the same preferred alternative as the Gulf Council at 50 shorts per boat plus one per trap on board.

This is about consistency and it's about science, and the science that has been put forward by the FMRI in Marathon clearly indicates and calculates that the mortality rate is 10 percent, and this is the lowest of all the managed fisheries. Number three, allowing the public to remove trap lines, buoys or disabled traps, the Florida Statutes clearly and explicitly state that this is a felony.

We would like you to uphold that tradition and again keep the public from having access to these traps. This opens a window of opportunity for them to pilfer traps, to use them as an opportunity to pilfer lobsters. We've got a history of trap management in there and reduction of impacts to the environment, including a passive reduction program of 500,000 traps over a ten-year period.

We're testing trap movement and have reduced it by trap design up to 80 percent. We have many other ways that we can improve it and protect the environment. Number four, limiting spiny lobster in certain areas in the EEZ to comply with the Endangered Species Act, we continue to work with Sue Gerhart and Andy Herndon and will provide written comment on trap line identification and definitions for placing traps so as not to impact corals and hard bottom.

Finally, for the ACL for Gulf Migratory Group King Mackerel, the SSC has recommended an increase in the ABC to 13.2 million pounds. The fishery, both commercial, for-hire and recreational, we've been waiting for 20 years now to see a payback for our conservation efforts, and we'd like to see an increase in that quota to 13.2 million pounds. One final comment and that is yes to science and no to catch shares. Thank you very much.

MR. JOHNSON: My name is Robert Johnson. I've been a charterboat captain and a commercial fisherman in St. Augustine for 30 years. First, I'd like to thank the council for what I feel like was a good decision and a good first step in the snapper rebuilding process and restoring a little bit of – just a little faith from the public in the whole process.

I would like to address mainly today catch shares. I keep hearing it mentioned as just another tool, another management tool. This council already has a lot of tools in place to manage. I don't think catch shares is one we need. The few proponents that I've heard that expressed they want catch shares seem to have been led or feel like they're going to benefit greatly from them.

I have studied catch shares where they have been implemented all over this country. There are always more losers than winners when that program is implemented, so I urge the council to listen to the voice of most of the fishermen who are not in favor of catch shares. We've talked about trip limits at the AP Panel meeting. I heard Kenny speak on them earlier, and he brought some really great points forward.

They do a lot of things, they do allow more fishermen to stay in the fishery, they do keep the price up by controlling the flow of fish into the marketplace. They keep the quality of product up. They do force the fishermen to move from maybe catch one-to-two pound B-liners to look for two-to-four B-liners. If he knows he is only going to have a certain amount allowed, he is going to try to catch a better quality fish. There are a lot of pluses there.

I think that the trip limits that we talked about and hopefully the council will adopt are more than sufficient to allow fishermen to make a good living. Again, I don't know if it is going to prolong the actual season. I keep hearing all these fishermen talk about derby fishing and how they're so against derby fishing.

Make no mistake about it, the January through April grouper closure has nothing to do with a derby or catch shares. That is a spawning season closure. Those things, I'm sure, are going to continue in the future, and I think most responsible fishermen want stocks protected during their spawn. But as far as a derby fishery, bring it on, I'm a fisherman. If it's good weather, I'm going to go fishing. I don't have a problem with that and I think most fishermen don't. That's all I have to say and thanks for your hard work.

MR. COX: My name is Jack Cox, and I always look forward for this opportunity to speak to council members and staff. I don't need an environmental group or a lobbyist to speak for me. I've been in this business for thirty years. We don't have a lot of options here, but certainly I'm starting to see faith in one of them. I passed around a letter, Mr. Chairman, that I dropped off in D.C. to Congressman Jones' office. I can read that, but I think most of you guys have a copy of it and I can just say what I have to say.

MR. CUPKA: We'll provide copies if you make sure we get one, and then we'll just your comments.

MR. COX: Yes, sir, thank you. Anyway, I just hear a lot of things that we're saying here today and have been looking at the catch share design program since 2007. I understand there is a lot of opposition from it, but as far as a business model and being able to move forward knowing how I can run my business, I don't see anything else that address it.

I can't operate one day knowing whether I can go fishing the next day fighting a derby fishery. Catch shares will address a lot of the issues we're facing today. I mean, if we had VMS system in place several years ago, our data would be less questionable today. I went to Senator Hagan's office and she said that the reason that she had no problem with catch shares is because of some of the data that has put in place.

I think we need a VMS as soon as we can get one – it needs to be a priority – along with a good catch share design. Trip limits will be a short-term fix. It is still a derby fishery. We need them as soon as we can get them. It will help slow down the derby and it will help the market gluts, but it is not going to be long-term fix. As far as our sea bass endorsement, I would ask that you guys would not penalize those of us that have made small trips. Some of us have pretty good markets for bass and we don't need to load the boat to make a day's work.

I ask that you consider a control date of up to 2009 or a 5,000 pound cumulative weight from 1998-2008. There is a lot of talk in Morehead, and I appreciate the opportunity for having staff available to answer questions to our fishermen this past week on catch shares versus trip limits and how it would benefit the guys, but we're still waiting for a model to come out so the guys can put their history into that model and see exactly what they would have before the referendum comes out.

We need a referendum before we can move forward with any kind of catch share program. It is only fair to everybody. Please keep the catch share option on the table. It has been proven that science, accountability and stocks will improve at a much faster rate with a catch share program. Thank you for your time and Merry Christmas.

MS. McCOY: I'm Sherylanne McCoy with Cape Canaveral Shrimp Company. I appreciate the opportunity to get to talk about the golden tilefish. I apologize for any redundancy because I have spoken at other public comments and spoke quite a bit during the Q&A last night, but these are concerns that we want to get on record.

The golden tilefish is a small industry. There are not a lot of boats involved and there are not a lot of dealers involved. This is coming from three dealers in the Central Florida area, some of the concerns that we have with the amendments. As we stated, we want to have the start date January because it does give us some fish during Lent that we can sell at high price.

We're able to keep the price up to the boats. If they go with the start date in the fall, that is one of the harder times for us to move fish and get a good price for it. We want to keep that high price that we're able to give to the boats. Some of the issues that we feel aren't addressed in what you all are discussing, we're very concerned with the level of endorsements that you are looking at. I think it's 17 that you have from the years 2006-2008.

As dealers we concerned – we don't feel there were 17 boats that participated in the longline industry this year. We think there was more like a dozen, and we know of two or three that started participating in 2009 and 2010 that we were using their landings. These boats are going to be excluded if you go with that 2006-2008 landings.

From what we see, there is nothing that is addressed to use it or lose it. This handful of boats that gets these endorsements, if they're not using it, as dealers how are we going to get the product. When the stock assessment comes out next year, we're all hoping that it's going to show a much more abundant quota that will be given to the boats.

We're concerned is this going to be split between the boats. If there are not that many boats fishing on it and they don't meet the new quota, then is it going to be looked as overfished because they're not meeting that quota? Are there any provisions for new boats to come in if the quota is increased? Another thing that there was concern about with some of the fishermen is historical captains going – we couldn't see any provisions for historical captains.

There are historical captains who did fish in 2006-2008 on some of the boats that are on boats now that won't qualify, so they've got concerns about that, and this has been brought up in public comments before. We're wondering why is 2006-2008 the years that were picked for these landings. I think that covers that on that.

With the appeals process that you were bringing up, maybe some of these boats or captains who won't be included can go through the appeal process if they feel like they've been unfairly left out of the fishery. One comment I want to make on the catch shares. Most of the boats that use our dock and the other dock in Cape Canaveral are against catch shares.

One thing that struck me, I was at a fund-raising or whatever, one of the captains from the Deadliest Catch, where they go round and you pay money to go listen to them talk, and we asked him how he felt about catch shares. Well, he wouldn't answer in public, but he did talk afterwards off the record, and he said that he feels it has been devastating.

He said that it has created – it didn't get rid of the derby fishing like they were promised. He said they're getting lower prices because it eliminated a lot of the small dealers who were willing to pay a higher price for the crabs, but now there are very few dealers and that they set the price, it is very controlled. Almost all their catches go through a handful of dealers now.

They don't have the choice of going to the little local dealers and getting a better price. He said the derby fishing, he feels it didn't get rid of that. If they can't get in and make their appointment that they have set up, if they've had any kind of problems or if they're not at the dock at that time, I guess they're bumped to the very end of everybody else that is in line. Their crabs get older and then they're not paid as good a price. He said the derby fishing is still there en masse like if they want to get out, get their crabs and be the first ones back in again. Thank you for the opportunity to speak.

MS. BINNS: Good afternoon, again. Again, Holly Binns with the Pew Environment Group and thanks for the opportunity to talk you again this afternoon. I'll keep it short. The Comprehensive ACL Amendment we think is a critical tool for ensuring long-term sustainable fisheries in the region. I think as this council finishes the hard work of ending overfishing, it is really important that you're putting in place measures to ensure that we just don't end up shifting the overfishing problem to other species in the region.

We were really encouraged to see the committee incorporate management uncertainty through the inclusion of some annual catch targets through their work on the amendment this week. We wanted to just strongly urge the council to do more to account for the substantial uncertainty and constraining and reporting catch in the region by extending the use of ACTs both to the commercial fisheries and to species from Amendment 17A and 17B. I'll just leave it at that. Thanks again for the time this afternoon, and we look forward to working with you guys as you continue to advance this important document.

MR. FOSTER: I'm Ernie Foster from Hatteras. I operate the Albatross Fleet Charterboats. I'm also representing North Carolina Watermen United, a group that was formed around a kitchen table in my house, on a table that was collected from a shipwreck on Diamond Shoals by my grandfather. Now, I know I'm personalizing this and it's because it's personal. I'm talking about catch shares. The concept of catch shares all of you understand.

It is sold on the notion that if you get rid of the man on either side of you, you will make more money. Fleet reduction comes at the expense not just of men's lives but of families' lives. When you're making decisions, it isn't just a decision; it is an impact on a man's life. Maybe generations are involved.

When I read slick publications that describe my community in the future as being a vibrant fishing community to be achieved by the reduction of the number of people that live in my

village, I find difficulty moving forward in good faith. That's what you're being asked to do, to make honest, thoughtful decisions by getting rid of fishermen on a program that is advertised as in the future it will be more vibrant.

You all have read the material and none of you doubt what I just said. That's troubling. Fisheries issues are exceedingly complicated. I go on line and try to read through the various and sundry bits of information and all the acronyms. It ain't easy. But you can't move forward when deception is at the front end. Who knows what lies at the back end?

This is something that is exceedingly serious; and when I read that charterboats in North Carolina need catch shares and I hear someone say we'll get better data, all of the representatives from North Carolina should be insulted. How much better does our data need to be? It is a smokescreen. I mean, I can go on and I can ramble, but I encourage you to think very, very seriously about the motivations of someone who sits at a table with wordsmiths, crafts a document that talks about vibrant fishing communities while the end game is the elimination of fishermen. Thank you.

MR. BARBER: My name is John Barber. My views are just my own. I don't have a horse in the commercial race at all, but catch shares are something that the recreational anglers of Florida and me personally, it kind of makes me throw up in the back of my mouth every time I see it. The reason why I say that that is I've done a fair amount of time in Alaska.

I would suggest that you go talk to the mayors and towns and the coastal areas where catch shares went in and found out what a great deal that they were for them up there. That's a little different world up there than it is down here, but I would look really close at them. Florida can't take another shot like we've been taking, and I don't see it.

Specific to recreational anglers, do not close our fisheries down and then come back and say, well, if we go to catch shares or if we go to tags, we'll give you red snapper back for a few months. That is not acceptable. That red snapper fishery needs to be an open fishery. Tags work really good for deer and for certain other kinds of things based on their reproductive rates, how fast they can repopulate.

Red snapper and most of the fish that we fish for, this is not appropriate. Tags have worked marginally well for tarpon and a few other things. I just want to put it out there that if you start talking about tags or catch shares and recreational fishing in the same breath, there will be a large noise coming back from the recreational anglers.

The only other comment I want to make has to do with – this is just anecdotal evidence. I've seen two things this year I've never seen before in my life. One thing was we were anchored up on some rocks trying to catch sea bass. Fishing right now is very challenging in the South Atlantic because I have an aversion to hurting anything that I'm not going to keep, and it's just about impossible, especially in these months to stay away from red snapper.

We were sitting up on some rocks. We were in pretty shallow water, about 58 feet of water, and we were getting a few red snapper and we were getting some sea bass, and what I saw I had

never seen before my life. I saw a school of red snapper come up behind the boat. We had flat lines out for kings, and we were catching red snapper on flat lines for kings, which is probably one of the most amazing things I've ever seen.

I've been fishing red snapper since 1966. I've never seen that happen. Some of the commercial guys that are dragging for kings up on Pelican Flats, they're picking off red snapper dragging these diamond jigs on the surface for kings. It's not scientific, you can't measure it, but if you go back and look at the historical record, I would like see somebody that actually caught a 28-inch red snapper on a flat line five feet underneath the surface in that type of water.

This is the reason why we're coming back and saying this doesn't make any sense. The science and the observations are so far apart from each other that there has to be something in between. We've got to get this figured out. My closing comments are one of the problems with fisheries management with single species like that is the law of unintentional consequences.

I think you're going to have a problem with cobia pretty soon. Up at the tip of the Cape, we've got an area up there that when we get cold water come in, these cobia run to, and a lot of charter guys, when they get cold water and they couldn't catch snapper grouper, knew that these cobia were up there in these warm pockets or whatever and they go up and they get their customers a couple of cobia, and, yeah, it wasn't what they went for, but they had a good day.

Well, word got out with every guide and every recreational guy this year, if they couldn't catch red snapper, and it was a carnage up there. It's an artificial type of environment because when that cold water comes in, it pushes our resident cobia off our reefs, off our wrecks in particular, and moves up into these areas. So what we did was we put them in a very vulnerable situation and they got pounded.

You know, these guys would go out and get two apiece in the morning and go to work and go out and two apiece in the afternoon. You know, it's this unintentional consequence thing where you're shifting stuff back and forth. It's just not good. We're seeing this firsthand, and the problem is it's going to take you guys two or three years managing in the rearview mirror to see these kinds of things.

We've got to do something to get you some more real-time feedback or data. My closing remark is, you know, I asked all the club presidents in Florida do you guys ever hear anything from the science people or do you ever hear anything from NOAA? Nah! They're never even asked. You guys have seen me for four and a half years now. I come in and I give comments or whatever.

I do what I can, but we're getting to the point where even if you go to these people, I'm not even sure they're going to be there anymore. Believe it or not, as much grief as I give you, I go back to them and say, hey, get engaged in the system, get involved. Man, we just need a little help from the other side, guys. I know it's a tough job, I know I give you a hard time sometimes, but we're in this thing together. One of the people said, you know, if we don't have fishermen we're not going to have a fisheries management system, and I don't know what you guys are going to

do for a living, but we won't need it. Thank you, and you guys have a great holiday. I appreciate it.

MR. HUDSON: Rusty Hudson representing the East Coast Fishery Section. SEDAR 25, Amendment 18A, Regulatory Amendment 9 are sort of all interrelated. I've been trying to get prepared for SEDAR 25 for sea bass and golden tile. They will be the first assessments for those two animals since SEDAR 2 for black sea bass and golden tile for SEDAR 4, seven or eight years old already.

I was a little disheartened as council members didn't know while they're picking SEDAR 25 participants the exact schedule of all the events next year, but in short in April there will be the data workshop. In June there will be an assessment. In September there will be a review workshop. In November the SSC will consider the results. In the December meeting in North Carolina the South Atlantic Council will then be prepared to deal with the results.

I've heard a lot about catch shares. It's real hard to be able to do catch shares if you had small quotas. It's real hard to be able to prevent a derby fishery if you have small quotas. In both cases it's small quotas. Some of the suggestions put forward by the AP, as well as in our written comments, have suggestions like a split season for black sea bass, a suggestion for a spawning season closure.

It's something that I also would encourage for red snapper and a slot size for the bigger animals at that certain time of the year. I have, for instance, caught red snapper on the surface and watched them take my bait since the sixties. I have seen dozens if not hundreds of red snapper around the boat whenever you find an aggregation of large spawning red snapper.

Going back to golden tilefish, going back to black sea bass, there are some new participants and there are some old new participants that need to be able to have the new control dates. You all put forward September 17, 2010, recently for 73 species of snapper grouper as well as the mackerel complex. I do not endorse the idea of destroying anymore fishing communities, not at this stage. You need to preserve them and you need to be able to work with these people the best that you know how in order to preserve them because the infrastructure is disappearing.

My family and my friends have been part of all this community for many generations, and it's not the same as it used to be. With SEDAR 25 I hope that you pick well with regards to participation and that we are able to see results at the other end so that we can be able to maintain the fisheries if not increase the quota availability to the participants that are there now.

If you can't do the September 17, 2010, for whatever excuses, then the fallback would be December 31, 2009. I believe that as far as when we submitted our written comment, we had a January 1st opening for the longline golden tile guys and ultimately you need to try to listen to what the written comments are saying.

SEDAR 24, again I'll say that you did a little better than you did with SEDAR 15, but then there is stuff that just doesn't resemble what is being seen at the side of the boat. I've mentioned the tagging program. We're also participating with the independent longline program that is also

seeing some results, and we have other desires for cooperative research proposals. The SEDAR 24 was woefully lacking of any independent indices.

The scientists that reviewed the SEDAR 24 results suggested not to do another benchmark until you have at least several years of independent information. We're starting to collect that now so that by 2013, when that next assessment comes up, then in all probability we'll be able to possibly make a difference.

That's in short what I can say, but catch shares, from our group, which is 300 strong, charterboat, private recreationals as well as predominated by commercial, are totally against it. They want you to know that. A lot of the people that I represent through my consulting company from North Carolina to Florida are, for the most part, against the catch shares. They feel like it's being pushed on us by an administration that doesn't really understand the fishermen. That's kind of the short of my comment. Thank you.

MR. McKINLEY: My name is Randy McKinley. I own and operate a boat out of a fish-packing business out of Topsail Beach, North Carolina. I pack fish for my boat and about seven others. I mailed in an opinion sheet with eight federal permit holders to Mac Currin. I have had many discussions with all these fishermen and have spoken with Ken Fex on some of these issues.

Our absolute and most important objective is to be able to fish for the maximum amount of time for the full spectrum of the snapper grouper complex. When we leave the dock, we do not know which species we will be feeding. We in North Carolina are curtailed by weather more than some of the other states.

We feel trip limits and concurrent openings are the best solutions for our fisheries. B-liners, grouper and black sea bass need to open in the same month of May. This will keep the pressure off any one species and ensure optimal dollars for each. 750 to a thousand pounds of gags with 1,500 total grouper, 1,500 B-liners, 1,500 bass are all reasonable limits that take into account the larger multi-day boats.

When B-liners reach 80 or 90 percent of the quota, there should be a hundred to 200 pound trip limit for incidental catch. In addition to a May start date and trip limits, we feel some additional recommendations would benefit the black sea bass fishery; a 50-pot limit and to bring all the pots back in after each trip.

We also absolutely need a split season so we can catch some of the large and jumbo bass that are present in the cold months. During this past season about 55 percent of the bass I packed were smalls. During July and August the percent of smalls were even higher. A November and December second opening would allow less individual fish to be caught with greater weight to be harvested.

Again, when the quota is about 80 or 90 percent, the fishery should close to pot fishing and incidental rod fishing catch could be retained for most of the year. We are all in full agreement that we reject IFQs for our snapper grouper fishery. The IFQs have no place for our multispecies

hook-and-line fishery. One other thing, the closure area in Amendment 17A creates a boundary for South Carolina and Florida. We feel like that a January or February grouper season could happen in North Carolina to make up for our lack of fishing days due to weather. The gag quota has not been met in the last two years. There should also be an incidental catch of the American red snapper. That's about all I've got say. I think that there are enough regulations in place without having more. Thank you.

MR. CURRIN: Randy, if you just hold on one second, I wanted to acknowledge to you I didn't have time to write you. I did receive your sheets for the eight or nine boats that you had, and my plan was to share that with the council when we began deliberations on Regulatory Amendment 9 on the trip limits.

MR. McKINLEY: Right, and those are not all just the ones that pack fish with me, but there are other fishermen. There are some that are not included. I represent about 10 or 12 of the federal permit holders.

MR. CURRIN: In addition to that I did receive several more in the mail from I think three to four other boats, so thank you.

MR. ODEN: When I heard from a few fishermen that came to the question-and-answer session last night that the ACLs on blueline tilefish was going to be so low, I almost didn't come because essentially that's about the last thing we've got left up our way. Anyhow, I finally got the records there from the Division this morning and it became pretty obvious that essentially I really don't know how you came to that conclusion.

I understand it's a hundred thousand pounds of which maybe 65 will be commercial. The last couple of years have represented the true nature of what the fishery is capable and not even that many people have been involved in it, but it was 469,000 pounds last year and it probably will be more than that, probably 600 this. So, that's a pretty incredible reduction; and when you consider that prior to the last couple of years, it has been nothing but a bycatch fishery, anyway.

I think that needs to be taken into consideration again, and I hope you all can come to terms with an ACL that is a lot more representative of the stock that we have in our area. Again, that's one of the few things we have left. I'll say, for instance, I'm pretty upset about the endorsements that are coming I guess both with sea bass and with the golden tile fishery.

For instance, I've been involved in the sea bass pot fishery since 1979, which I believe is, you know – Tom, I believe there is going to be 23 fishermen involved in this, and you might think about your vote. I was doing it probably ten years before you moved to the state. Anyhow, for various reasons I've been disallowed. I'll tell you why.

I've had dual permits and I live on the line; so when one shut down, I couldn't fish the other. You know, for various reasons I evolved into other fisheries, but in the meantime I've kept up my pot tags. I've always thought that maybe one day I might end up back in it. My landings probably will disqualify me the same as they will in golden tilefish.

Even though I've had landings since 1979 in that, too, which back then I'm not sure when the records went – how far they went back. We have a virgin tile fishery off our coast, and I'm going to be excluded from it; I mean, absolutely. There is one thing I'm going to pass around here. It is actually a northeast fisheries permit which allows me to catch in the northeast; and again living on this line, you all might need to think about how you're going to rectify that.

You can look at that on the bottom. There are many of us fishermen up there that have the same permit, so how are you all going to address that. You need to think about that. On another point, I also passed a few pictures around of these golden tilefish there. I dare you to find anything even close to that in the South Atlantic in the photo there.

Actually, the guy told me yesterday it was 67 pounds. I don't believe there has been a bigger one caught anywhere in the U.S. That's a world record had it not been on an elegromate. That is representative of the fishery there. A few of the guys last night told me that our fishery is represented in the stock assessment, which is going to allow you to endorse a few fishermen with this resource.

Well, I don't see how you all have rectified exactly what is going on in our area when we don't even know what is there. These fish, you go out and an average catch – a friend of mine went out and made a longline set and his average catch was 22 pounds. I daresay that is probably a large in Florida. The fact that I'm probably going to be endorsed out of this, either bandit fisherman or longlining, that's pretty hard to fathom, especially, for instance, when I understand that the bandit fishery, which normally represented 11 percent is going to now be 25 possibly, and we won't get any of that 25.

It is going to increase and there are guys up there that have got fairly – you know, a few pounds of landings there with the bandit fishery. I've done both. I'm going to be opted out with a virgin fishery at my doorstep that you all have not assessed. I don't care what you say, you have not a clue of what is there because we don't.

My final thing to say is about catch shares. I mirror most of the statements in here today. I'm adamantly opposed. There is something inherently wrong that rewards or takes away from the guy that chose to get by less and rewards those that were the biggest part of the problem, essentially, in these fisheries. That is wrong, that is un-American.

I cannot believe for the life of me how this council is going in that direction. The last thing to that point, I'm for trip limits and state-by-state autonomy on seasonal fisheries within their areas that benefits the fishermen of the area. People want to go and come. There may not be anything you can do about that, that is one thing, but at least give the states the right to have a trip limit that represents most of what the fishermen there in that state prefer.

And to that point, I noticed there in the statements on pros and cons on catch shares, when trip limits came up, it was mentioned in there that, well, trip limits favor one size boat. Well, so does catch shares, and that's the big boat, and that's not right. If you're looking for vibrant fishing communities, say no to catch shares. Thank you.

MR. McCAFFITY: My name is Chris McCaffity and I've been invited to present a proposal that will limit bycatch and help the fishermen survive the process here of rebuilding the stocks. I would like to thank you for the opportunity to do that. We don't agree on a lot of things, and I do want to work together towards a healthy fishery that can be responsibly harvested.

We'll reach out to anyone and try to work with you and help you with the data collection that you need as well. Let me present this plan and again thank you for the chance to do so. The Bycatch Reduction and Fishermen's Survival Plan – thank you for the chance to present this. It is no secret that we do not see eye to eye on some issues. I do think we have a common goal of healthy fisheries that can be responsibly harvested.

We should all be able to agree that it is not in the best interest of the fish or the fishermen to have regulatory discards. I will offer ideas based on my experience as a fisherman to limit bycatch, make efficient use of the resource and promote our safety at sea. Please consider these suggestions with an open heart and mind.

The first thing that should be done is trip poundage limits to manage the annual catch limits. The council has used trip poundage limits and split seasons with some success. This plan incorporates some of those good ideas and it goes like this. Every fish with an ACL should have the fishing year split into two six-month seasons.

The TPLs should be set higher for the first 75 percent of the six-month quota and adjusted to a level that would fill the quota without any long closures for the remaining 25 percent. This is an example for vermilion snapper that should replace the current derby fishery. Keep the six-month seasons, set the trip poundage limit at 1,500 pounds for the first 75 percent of the quota, adjust the trip poundage limit for the remaining 25 percent to 300 pounds if there are several months left in that six-month season, set the trip poundage limit at 2,000 pounds if there is only one month left.

Any poundage that is left should be carried over to the next six-month season. Any poundage over the quota should be deducted from the next season. We can target vermilion snapper when the trip poundage limit is high and we could target other species when the trip poundage limit is low. This would allow fishermen to keep the vermilion snapper bycatch and give the consumer a dependable supply of them throughout the year.

It would help fishermen make efficient use of the resource and earn enough money to survive the rebuilding process in a safer way. The council could also use TPLs instead of four-month closures on silver snapper and shallow water grouper; set the limit at 200 pounds on both of those. This would be low enough the fishermen would not make trips targeting them, but would allow for bycatch.

This plan would also give scientists a more accurate and dependable way to collect data. We should try to make efficient use of our resources and avoid wasting them. Size limits sound good in theory but have unintended consequences. They force us to target the larger breeding stock of fish while discarding the small fish that can be replaced quickly.

Many of those discarded illegal fish die slowly from stress, infection and decompression damage. The size limit should be abolished. The small fish should be counted against the annual catch limits instead of being wasted. We should have a goal of a zero bycatch fishery and make efficient use of everything we catch.

We need a law that would allow us to sell other bycatch like sharks. We accidentally catch blacktips, sandbars, makos and smooth dog sharks. These are all sharks that are good to eat and legal to sell in some state waters. We should be allowed to sell 500 pounds of sharks per trip. We should not target sharks but we cannot avoid catching some of them. We can have a responsible harvest of almost any fish.

It is a matter of realizing we cannot avoid catching some species and managing the fishery accordingly. Artificial reefs could be the perfect union of aquaculture and commercially caught wild fish. We should try to enhance the fishery instead of restricting access to it. I believe we could greatly increase the total biomass the U.S. South Atlantic could support with an aggressive artificial reef program.

I've heard some arguments against the artificial reefs and would welcome a debate on the issue. They should also be part of the marine spatial planning discussion. We need to look at the big picture and show other nations by example how to manage their fisheries in a way that helps the fish, fishermen, economies and the marine environment.

We have suffered severe financial hardships since the closure started last September. I propose that part of the National Marine Fisheries Service Budget be allocated to reducing the size of the snapper grouper fishery through a voluntary buyout of inactive permits and elderly fishermen with an illness that would like to retire.

The market for our business has been destroyed by the economy and regulations. Those aging fishermen need a way out other than bankruptcy or death. I would also like to the South Atlantic Fishery Management Council, the National Marine Fisheries Service and NOAA work with the Small Business Administration to help fishermen get low interest, long-term loans to consolidate our debt. This would take the pressure off of fishermen to risk life and limb to avoid bankruptcy.

The buyout and debt consolidation loans would also take some of the pressure off of the fishery and allow stocks to rebuild faster. Fishermen are not just numbers and management equations. We are real people with families that depend on our income and worry about our safety. We deserve to be treated like you and your loves ones would like to be treated if the roles were reversed.

The solutions I've presented are based on a love of the sea, decades of on-the-water experience and mandates in the Magnuson-Stevens Act. It breaks my heart to be forced to discard God's good creations to die slowly. I cannot believe that any of you on this council really want to waste our resources. This is an unintended consequence that is obvious to those of us that discard bycatch.

Trip poundage limits should be addressed immediately to put an end to this waste of fish and income. I know catch shares are a management measure the South Atlantic Fishery Management Council, the National Marine Fisheries and NOAA are looking at and many environmental groups support.

I would like to offer this compromise to everyone that wants catch sharers. We agree to put trip poundage limits in place to stabilize the fishery in the short term. We can then discuss and debate catch shares as well as buyouts, small business loans and artificial reefs. We also need to look at getting rid of some of the old regulations like size limits that helped to create the problems.

It looks like NOAA will have \$54 million in next year's budget to set up catch share programs. I propose that some of that funding be allocated to paying fishermen to take the time necessary to be part of the process. Commercial fishermen have centuries of collective on-the-water experience to bring to the discussion. We love the sea and we want to protect it. Thank you for giving me the chance to present this plan. I welcome any questions and look forward to working together towards a healthy and sustainable fishery that can be responsibly harvested forever.

We should try to manage the fishery in a way that rebuilds stocks while providing the public with a dependable supply of safe American seafood. We should also do what we can to help fishermen and their families survive the rebuilding process. We could achieve these goals if we work together using sound science, common sense and follow the Golden Rule. I hope you will consider that.

Please, if you have any questions and you want to debate the artificial reefs, I've heard things like that it will congregate the fish to those and make them easier to catch. As long as we're not exceeding the annual catch limit, there is no reason – and they could offset MPAs or area closures as well.

In the long run we should try to do that, build artificial reefs and get the recreational and the commercial fishermen to go to them to catch that annual catch limit, and we should set aside some marine protected areas to protect the environment. But to just say that because there may be some – make it easier to catch the limit, as long as you don't exceed that annual catch limit, who cares when, where, what size or any of that? You just stay within the annual catch limit. The trip poundage limits, too, I've pleaded with you since last year. The closures have just devastated the fleet here in North Carolina and up and down the coast.

MR. CUPKA: Would you wrap it up for us, please, Chris, we have copies of your comments.

MR. McCAFFITY: Okay, I'm just trying to get you all to realize that the trip poundage limits are something – the lack of those ends up devastating the fishermen, and it is something that you could put in place today if you wanted to and ease our burden. Thank you.

MR. McCOY: I would just like to say I thank you all for giving me a chance to speak here. My name is Joshua McCoy. I've been coming to these meetings and speaking a lot. I'm here today

to speak for myself and in behalf of the fishermen back home in Florida that weren't able to make it all the way up here.

We as a group do not want any form of catch sharers, IFQs or endorsement programs. We feel like a lot of people will lose their jobs and boats if catch shares takes place. Only a few people will benefit from it, being the big boats, the big corporations, and that's wrong to monopolize an industry. That is what it will do.

I firmly believe in trip limits, good sound scientific data and new stock assessments and not based on old stock assessments. That basically wraps up that part. On another topic I'm a little frustrated. I feel based on what I heard today on 18A, on the tilefish I'm being put out of the tilefishing industry with two other boats I know of back home.

Based on the control years 2006-2008, my boat was damaged by a hurricane and in dry-dock those years. I couldn't fish. I think my boat and my crew deserve a hardship because it is something we couldn't control like a hurricane. I feel being a young generation, but I am a fifth generation of fishermen. I'm 27.

Me and my friends just don't stand a chance in the fishing industry, and I feel anybody currently fishing in the industry should not have the rug pulled out from underneath them. I agree with Rusty to use the control date of September 17, 2010, me and my family invested a lot in the boat, permits and gear. I'm being pushed out.

The 56-foot boat me and my grandfather built and the last one he built won't be able to fish in the ocean anymore and it might end up in the intercoastal fishing for mullet with a cast net. That will be a sight, huh? We need new stock assessments, trip limits and higher annual quotas on all species. Don't take anymore boats out of the industry. They won't be able to survive. There are so few of us left compared to previous years, seventies, eighties and nineties. We are the dying breed. Fishermen are the endangered species. Thank you.

MS. McCAFFITY: My name is Cindy McCaffity. My husband is a commercial fisherman. Also, I'd like to give some comments as a consumer of fish. First off, when I asked a question last night about what is the South Atlantic Fishery Management Council here for, they're supposed to end overfishing. I propose that we end overfishing by increasing the fish biomass rather than decreasing the fishermen.

Most of the fishermen that have been fishing these waters have been fishing them for many years, and that's how this country was raised. We came on this side from England or whatever over here and that's how we fed our families. Right now there is not dependable supply of seafood on this coast. We're losing people coming to the coast just to fish, people coming to the coast just to eat fresh fish.

They have to eat the fish that are raised somewhere else. Nobody monitors it, so it could be raised in sewage water, it could be raised in who knows what. Only 1 percent of that fish is even checked, and half of those are sent back, so the other 1 percent we're just eating. I think I'd rather have mine fresh out of the ocean where I know where it has been.

I think that each state grouped in – I'm from North Carolina and we're grouped in with South Carolina, Georgia, Florida -- all have a longer fishing season. So our stock assessment cannot be very accurate because they're fishing their stock much longer than we're fishing our stock, so how can our stock be the same as their stock?

It seems like there would be more overfishing when you're fishing 300 days out of the year than when you're only fishing like 200 days out of the year. That just makes sense as a regular person. Also, all these fish live together. You know, you go catching fish and you don't know what is on your line.

If you accidentally pulled up one that is not supposed to be there, you just kill it, just throw it away. How is that ending overfishing? When we do the catch shares, the people that buy up all the catch shares, suppose they only have grouper catch shares, and so they can catch grouper, but unfortunately the grouper and the red snapper live together, so accidentally they're going to catch some red snapper.

And then what are they going to have to do with that; throw them away and kill them. You think about the little fish in your aquarium, if you move them from one aquarium to the other, you have to put some stuff on them that de-stresses them. What do you think sticking a hook in them and pulling them up at like 50 miles an hour on a hydraulic reel does to them? I don't think the little de-stressed stuff is going to help. I don't see how killing fish is rebuilding the fisheries. I'm just talking as a regular person.

I mean, I have gone out fishing. I can't say I've done commercial fishing. My husband does that but I don't. I just go out with him to catch some fish and I know for a fact that all these fish live together because I've been there. If you go in a certain amount of water, then you're going to have triggerfish and black sea bass and grunts and some silver snappers together.

And then you go a little deeper and you're going to have some grouper and some red snappers and occasional silver snappers and some other things together. There is no possible way you can look a hundred foot down and see what is on your hook, so that doesn't make any sense with the size limits. If you are killing all these fish, it is not rebuilding the fisheries, it is not ending overfishing. There is no possible way.

Who knows how many fish are dead? Does anybody on this council know how many fish have to die this year because of these management things put into effect? Millions – you know, we have to run from the red snapper around here because the assessments aren't up to date or there are not enough people to do them or whatever the reason is.

If we worked on building up the fishery instead of tearing down the fishermen, we could really do a much better job. You know, people what to have – they can put artificial reefs down and say they're no fishing zones. There are millions and millions of miles of flat bottom that have nothing on them that is not going to hold anything unless you have something there for the fish to hide and hide their eggs and the coral to grow on, and, you know, they just don't grow right on the sand.

And you could put that out there with a buoy up there and say, okay, you can't fish here. All the fish that go there, so what, all those fish go there, we can't fish them. We can still fish the other ones. It is like you open up a big area of the forest. At first it's going to scatter out the animals there, but pretty soon all those animals are going to increase because they have more room, more food and more protection.

MR. CUPKA: Would you wrap up your comments, please.

MS. McCAFFITY: Okay, my main comment is that the fishermen, whether they're commercial or recreational, this is America. We came here because we wanted to be free. If we want to become a fisherman, we can become a fisherman. Unfortunately, right now we're being told we can't do that. We're being told that we can't fish this water, we can't fish that water, we can't fish for this fish or that fish.

And another thing – one more thing is the fishermen should be involved in the process because they are the experts on the water. They are in the water day in and day out. They're the experts. If I wanted to have open heart surgery, I would get a surgeon and not somebody who read about surgeons or who studied it in school. I want somebody who has done it.

MR. CUPKA: Would you wrap it up, please.

MS. McCAFFITY: Thank you for allowing me to have these comments and please consider what our real goal is, increasing the fish rather than decreasing the fishermen. Thank you.

MR. BRENNAN: Mr. Chairman and members of the council, my name is Patrick Brennan, and I'm a legislative aide to Senator Kay Hagan from North Carolina. Senator Hagan asked me to come down from Washington to express concerns about NOAA's policy on catch shares. I'll read her written statement.

Senator Hagan is specifically concerned that NOAA has committed significant funding to encourage the adoption of a catch share program when it has not committed sufficient funds to adequately assess the stocks of our nation's fisheries. The Magnuson-Stevens Act expressed calls on management councils to assess the health of fishing stocks, but they have not committed significant funding to fulfill this requirement.

They should first fulfill this requirement to commit funding to carry out this important duty before providing funding for a new fishery management tool. Secondly, she believes the adoption of a catch share program could further reduce the ability of fishermen to generate revenue because success in fishing has traditionally depended upon the ability to choose among various fisheries as conditions warrant.

Such flexibility may be lost if a significant number of fisheries are regulated by catch share programs. Finally, Senator Hagan believes catch share programs could deter future generation's interest in becoming fishermen. Catch share programs could increase capital expenditures and raise the barriers of entering the business, which discourage young people from considering a career in the fishing industry.

The recreational and commercial fishing industries generate billions of dollars each year and are essential to America's history and culture. Honest fishermen work very hard to make a living in our states everyday. For them and for our economy we must institute fishery management tools that enhance the industry's vitality and not diminish it. Senator Hagan hopes that you will carefully consider her concerns and when appropriate she encourages the use of proven fishery management tools. Thank you for this opportunity.

MR. CARDIN: Bobby Cardin. I'm here speaking on my behalf, but yet on the one point of the king fishery, every time I go to the dock everyone is just in my ear about this fishery. A lot of guys think it was already a two for one. They thought years ago that the council decided to go for two for one in the king fishery.

There has been a lot of talk and support for that; that we get a reduction in the fleet, it's the newcomer that is reducing it. There is a lot of support – they would like the recreational sale of kingfish to be made illegal; you know, just a cleanup of the fishery somewhat, because we are coming in these times when we're talking IFQs and different management measures. They would like to identify who the actual users are.

Quite often they catch my ear on the catch share issues. Several months ago someone sent me a petition that I handed out at the dock. It was filled out I think and mailed into the council. Now, a couple of weeks ago I got one. I took it down to the dock and asked the lady at the fish house if she wanted to let her fishermen have it.

Well, it wasn't an hour later I was walking out of there with 100 percent of the grouper snapper permit ownership in St. Lucie County – or, excuse me, I didn't sign it – almost 100 percent that supported trip limits and didn't like catch shares. Now, when we talk about catch shares, I understand a whole bunch about how they could be beneficial, but in my area, the Treasure Coast, the Oculina Bank closed 16 years ago.

Guys that were producing 30, 40, 50, 60, 70,000 pounds a year were no longer allowed to fish. These guys feel like they're historical fishermen, but in no way, shape or form any catch share management I've ever seen takes into account for things like that. If you address that, maybe fishermen in my area might be more open to the catch share idea.

On to the tilefish consolidation of the fleet, the council knows what has been going on with that, that's the council's decision. I would like to say if you're trying to consolidate the fleet, identify the users. And on the issue of like the transferability, it needs to be transferable. But on the other hand if I'm like a longliner and I'm fishing the January season and I've created an infrastructure for who buys my fish, markets, what have you, and there is a September bandit fishery, well, if I either qualify or if I want to go buy another endorsement to fish throughout the year, I don't see any reason why that shouldn't be allowed.

You're getting consolidation, you're getting two endorsements on one boat. To me, I don't understand some of the council members' concern of a fairness issue if I've built that structure, if I've set my markets and this is a way for me to give fish to my markets year-round, I don't see no problem with two endorsements. Like you said, it's hard to draw a line and decide that you're

going to fish out of the fishery, I'm glad that decision isn't mine. I hope you all make a good choice. That will be all. Thank you.

MR. CUPKA: Thank you, Bobby. That is everyone that has indicated that they want to speak; is there anyone else? If not, that is going to conclude the public comment portion of the meeting. Now, what I propose to do, if no one objects, is we will recess the full council meeting and return back to the rest of the snapper grouper and reconvene the Snapper Grouper Committee and let them fishing their work and then we will reconvene the full council, get our committee reports, take action on those committees that have taken action up to this point. If there are no objections, that is the way we will proceed from here on out. With that, I'll turn it back over to Mac for snapper grouper and we can take break.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council convened as the Committee of the Whole in the Hilton New Bern/Riverfront Hotel, New Bern, North Carolina, Thursday afternoon, December 9, 2010, and was called to order at 4:08 o'clock p.m. by Chairman Mac Currin.

MR. CURRIN: Let's get everybody to the table, please, and come to order. I think in the interest of efficiency we have passed three motions as a committee on Amendment 18, which we have not finished yet. With your indulgence, I would like to offer those three motions on behalf of the behalf of the committee to the council, and then the rest of Amendment 18 will have been approved by the entire council, and the only things that I will have to present on behalf of the committee will only be concerning the ACL Amendment.

We will deal with Regulatory Amendment 10 as well as a committee of the whole, and that will be taken care of as well. We will do that after Amendment 18. The three motions regarding Amendment 18A I will make. **Motion 1 is to create an alternative that looks at whether vessels should be limited to just one endorsement or the other. On behalf of the committee, I so move. Is there discussion? Any objection to that motion? I see none; that motion is approved.**

The second motion on behalf of the committee is add language or an action as necessary based on previous amendments where we specified an appeals process for golden tilefish endorsements. Is there discussion of that motion? Is there objection to that motion? I see none and that motion is approved.

All right, those are the two motions from Amendment 18A so far, and I believe, Kate, we are – well, I'll let you tell us what page we're on in the document. It's Attachment 4, Amendment 18A.

MS. QUIGLEY: We're on PDF Page 38. That's Document Page 2-4. We're looking at Action 2 at this point in time, allocate commercial golden tilefish quota among gear groups. You do not have a preferred alternative at this time. The three alternatives are – 75 percent longline and 25 percent hook and line, that's Alternative 2; Alternative 3, 85 percent longline and 15 percent hook and line; and Alternative 4, 90 percent longline and 10 percent hook and line.

MR. CURRIN: We need a preferred alternative here, folks, for allocating the golden tilefish quota among the commercial user groups. There are four options here. Keep in mind that historically, many years ago, it was almost strictly a hook-and-line fishery, but over the years the longliners got into it in recent history – correct me if I’m wrong – the longline component has been the larger component of that fishery. Kenny, have you got recommendations from the AP?

MR. FEX: Yes, the AP requested Alternative 4 be their preferred. Thank you.

MR. CURRIN: Thank you. What’s your pleasure here, folks? Ben.

MR. HARTIG: Yes, I’ll move Alternative 2, 75 percent longline and 25 percent hook and line.

MR. CURRIN: Motion by Ben to select Alternative 2; is there a second? Second by Duane. Discussion?

MR. HARTIG: Well, certainly, that is a higher percentage than what the fishery has been shown, too, in the recent past, but basically the percentages that we saw in this amendment pertain to dates prior to when that amendment to deal with overfishing of tilefish went into place. Basically, this fishery, as was mentioned, was a total hundred percent bandit fishery in the past and then the longlines came in and it became uneconomically feasible for us to fish.

I came in with the council and worked with the council to get a longline area prohibition in, so hopefully somewhere down the line we would be able to get back in the fishery. In about 2001 we started to get back in and by 2005/2006 the amendment went in, and then our landings dropped off because we couldn’t fish when we normally do. I would like to see some kind of historic participation in this fishery. Now, maybe if we get an increase of quota we’ll go back and revisit this. If we can’t catch it, I’ll certainly be the first one to stand up here and give it back to the longline fishery.

MR. CURRIN: Thank you, Ben, and also keep in mind that there is another option in this amendment to allow a trip limit value of some sort to those who do not have an endorsement, if we go that way, and I believe that’s specified to come out of the hook-and-line quota, so that will provide some cushion there.

DR. CRABTREE: It’s a little worrisome to me. When I look down in the analysis, it basically says that from 2004-2008 90 percent of the golden tilefish landings were taken with longline gear and 10 percent hook and line. And then I look at Table 4-3, and going all the way back to 1999 it looks like for the most part the longliners took a much larger percentage of the catch, 94 percent in 1999. Do we have any tables in here that show the mix in the fishery going back earlier than 1999?

MS. QUIGLEY: No, we don’t.

DR. CRABTREE: So it appears to me that you’re basically reallocating this fishery, and I don’t see anything in the document to justify it. I think you need to spend a lot more work on this one

to explain this because you're going to have to have some basis for it and it's going to have to be in the document.

Maybe the fishery was closer to 75 percent longline at some point in the past, but I don't have anything in here that shows me in your documents when that was. I think that's going to be necessary. I think you're going to need a rationale for why going back to that mix, which is well over a decade ago, anyway, and why that is in the best interest of everyone to do that., and I haven't seen it in here yet.

MR. CURRIN: Ben, did you have something to that point?

MR. HARTIG: No, I'll pass.

MR. SWATZEL: I know there is a motion on the floor, but it seems like for consistency purposes we ought to consider the application of Boyles' Law to this even though it is an allocation amongst commercial users, commercial sectors, but maybe add an alternative for that.

MR. HARTIG: I would argue against that in this case because of the problems that it created by the rebuilding schedule for golden tilefish. Basically, we had significant trips and landings before that we in effect; and then now that we can't fish the time of the year that we normally fish, there has been a change even more so to longlines.

This council, when it set up this amendment in the first place, that 25 percent was to be – in the council's mind was to go to the hook and – not directly but it was set up as a hook-and-line 300 pound trip limit to slow the fishery down to the end. I went back in that document and there is some verbiage in there that talks about 25 percent going to the hook and line.

That was a conscious decision you all made in the rebuilding plan. I mean, it's not something new that is coming before you. You all had talked about it before when you did that 25 percent. I don't think you all envisioned and I never envisioned that we would have the longliners participate at 300 pounds.

They told us they were having a hard time participating at 4,000; so when they started catching all the fish at 300, which they have done, most of the catch, we got squeezed again, and that's tough. That was really tough. I came in 2005 with just a season change that would have done this, but now it has gotten much more complicated. I'm going to continue to argue for that 25 percent because the historic bandit fishery had a hundred percent of the fishery back in time, and we would like to see some semblance of that come back. I'm not asking for 50 percent of the fishery; I'm asking for 25.

DR. CRABTREE: Well, Ben, we just need to document that in the amendment, and we don't have that now. I don't think you can attribute this shift to the rebuilding plan for golden tilefish. That was implemented by Amendment 13C in October of 2006, but they've been harvesting 90 percent or more of the catch going back to 1999, so well before when the 13C regulations went in place.

MR. CURRIN: Well, one thing that is important to keep in mind, Roy, is that the TAC for the golden tile fishery was a million pounds or more up until 13C went through, and it was greatly cut. I think it's unreasonable to expect the proportion of landings at that higher level or higher TAC to be the same as at the lower TAC with the other problems that have been identified as well.

Would a table that showed historic landings further back to the period where I'm under the impression, and Ben has told you, where the hook-and-line fishery actually caught the majority of the fish; would that help provide some justification along with some discussion of the history of that fishery and how it changed and moved from a hook-and-line fishery basically to a longline fishery help provide that background and justification?

DR. CRABTREE: Yes, I think that would. Also, if the argument is that the council intended it to be 25 percent hook and line in Amendment 13C, I think some reference to Amendment 13C that shows that's the case. Normally, we've done allocations – and I know no one is satisfied, but we do it based upon some average period of time, and that was the mix in the fishery.

In this instance, that's not part of this and that makes this I think more problematic and difficult, and I think you're going to have to tie these decisions to something. I don't know right now what that is, but I don't think you have much justification in the amendment as it stands, so, yes, timeline back in time, look at what the mix of the fishery was in some past period of time; and then if you can make a good case that there is a reason to return to that, maybe that will provide you enough rationale.

MR. CURRIN: Bobby, you've got something to that point?

MR. CARDIN: Bobby Cardin. June 2005, joint Snapper Grouper AP and Snapper Grouper Committee, I was the maker of the motion of the 300 pound bycatch. It was bycatch. No where did I intend for it to be a bandit only. I asked for the 300 pound bycatch because I said the boys stop at Jupiter. They need 80 to 100 and 300 pound limits; that's 24 to 30,000 pounds. That is 10 percent of this 295,000 pound quota. I would like to make it clear to the council that it was never my intent for this to be an allocation to hook and line. Thank you.

MR. PHILLIPS: Are these hook-and-line fishermen the same ones still fishing; are we trying to get them back to the level they used to be, or is it just hook and line in general that you're trying to get back?

MR. HARTIG: Well, basically, it is a two-pronged approach. Part of it is to get the historical fishermen into it and part of it is if we deal with this bycatch issue, to allow some people back into it under that, to allow some more landings under that. At 25 percent you can do that. If you start ratcheting it down in percentages, you won't be able to do it. Some of these motions are contingent on the decisions we make farther along the line, and it gets a little more problematic to try and deal with a bycatch fishery if you have a very low percentage going to the hook-and-line fishery to begin with.

DR. CRABTREE: Well, but if you look at the endorsement, the preferred right now, it is based on catches 2001-2005; so if there are historical fishermen prior to that date who weren't in it during that time period, they're not going to have an endorsement. And during the whole time period that the endorsement qualifiers are based on, the mix was about 90 percent longline.

I don't know, an argument that we're trying to do something for historical fishermen doesn't seem to square up with the decisions we made on the endorsements to me. I'll tell you – and I'm troubled by the whole endorsements. We've heard a lot of public testimony and a lot of issues with the endorsement, people being cut out, people not satisfied and a lot of concerns with it. I don't want to revisit that or anything, but I think this whole section of the document, we've got a lot of work to do on, I believe.

MR. CURRIN: Further discussion on the motion? We did get a second to his; did we not? Duane seconded the motion; okay, I just wanted to clarify it. Charlie.

MR. PHILLIPS: Ben, I could probably go along with it if there was an endorsement on this and then you were just going to give back to the hook-and-line fishery, but giving it back to an endorsement group, I'm going to have to vote against it on that ground.

MR. CURRIN: Further discussion on the motion? All in favor of the motion raise your hand, I see three in favor; opposed, 8 opposed. The motion fails. Okay, is there another option that is presented here that you would like to consider as a preferred?

MR. HARTIG: Mr. Chairman, I'll move Alternative 3, allocate the golden tilefish commercial quota based on 85 percent longline and 15 percent hook and line.

MR. CURRIN: Motion by Ben to select Alternative 3; is there a second? Second by Duane. Discussion: Roy.

DR. CRABTREE: Well, I'm personally not prepared to select a preferred alternative in this section right now because I want to see more basis for how we would come to it and the analysis that we've talked about done before I would support any preferred alternative here.

MR. CURRIN: All right, other comments on the motion? Ready to vote? All in favor of the motion please raise your hand, 4 in favor; opposed, 8. The motion fails.

MR. HARTIG: I would like move Alternative 4, allocate the golden tilefish commercial quota based on 90 percent longline and 10 percent hook and line.

MR. CURRIN: Motion by Ben; second by Brian. This is the recommendation from the AP. As Dr. Crabtree indicated, it pretty well tracks certainly the period over which the endorsements were set. Further discussion on this motion? **Is there objection to this motion? I see no objection; that motion is approved.** Action 3 is on PDF Page 39, transferability of endorsements.

MS. QUIGLEY: Again, we don't have a preferred at this point in time. There are a number of different transferability options. These have not changed. We didn't receive much public comment on these.

MR. HARTIG: Kate, do we have one that we allow hook and line and – because I thought I had it already, but I'm not looking at my notes – hook-and-line and longline endorsements can be transferred between any two individuals or entities that hold valid commercial unlimited snapper grouper permits; do we have one that includes both hook and line and longline or would we have to approve one of each?

MS. QUIGLEY: You have to approve two different alternatives in order to get that.

MR. HARTIG: Okay, the first one I would move Alternative 4 as the preferred; hook-and-line in golden tilefish endorsements can be transferred between any two individuals or entities that hold valid commercial unlimited snapper grouper permits.

MR. CURRIN: Motion by Ben to select Alternative 4 as the preferred; is there a second? Charlie. Discussion. That would allow permits to be transferred between individuals that hold valid unlimited snapper grouper permits. Ben.

MR. HARTIG: Yes, it gets away from the 225s. The 225s, as you all recall, they were put in to sunset when that fisherman turned his permit in. Basically, they should keep to that and not be able to transfer those permits and to be able to actually stay and do it with the 225 pound limit.

MR. CURRIN: If I interpret that correctly, it would allow transfer of the longline permit to someone – anybody within the snapper grouper fishery or hook or line.

MR. HARTIG: Yes, as long as you had a valid commercial unlimited permit.

MR. CURRIN: Roy, did you have something?

DR. CRABTREE: No, I'm okay with this.

MR. CURRIN: Okay, any other discussion on this motion? **Any objection to this motion? I see none; that motion is approved.** Yes, David.

MR. CUPKA: I have a question and maybe Kate can answer it, but some of these alternatives in here just say valid snapper grouper. As we were talking about, that is a limited permit. Given we're going to assign trip limits to these things at some point; so if we do, are they going to be higher than the limited permit trip limits; so if that's the case, should we remove these ones that have limited snapper grouper permits to the considered but rejected. I don't know if we could do that if that's the case.

MS. QUIGLEY: I think the idea was with regards to the trip limits, you either do an endorsement program where you don't have the trip limit or you do a trip limit and a change in the season, so there are two separate programs proposed. That's kind of how we had talked

about it, but certainly you don't have to do that. You could have a trip limit and have an endorsement system. In that case, yes, I guess you could remove the limited because then it wouldn't make sense.

MR. CURRIN: Do you want to do that?

MR. CUPKA: Well, do we need to wait until we decide if we're going to end up with that dual system or if we're –

MR. CURRIN: If we remember to go back and do it, we can do it after we decide on trip limits and how we're going to approach it. So if somebody will help me remember that, you'd be good at that. David, and we'll go back and remove those alternatives a limited snapper grouper permits, if that suits you. Page 42; is that correct –

MR. HARTIG: Do you want to deal with the longline first?

MR. CURRIN: I'm sorry, go ahead, Ben.

DR. CRABTREE: Before we do that, Ben, we've got all these options in here; did we select an option? I assume you want Option 1 upon the program implementation.

MR. HARTIG: Yes, and I move Alternative 2, longline and hook-and-line golden tilefish endorsements can be transferred between any two individuals that hold valid snapper grouper permits under Option 1, transferability allowed upon program implementation. That's Alternative 2 under 2.3.2 for transferability. That's wrong.

MR. CURRIN: Because that says hook and line and longline can be – is that your intent?

MR. HARTIG: No, I'll withdraw that motion. **Under the transferability options, I would move Option 1, transferability allowed upon program implementation for both longline and hook-and-line endorsements.**

MR. CURRIN: Motion by Ben; second by Duane to select Alternative 1 – and which action is this; I'm lost now. Three, sorry. Are we done with Action 3, then?

MR. HARTIG: No, because we still have to deal with the longline endorsement and how it can be transferred between individuals.

MR. CURRIN: All right, so you want to handle Action – your motion for Alternative 1 was under Action 4, just so everybody is oriented correctly. That's Page 42 – no. it's not. Action 4 is the golden tile fishing year is what I've got. It's Option 1 under Alternative 4, is that correct, Option 1 under Alternative 4. Okay, is everybody straight? Duane, did you have a comment?

MR. HARRIS: Yes, don't we need to then now deal with the longline and doesn't Alternative 3 – I would move Alternative 3 –

MR. CURRIN: We have a motion. Duane seconded, I believe, did you not, Duane? You did not; I thought you did. Who seconded Ben's –

MR. HARRIS: I did.

MR. CURRIN: Yes, I thought you did. All right, any further discussion on this motion. Kenny just informed me that was the AP's preferred as well. The motion is to choose Option 1 as the preferred under Action 3, Alternative 4. **Any objection to that motion? I see none and that motion is approved.** David.

MR. CUPKA: Mr. Chairman, I would like to make a motion that we choose Option 1 as preferred under Action 3, Alternative 3.

MR. CURRIN: Motion by David to choose Option 1 under Alternative 3 as the preferred; seconded by Duane. Discussion? Ben.

MR. HARTIG: Just to make sure it includes Alternative 3.

MR. CURRIN: Yes, it is Alternative 3, Option 1; that's the motion. All right, any further discussion? The motion is to choose Option 1 under Alternative 3 as the preferred under Action 3. Is that correct?

MS. QUIGLEY: I need some clarification. Do you want Option 1 and Alternative 3 or do you want Option 1 only under Alternative 3. We want "and", correct? Yes, I see nodding heads, so the motion reads choose Option 1 and Alternative 3 as preferred under Action 3.

MR. CURRIN: Thank you; is everybody clear? Any further discussion? **Any objection to that motion? I see none and that motion is approved.** All right, are we done with Action 3? On to Action 4; that's on PDF Page 42, the golden tile fishing year. Ben.

MR. HARTIG: I would move Alternative 1, no action, retain the existing January 1st start date for the golden tilefish fishing year.

MR. CURRIN: Motion by Ben to select Alternative 1 as the preferred; second by Charlie. Discussion? Kenny just informed me that the AP also preferred Alternative 1, retain the fishing year as January 1. Further discussion? **Any objection to that motion? I see none and that motion is approved.** Action 5 is on PDF 43. We have a preferred there, which is to remove the 300 pound trip limit when 75 percent of the quota is taken. Still okay with that? No desire to mess with it? All right, let's move on to Action 6.

MS. QUIGLEY: PDF Page 44, Action 6, establish trip limits for commercial fishermen who do not receive an endorsement in the commercial golden tilefish hook-and-line fishery, so the idea is to have a trip limit for anyone who did not receive an endorsement, specifically a hook-and-line endorsement, and they can take 300, 400 or 500 pounds, and that would come out of the hook-and-line allocation of 10 percent that you have chosen.

MR. CURRIN: I would note that the SSC had some comments on this; that if you had gone with the 300 pound trip limit, there would be no difference whether you had an endorsement or not, so that raised a little issue with them. Monica.

MS. SMIT-BRUNELLO: I have a question. Kate, do you mean these are for commercial fishermen who fish with hook and line?

MS. QUIGLEY: No, it doesn't say that, that is not the way the alternative is written. It's just for anyone who did not receive an endorsement in the hook-and-line fishery. I think the council needs to clarify if that's what they want because longliners did not receive an endorsement in the hook-and-line fishery. Longliners could use their endorsement and then they could also take 300 pounds.

MR. CURRIN: I don't think that's anyone's intent, is it, so we need some clarifying language that they must be taken with hook and line; is that the sense I'm getting? I don't see any objection to making that clarification. Roy.

DR. CRABTREE: Yes, because I'd be worried at low trip limits using longline gear you're going to potentially have a lot of dead discards because it's hard to control how much you catch.

MR. CURRIN: All right, we don't have a preferred here; what's your pleasure? Ben.

MR. HARTIG: Mr. Chairman, I would move Alternative 1, no action, do not establish trip limits for the golden tilefish hook-and-line fishery for –

MR. QUIGLEY: You provided guidance to staff and I think that is sufficient. I was writing it as a motion but guidance to staff is fine.

MR. CURRIN: You're with that that, all right. All right, Ben.

MR. HARTIG: I move under 2.6, Alternative 1, no action, do not establish trip limits for golden tilefish hook-and-line fishery for commercial fishermen who do not receive an endorsement in the commercial golden tilefish hook-and-line fishery.

MR. CURRIN: Motion by Ben; second by Duane. Discussion? Ben.

MR. HARTIG: Basically, we're looking at 10 percent of that fishery. It's about 29,000 pounds. I don't know how we would allow other fishermen in at such a low level. If we get to a higher level at some time, I don't have any problem establishing a trip limit for those fisheries. The other thing is if 17B goes into effect, there will not be any fishery that has a bycatch of golden tilefish associated with it, to my knowledge.

MR. CURRIN: Well, it allows golden tile fishing in that area, so I don't know how you would keep somebody from going out; and if they had golden tiles on board that they had caught and they said were golden tile fishing, if they were allowed to keep them, they would be able to I believe under the regulations in 17B. Brian.

DR. CHEUVRONT: Part of the reason why this action I think was put in there was largely due to fishermen in the northern part of North Carolina. We've got an interesting situation here because these guys, if they go into the Mid-Atlantic Council's jurisdiction, I believe they can catch 350 pounds of golden tilefish.

That becomes an issue if we get to 18B and we'll have to start including – I guess wouldn't we have to include golden tilefish landings or is that golden tilefish separated at the border so we would consider those two separate stocks of which right there begs that there is a serious issue because I would really contend that fishing north of Cape Hatteras is going to be a lot more like fishing in Virginia than it is off of Florida, and I think that would be pretty hard for somebody to argue against that. I've got to vote against this; I can't support this. It is just another way of disadvantaging North Carolina fishermen by a result of geography.

MR. CURRIN: And I appreciate that. Other comments on this motion? Kenny.

MR. FEX: The AP has requested Alternative 2 for the 300 pounds for anybody in the hook-and-line fishery. Their rationale with that is it is just the snowy groupers, you're really not going to – not many people are going to go out there and target them. I mean, there would be a few that might do that. I mean, it's deepwater fishing, so that is why they at least give 300 pounds with hook and line.

MR. CURRIN: Other comments, discussion? **All in favor of the motion raise your hand, 4 in favor; all opposed, 6 opposed. The motion fails.** We heard from Kenny that the AP recommended Alternative 2. If you think as the SSC did perhaps that 300 level is too much, then we could certainly insert an alternative at a lower level if that's your desire. Brian.

DR. CHEUVRONT: I was just going to go ahead and make a motion that we select Alternative 2 as the preferred under Action 6.

MR. CURRIN: Is there a second; seconded by Charlie. Discussion on that motion? **All in favor of that motion raise your hand, I see 8 in favor; opposed, 3. That motion is approved,** so Alternative 2, 300 pound trip limit bycatch allowance, whatever you want to call it, for golden tile as the preferred. Action 7 is on PDF 46; this is limit participation in the black sea bass pot fishery. We have a preferred currently; Alternative 2 limits tags to those who have landed at least one pound between 1998-2008. David.

MR. CUPKA: Mr. Chairman, before we move on to black sea bass, maybe we need to go back and reconsider -- now that we've talked about trip limits – and the action that deals with alternatives to transferability, maybe if we move those alternatives that refer to just a valid snapper grouper permit and move those to the considered but rejected. Otherwise, people will be able to circumvent their limited permit restrictions.

MR. CURRIN: This is Action 3, and which ones, David, if you want to make that motion, which alternatives – Alternative 5 is allowing transferability with limited permits; is that the one?

MR. CUPKA: Well, maybe 2 and 5; two refers to just valid permit also. I'm just trying to move some alternatives so the staff doesn't have to analyze them.

MR. CURRIN: Is that a motion, David?

MR. CUPKA: Yes, Mr. Chairman, I would move that we remove Alternatives 2 and 5 under Action 3 to the considered but rejected appendix.

MR. CURRIN: Is there a second; second by Duane. Discussion on that motion? Is there any objection to that motion? I see none; that motion is approved. Okay, back to PDF 46, limiting participation in the black sea bass pot fishery. The current preferred is set at a qualifying level of one pound between 1998-2008. Ben.

MR. HARTIG: Mr. Chairman, I would move that we change our preferred to Alternative 4, limit tag distribution to black sea bass pot fishermen with valid commercial snapper grouper permits that landed at least one pound of black sea bass caught with pot gear by the date of 12-31-09.

MR. CURRIN: Motion by Ben to change the preferred from 2 to 4. Is there a second; second by Charlie. Discussion on the motion? Ben.

MR. HARTIG: The reason I'm doing this is because – Basically when we had that closed area, we encouraged those guys to go out – and I guess we're not going to have the closed area now, but they've got the pot gear. They will still be closed to red snapper fishing, which was for those commercial fishermen – which was their species that they targeted most of those trips before we closed red snapper, so basically they got into this fishery based on us allowing them into that closed area with that gear, and now we – this motion doesn't go to the control date, but it does allow one extra year, which does incorporate I think three more fishermen – and I'm not positive of that, but maybe Kate knows – it does incorporate a few more fishermen, not all of them that are doing it now but a few more that did it based on that one year qualifier difference.

MR. CURRIN: Yes, Kate is going to look that up so we know what kind of numbers we're talking about here. Roy.

DR. CRABTREE: Well, I guess we don't have the data yet so we don't know for sure how many this would let in. But when you look at Table 4-8, Alternative 2 under one pound would let 107 in, so I assume this is going to let in quite a few more than that. If the rationale is that it has to do with the closed area, I don't think that's very valid right now. I'm not sure that people bought some pots is necessarily a very good rationale. It's not clear to me why – I guess, Ben, these guys don't have any landings yet?

MR. HARTIG: No, they have landings. We could possibly use a larger landing qualifier. I know one fisherman – that in that year I think at least 10 or 15 percent of the quota was caught in Florida by two or three fishermen that I recall.

DR. CRABTREE: Am I correct, Kate, that we don't have the 2009 landings in here yet/

MS. QUIGLEY: That's correct; we'll have that in March.

DR. CRABTREE: Well, it's hard for me to see, Ben, how we pick one of the other alternatives yet because I don't think we know what it would do, and in fact I'm not sure we know what this one would do without the 2009 data. Given this fishery closed so early this year, even with the reopen they're not going to fish again until July 1, June 1, so it seems like we're setting the fishery up in a situation where nobody is going to be able to survive it because there is too much effort in it. That is kind of worrisome to me.

MR. HARTIG: Mr. Chairman, **I'll withdraw my motion.**

MR. CURRIN: Is it okay with the seconder? With the consent of the committee, the motion will stand withdrawn. I was just going to say something, but if you just do some quick simple math with an ACL of 300,000 pounds, if you're got a hundred people in there and they all go fishing and all hit it hard and all have access, that is 3,000 pounds of black sea bass per person, and it's hard to keep a boat going for that. Charlie.

MR. PHILLIPS: And I understand that. I think most of these people, they've been able to go fishing now under the current regulations, and all you have to do is get – like Jeff, get your pot tags, and they didn't go. Just because they have the ability to go, it doesn't mean they're going to go. Some of them will go when they'll fill in gaps from other closures and holes, which is kind of, as they've called it before, insurance measures. We're hearing there are lots of fish out there and surely this fishery is going to be rebuilding and the quotas are going to go up, and it can hold some more fishermen. How many, I don't know, but that's the rationale why I would like to see high numbers.

DR. CHEUVRONT: There are a couple of issues related to this. I'm less concerned about which control date we actually use. I'm more concerned about qualifying poundage. We've got a date range from 1998-2008 right now. One of the things that could happen is that there could be people who qualified to participate in this fishery who haven't participated in it in a number of years at this point.

One of the things that might be interesting to know is in some of these numbers of the people who would qualify, how many of them actually fished in the last three years. That might be a better indication of who actually is going to participate in the future even if we want to still keep the longer range of what it takes to qualify.

Mac, I was going to bring up the point that you did, and I would just like to reiterate it. The more people we let in the less professional this fishery is going to be. If you're having a hundred people in the fishery, as Mac said, that is 3,000 pounds per fisherman. That's not a professional fishery when guys can go out and as some have done this past weekend caught more than that in one day. I don't know; we just need to be very careful. We need to take into account the number of participants and keep it down to a reasonable level so that people can actually make a living in this fishery and try to make it as professional as possible.

MR. CURRIN: And Charlie's point is a gone one, and Tom has made that point to me as well, even though there would be a large number of people who qualified, at least last year I think you told me, Tom – correct if I'm wrong – 49 people participated in the pot fishery; is that correct?

MR. BURGESS: Yes, that's correct according to what I read in the document somewhere. I don't know about how much they actually caught, but I think to the best of my knowledge it was 49 in 2008, I think it was, and 59 in 2009. It was something like that, I think, to the best of my knowledge.

MR. CURRIN: It increased in '09 some, but again if people choose to get into it there are going to be a larger number qualifying. Mark.

MR. ROBSON: Well, I would like to have more discussion about this because there has been a recent change in this fishery particularly in Florida, and yet it still, from what it looks like, the landings and the number of pots is orders of magnitude lower. I certainly would like us to think about adding that extra year to the qualification because of the changes we're creating in the commercial fisheries with all the rules and regulations that we've been putting into effect.

I think we're seeing some of that response, and this is the case in Florida where we're seeing that kind of a shift. I hate to just penalize that kind of sort of movement to try to adapt to the changing regulations that we're putting in place. It is a small fishery relative to the total landings throughout the southeast. I'm not as concerned about adding another year. I don't know how I feel about the minimum poundage, but I'd like us to think about adding that date of 12-31-09.

MR. CURRIN: And I understand your concern, Mark. It is the same concern that Brian and I and Tom had when we were talking about golden tiles and issuing endorsements for golden tilefish. We've had people move into that fishery over the last couple of years as well. It's the same issue. Ben.

MR. HARTIG: Yes, Brian, has got a good point. Under this, if we've got people who aren't fishing and aren't going to fish, there is no way to transfer these endorsements. So, if we don't know who is fishing and who we're giving these endorsements to – if we're going to give endorsements to people who aren't fishing, then it is not going to make much sense.

DR. CRABTREE: Well, it doesn't make much sense to me to have a qualifier of one pound, so I think it ought to be somewhere up on the 1,000 and 2,000 pound neighborhood. I am kind of concerned about the date business. I understand some people in Florida maybe have invested and we need to take a look at that.

The problem we've got is we don't have that data, so it seems like it's going to be difficult for us to choose a preferred on this one right now because we're going to have to – I guess at the next meeting we'll have the 2009 data and can take a look at it. It sure seems to me – I mean Charlie may be right that the quota is going to go up next assessment, but I wouldn't bet my mortgage on that based on our track record.

And if you look at 300 and some odd thousand pound quota and then I'm looking at Table 4-8, 2,000 pounds lets in – if it's an average, let's in 39 vessels, well, that is still less than 10,000 pounds per vessel. I think we need to move towards more professional fisheries and that kind of thing where people can make a living in it. I think what we need to do is have a good discussion of it, but probably we need to hold off and really figuring out what we're going to do until we have the 2009 data on it, but I'm going to support moving towards a higher qualifier on it.

DR. CHEUVRONT: There is also a couple of other actions that we're going to be considering here in 18A that are going to affect this fishery. We are going to reduce the number of traps. I feel fairly confident about that. And, also, I believe we have a preferred that requires the traps to be brought in at the end of each trip. Both of those will help reduce some of the landings probably per trip – the average landings per trip as well. The problem is with not having those things in place, we don't know what the exact effect of those things is going to be. There are a lot of unknowns with this right now.

MR. BURGESS: As this was coming up and I've given it quite a bit of thought about the poundage requirements, I was kind of focusing on the pounds, but then what I decided to do was focus on the fisherman who was in my community. He fishes every year. He has a smaller boat, fishes about 25 traps, but it is definitely a part of his business plan, and he has been doing quite some time. Every year he participates in the fishery.

I asked him what his landings were between '98 and '08 and the dates in preferred Alternative 2, and he had 43,000 pounds. He would not be considered a big player, but he would be considered a professional fisherman who has had a presence and historical participation in the fishery. **With that in mind of the 43,000 pounds that he landed, I would move for preferred Alternative 2 with the '08 control date and a subalternative of Alternative 2B of 1,000 pounds, and that would keep 47 boats in the fishery.** I think that's a workable number and it still allows for the people who have participated on a regular basis but not have really been what you would call a highliner, and it kind of levels the playing field, if you will, where it takes in a larger group. That's my preferred or I would like –

MR. CURRIN: That's your motion?

MR. BURGESS: That's a motion, yes.

MR. CURRIN: Tom's motion I believe is to select Alternative 2B as a new preferred. There are a number of subalternatives, Tom, there allow you to base that on an average. I guess that's an annual average or an aggregate, which is what it states to me now or a minimum poundage based on landings in one year. Are you okay with just a thousand pounds over that 10-year period; that is your intent?

MR. BURGESS: Actually my intent was the average or the aggregate. It wasn't the one year or the 86 boats. I was sticking with the 47 boats in the fishery.

MR. CURRIN: So an average of a thousand pounds per year during that period?

MR. BURGESS: Yes.

MR. CURRIN: So, that Alternative 2B, Subalternative 1. Don't let me put words in your mouth; I want to make sure that's what you intended. Duane.

MR. HARRIS: Did you say a thousand pounds per year between those years, because that I don't believe is what the alternative says, and I would read that differently. If that's the intent, I think we need to fix the wording in the alternative.

MR. CURRIN: Maybe I'm misinterpreting it, but that's the way I read it. If it's –

MR. HARRIS: You could.

MR. CURRIN: – 2B and you based it on an average, I assume that average would have to be an annual average. That's the intent? Okay, that's Tom's motion; is there a second? Second by Brian. Discussion? Roy.

DR. CRABTREE: Well, Jack, explain to us; it means average landings per year; is that correct?

DR. McGOVERN: That's correct.

DR. CRABTREE: So that's correct, and what Tom was talking about, 47 vessels, if you look at the table, that is based on the average. What does the aggregate mean, Jack?

DR. McGOVERN: That's the total for the ten-year period.

DR. CRABTREE: So that means over the whole ten years they totaled a thousand pounds?

DR. McGOVERN: Right.

DR. CRABTREE: So I think we do need to clean the working up so that it's clear. I'll probably support this motion because I think it's a move in the right direction from the current preferred, but I still will want to see the 2009 data and how those Florida boats and the more recent boats would affect things, but we won't be able to do that until the next meeting.

MR. CURRIN: And I would speak in favor of the motion as well at this point although I think a thousand pounds per year is perhaps on the low side. Mark.

MR. ROBSON: There are a lot of numbers flying around. I'm trying to look at some numbers that we looked at earlier back in my office, but this still looks like it's really going to disadvantage the newer participants in the Florida fishery that developed over the last couple of years and probably severely limit the number of boats that would qualify. I'd still like to see us incorporate that December 31, 2009, cut-off date.

MR. CURRIN: Further discussion on the motion? Brian.

DR. CHEUVRONT: What would be the difference in the number of fishermen if we went to that 2009 but still kept that 1,000 pounds.

MR. CURRIN: We don't know and won't know until March.

DR. CHEUVRONT: That's what we don't. Would we be able to change this later?

MR. CURRIN: We'll be able to change it in March.

DR. CHEUVRONT: Okay, when we have those numbers.

MR. HARTIG: I just want to be clear on this motion that you have to have a thousand pounds of black sea bass every year from 12 – no, you don't, okay, average.

MR. CURRIN: He was just explaining what the average meant, and it meant that you take your total catch over the ten-year period and divide it by the number of years, and it would be an average of 1,000 pounds. Is that clear? Kenny, what was the AP's recommendation on this?

MR. FEX: The AP's recommendation went along with Mark's idea of the newer control date, but the thousand pound average over the years because a one-pound average was just kind of minimal, so a thousand pounds was at least a little bit more logical.

MR. PHILLIPS: If you can get into the fishery until like the last two years, you'd have to have 5,000 pounds a year the last two years so you could average back out to those older years, so it's going to really disadvantage anybody that got in it in the last two or three years.

MR. CURRIN: Well, keep in mind Brian's comment earlier that those handful of guys that went this week and some of them were catching 3,500 pounds a day. I mean, you'd have to go at the right time, but you could conceivably qualify by going three days if you hit it right, and that's with 25 traps. Further discussion on this motion, and again we'll have another bite at the apple in April when we've got the '09 data which will allow us to assess what the impacts are. Rusty, very quickly, what have you got to add for us?

MR. HUDSON: When we were at the AP meeting plus the Amendment 18A comment we submitted, we had chose 500 pounds and that 500 pounds was the idea that it was 500 pounds and not one pound; and to aggregate that across ten years, 5,000 pounds was not the way we understood the wording. The control of '09, December 31st, was so that we could accommodate approximately six boats. If you go with the '08 you eliminate the five other boats in Florida and we're down to one boat, and I think that's Jimmy Hall.

MR. CURRIN: Thank you and we'll have all that information in March. Okay, further discussion on the motion? The motion is to choose under Action 7, Alternative 2B (1,000 pounds) with Subalternative 1, which is an average over that time period as the preferred instead of Alternative 2. **All in favor of that motion raise your hand, that is 8 in favor; opposed, 3. That motion carries.**

Okay, that's the new preferred, and again we'll have the data from '09 in March, and we'll have an opportunity to review this and change it. All right, Action 8, PDF Page 51, limit effort in the black sea bass pot fishery. The current preferred alternative is Alternative 3, which is the pot limitation to 50 per vessel. Everybody okay with that current preferred? Yes, Mark.

MR. ROBSON: I think we got some – either the AP or some public testimony about potentially a lower number of pots.

MR. CURRIN: Yes, the AP's recommendation – their preferred was 50 pots as well according to Kenny. Now, we have had some public testimony that 25 pots would be a better level. There have been some people – and there are admittedly a number of people fishing 25 pots. Keep in mind that we do have an action under here that will require that boats bring – that all the pots are returned to the beach everyday. That may limit the number of pots based on the size of the boats. Rusty, I made an exception for you to make a comment and I'll allow one more time, but this is council deliberation in fact.

MR. HUDSON: The 25 pots is what we had originally suggested on the Florida end, but in talking with the North Carolina guys we went with the 50. We always return home with our pots. We don't leave them out.

MR. CURRIN: Thank you. All right, is everybody comfortable under this action with the current preferred, 50 pots? All right, let's move on, then; PDF Page 54, Action 9, we have a preferred here as well, which is the one I just indicated to bring the pots back to shore after every trip or when you return. Are you okay with this? Kenny said that was the AP's recommendation as well. Okay, I see no desire to change that. Tom.

MR. BURGESS: Just a brief comment while we're on this action or these actions, should I say, under black sea bass pots, at the last meeting I brought up the idea of the possibility of an endorsement such as the golden tilefish people have, but I wasn't sure how well it was going to be received by the council.

I've made that comment to possibly have some situations where a latent permit and somebody is not black fishing at all and wants to sell it or get rid of it to allow accommodating other people who didn't receive this being able sea bass pots, so that was the intent of my comment then. I'm not going to move on it at this time, but that was the reason for that.

MR. CURRIN: We don't have any transferability capabilities here so an endorsement would allow that I presume or an action to permit transferability of tags among snapper grouper permit holders or something like that would accomplish perhaps the same thing. At least on an inner-annual basis there would be no accrued value to your capability to transfer tags like there might be with an endorsement.

MR. BURGESS: My intentions were to accommodate the people that are discussed here today.

MR. CURRIN: Okay. Well, so far we need a motion to add an action in there to accomplish that if you want to do that or we can consider it at a later date. Yes, Kate.

MS. QUIGLEY: Whether a motion is made or not, the IPT needs clarification and guidance on whether you want this privilege to be separable from the permit or not and whether it is intended to be transferable or not. Right now it is not intended to be transferable; that's clear.

MR. CURRIN: If it were tied to the permit, would that imply some transferability?

MS. QUIGLEY: I would assume so, but Monica might want to comment.

MR. CURRIN: Did you hear that, Monica?

MS. SMIT-BRUNELLO: I didn't; would you repeat the question.

MR. CURRIN: Yes, we're talking about whether pot tags, if they were tied to the permit would be transferable with that permit; is that correct?

MS. QUIGLEY: And not so much the pot tags but this privilege –

MR. CURRIN: Endorsement, yes.

MR. QUIGLEY: It's not called an endorsement, that this privilege under Action 7, whether that would be tied to the permit or separable from the permit. There are a restricted number of people that would be able to participate in the black sea bass pot fishery, and the question is would that be attached to the permit or separable?

MS. SMIT-BRUNELLO: Well, this almost sounds like an endorsement; and if it is an endorsement, then I think the council has flexibility to decide whether they want to allow it to be freely transferred or not, and so I think maybe we should have that discussion.

DR. CRABTREE: Yes, I think it does have to be an endorsement to make it administratively workable, so I would move that we revise the language in Action 7 to indicate that all of the qualifiers are for an endorsement that allows you to then receive black sea bass tags.

MS. CURRIN: Motion by Roy; is there a second? Charlie. Kenny, what did the AP have to say about this?

MR. FEX: The AP had a good discussion about that. I was actually in agreement that since the tags are attached to the permit, that the endorsement be attached to the permit, so you're pretty much keeping the same thing. The rationale behind that is because the tags have always been attached to your federal permit; so I figured if the guy wanted to get into the black sea bass fishing, he could buy the permit itself. We had agreed on that so I just figured I would bring that to the point.

MR. CURRIN: So you guys endorsed an endorsement as well. Roy.

DR. CRABTREE: So what you're saying, Kenny, is that the black sea bass endorsement would have to be – to transfer it, you'd have to transfer your snapper grouper permit as well?

MR. FEX: Yes, that's correct because I think at the present time I think – I'm not for certain, but I believe the tags are attached to the federal permit. When you purchase your permit, I believe you get tags. Like presently I have a federal permit, but I have no tags; so since the endorsements are trying to eliminate more people to get into the fishery, we just figured that.

DR. CRABTREE: Then I would add to my motion that we add another alternative in there that would provide for transferability only with the snapper grouper permit and also an alternative to allow transferability separate from snapper grouper permit. And then we'll have to make a decision on that at the next meeting, I think.

MR. CURRIN: Is that okay with the seconder, Charlie?

DR. CRABTREE: So add another alternative to allow transferability tied to the snapper grouper permit.

MS. QUIGLEY: Okay, so from what I understand, you would have two alternatives. One is no transferability and it's attached to the snapper grouper permit, and the other is it's transferable and separable from the tag.

DR. CRABTREE: I guess there would be no transferability tied to the snapper grouper permit; transferability independent of the snapper grouper permit would be the three alternatives. Is that clear, Monica?

MS. SMIT-BRUNELLO: No, that's clear and it makes me think of something that made me kind of pause on Action 3, which concerned the transferability of golden tilefish endorsements, and I had to read the no action a couple of times because it says, "No action; longline and hook-and-line golden tilefish endorsements are not allowed to be transferred."

So I was think, well, that's not really no action because they don't exist, but then I thought you made them exist in a couple of actions before, and things can't be transferred unless you allow them to be transferred. So, my point, instead of going down a rabbit hold right now, is we'll work with staff and try to make sure that both this section for golden tilefish endorsements and the black sea bass section kind of are on the same – use the same verbiage.

MR. CURRIN: Okay, and that makes sense and I'm sure that's okay with the rest of the committee. I'm seeing heads nod in the affirmative, to allow the staff the license to do that. Okay, Roy, does that motion reflect your intent? All right, the motion is revise the language in Action 7 to indicate that all the qualifiers are for an endorsement that then allows you to receive black sea bass tags; add another alternative to allow transferability along with the snapper grouper permit and transferability separate from the snapper grouper permit; transferability attached to the snapper grouper permit and no transferability.

I think the intent here is for three alternatives; one that says, no, you can't transfer it; one, you can transfer it with your snapper grouper permit; and the other, that you can transfer a black sea bass pot endorsement separate from – and still retain your snapper grouper permit. All right, so we're actually adding three alternatives, the sum total. Are you clear?

MS. QUIGLEY: Yes, got it.

MR. CURRIN: And we're giving them the latitude to look at these alternatives as well as golden tile and make sure they make sense. Gregg.

MR. WAUGH: Mr. Chairman, this amendment has been out for two rounds of public hearings and the DEIS has not been filed yet. The intent was to file the DEIS so that the public comment period ends prior to our March meeting so we could finalize at March. As you add new alternatives that haven't been taken out to public hearing, we need to give some consideration to whether then you want those new issues taken out to the public hearings we're doing the last week in January and February and that these new alternatives will be revised before the DEIS is filed such that we still finalize this at March or is this – given that is not under a statutory deadline and we don't have to complete this by June, is this going to drop down in our list of priorities such that we could finish the number of amendments that are under a statutory deadline?

MR. CURRIN: Response to Gregg's question, and it is a good one. Roy.

DR. CRABTREE: Well, I'm more concerned that we get it right and we fully analyze everything and make a good decision than that we vote this up in March. If the way it works out, Gregg, is it has to be June, then so be it with that. I don't think in the long term that is going to make much difference. You're right, we're not under any timeline on this. It would be nice if we could get it done by March, but that's not the critical thing.

MR. WAUGH: So then to me that is advising us that this carries a lower priority than those amendments that have a statutory deadline and that we have to finalize in June. That's my interpretation.

DR. CRABTREE: Well, I think that has to be the case. I think clearly the statutory deadline things we're doing now have to be the highest priority.

MR. CURRIN: And I would agree. I mean, look at what we did with mackerel to meet that statutory deadline. Now, as far as the public hearing thing, Gregg, if it would help us some by including these new actions for consideration at the January public hearings, I would say, yes, unless there is some good reason not to do that.

MR. WAUGH: And we will have to see when you finish how many new alternatives have been added and whether those can be analyzed because we've got all our other documents that have a statutory deadline, they have to be prepared and ready approximately one month from now.

MR. CURRIN: That's understood. All right, everybody clear on the motion to add these three new alternatives? Any further discussion? **Any objection to that motion? I see none; that motion is approved.** This is a good move, I think, folks, in thinking about this. Without some kind of endorsement with this, the pot tags go away with the death of the fisherman and before long we don't have any pot fishermen unless we've got some way to transfer them or they're at least tied to the permit in some way, so we need something like this at some time. All right, Action 10, Page 55, improvements to commercial data reporting.

MS. QUIGLEY: One thing that we heard in the public comment period and through speaking with people in North Carolina, apparently they use an electronic reporting system. They don't use the SAFIS on-line website. Instead they have free software that they deliver to the dealers and the dealers use that. What they told me is that in North Carolina the dealers are required to do electronic reporting, but that the harvesters are not.

They thought one thing that the council should think about is the fact that as far as quota monitoring, you don't need to have the harvester data on a weekly or monthly basis in order to track quota. You only need that information from the dealers; so one thing to consider with regards to Alternative 4, they thought the council might want to consider is first this requires dealers and fishermen to report electronically.

They felt that really only dealers, that's all you need, you couldn't really justify asking fishermen to report electronically for the purpose of quota monitoring. And then another consideration was this specifies using the SAFIS system, which is an on-line internet website. That's where you report and they suggested instead to use their free software, so we might want to revise the language so that fishermen have a choice or – I don't know – but that they use their software because then you wouldn't have to have a continuous internet connection while you're filling out the information.

MR. CURRIN: Okay, and the AP had some recommendations along those lines as well. Their preferred was Alternative 3, which would allow the fishermen who were interested to submit their logbooks electronically. They also passed a motion I believe, Kenny, that said essentially what Kate said, require electronic dealer reporting using SAFIS or some other system that was equivalent. What is your pleasure here, folks? Bonnie.

DR. PONWITH: I'm not a member of the committee but do have comments on each of the alternatives just for the sake of clarity. On Alternative 1 there is a mention of private recreational vessel, and I think it may be because you cannibalized some of that language from another place, and I think that needs to be edited out for clarity. I might have an older version.

MR. CURRIN: Yes, did you see, Kate? Okay.

DR. PONWITH: There it is.

MR. CURRIN: Something else, Bonnie?

DR. PONWITH: Yes, in Alternative 2, a suggested revision to the way that is worded would be to require all vessels with a federal snapper grouper commercial permit to electronically submit catch/effort information which includes GPS location information as opposed to just having an electronic logbook on the vessel, so it gets to actually submitting the data. Alternative 3 looks almost redundant with Alternative 2.

MR. CURRIN: Not really; Alternative 3 was one that Bobby Cardin suggested just to allow –

DR. PONWITH: Oh, for the option.

MR. CURRIN: Yes, the option to submit electronically if they so chose.

DR. PONWITH: Okay, I got the picture on that. From the standpoint of the science center, Alternative 2 or Alternative 3 are good because it doesn't specify what mechanism is used for submitting the data. It leaves flexibility there.

MR. CURRIN: Yes, and I think that's a recommendation we got from the AP as well. Bill Cole was on that AP; and as big an ACCSP and SAFIS type as he is, he realized that it didn't meet everybody's needs and that as long as it was compatible or similar, I believe that they felt that would be a better option than requiring to use the SAFIS system. It mirrored North Carolina's concerns I believe.

MR. PHILLIPS: I guess where we want to go is something similar to Alternative 4, which is require at least dealer reporting through the SAFIS system or something similar. I guess I should make that in the form of a motion.

MR. CURRIN: Hold one second, Charlie. Bonnie.

DR. PONWITH: So, splitting the two, the vessel reporting versus dealer reporting, we are very, very far along in implementing electronic dealer reporting right now. Right now the plan is actually to implement the early version of electronic dealer reporting by the first of January. We're delaying that just a little bit in North Carolina to make sure that they are up to speed and ready to implement, so right now we're shooting for the first of March in North Carolina.

The system is set up so the data will go directly to the Southeast Fisheries Science Center while we debug the system; and then while that is being done, we'll carry out the second step of this, which is to have the data go to the commissions and then go from the commissions to the NOAA Fisheries Service, to the Southeast Fisheries Science Center.

That second step will be on line and ready to go by June for all the states. There may be a delay in North Carolina because of the delay in implementing stage one. But we are on the brink of the electronic dealer reporting so that basically is being done right now. The discussion then that remains relevant and sort of an open loop is whether you want vessel reporting.

MR. CURRIN: I don't think anybody thinks we're ready for the requirement of 100 percent vessel electronic reporting yet. Bonnie, if I'm interpreting what you said correctly, this is going to happen regardless of whether we have an alternative or action that requires it?

DR. PONWITH: The electronic dealer reporting is on the brink of happening.

MR. CURRIN: So from your perspective, we don't need to take action to require that in this amendment; would that facilitate or help you?

DR. PONWITH: It is my understanding that it would not require an action, but the endorsement of the council I think is a strong plus.

MR. CURRIN: Okay, what do you want to do, folks? Roy.

DR. CRABTREE: And just so everybody is clear, this is the data we use to track quotas.

MR. CURRIN: So that's going to help that system. What is going to be the requirement time-wise, Bonnie?

DR. PONWITH: I'm glad you asked. It is two stages. The first thing is that it's going to be shifting from paper to electronic. The second piece is instead of being semi-monthly, it is going to go to weekly. It's my understanding that we'll have to do a rulemaking for shifting from semi-monthly to weekly, so we're in the process of drafting that rule now.

MR. CURRIN: All right, so it doesn't sound like if our intent is to require a hundred percent electronic dealer reporting that we need to do anything in this action right now although Bonnie said the council's endorsement would be a good thing. Roy.

DR. CRABTREE: And I would move, Mr. Chairman, that we send a letter to Bonnie at the science center endorsing her actions to establish electronic dealer reporting.

MR. CURRIN: Motion by Roy; is there a second? Second by Charlie to send a letter to the science center endorsing 100 percent electronic dealer reporting. Robert.

MR. BOYLES: Mr. Chairman, I was just conferring with a couple of my colleagues here. Bonnie, if you check your e-mail sometime today, we're very interesting in improving the accuracy and the timeliness of the data. I was just briefed before I came to this meeting about some issues related to dual reporting systems among some of our state-permitted dealers that I've got some fairly serious concerns about duplicate systems. I'm just not comfortable at this point without working out some of the particulars of it, so I would not, at this point, support the motion.

MR. CURRIN: Bonnie, do you have a response?

DR. PONWITH: That's intriguing because in speaking with my folks, they made it clear that they had been working side by side with the data managers from each of the states. It could be

that there are some unintended consequences that person that they were collaborating with weren't aware of. If you have concerns I would love it if you could characterize them clearly.

I will get them to my data people and we'll see whether they're real or memorex and we'll get them taken care of. The bottom line is I guess my question is there is not a philosophical disagreement with this approach. It is implementation and making sure that it's done in a way that doesn't cause problems.

MR. CURRIN: And I think that's the concern that North Carolina has to some degree is double reporting and working that out. Robert, to that point.

MR. BOYLES: Bonnie, that's exactly right, it's an operational problem and not a policy problem.

MR. HARRIS: Mr. Chairman, I was just going to say this is motherhood and apple pie as far as fisheries management is concerned. Even though there may be some problems, this is what we have to have.

DR. CRABTREE: Robert, would it get you on board if we put something in the letter that encouraged the center to work with the states to ensure a smooth transition or something like that?

MR. BOYLES: I think that's fine. We don't need to go down this rabbit trail too much. There are some real operational concerns.

DR. CRABTREE: Because I know all of us want to have a smooth transition. None of us want to put this in place and then have a train wreck, so we do need to make sure we work out all these bugs before we go live with it.

MR. BOYLES: Yes, and I think that would go a long way, Roy.

MR. WAUGH: Just to clarify with Monica and Bonnie because they're doing a rulemaking, so there is no need for the council to include this in the amendment to put a regulation in place requiring this. We've been going around and around with this for years.

MS. SMIT-BRUNELLO: Why don't we put a strongly endorsed statement in the amendment that that is what the council would prefer? I don't know what the harm does if you put it as an action. I know that we've talked about certain funding aspects of all that before; so since the reality is that the center – we are planning on doing some sort of rulemaking, I think a letter of support and those sorts of things would go a long way. I also would urge you to think beyond the Snapper Grouper FMP. I would think you might want this for all dealers because that is where the center is going I think is not just for the snapper grouper fishery but for all fisheries.

DR. CRABTREE: Yes, it's Gulf of Mexico as well, so it's a pretty broad thing. I don't know where we would stick something like this.

MR. CURRIN: Well, so far we've got a motion to write a letter to Bonnie urging implementation and offering support for electronic dealer reporting – strong support for that. Other comments on the motion? Wilson.

DR. LANEY: I'm not on your committee, Mr. Chairman, but I am on the ACCSP Operations Committee, and just a reminder. Bonnie, I believe I'm correct in saying this is consistent with the implementation of the ACCSP Standards. I believe this is what has already been done in the northeast.

Basically, this is SAFIS, right, I think, at least as far as the dealer component of it is concerned. I'm sure, Robert, that they probably had to deal with those sorts of issues in the northeast, so some of our northern friends might be able to provide some assistance in how they made that transition from paper reporting to the electronic reporting and how they avoided duplication of effort.

MR. CURRIN: To the motion here on sending the letter, Brian.

DR. CHEUVRONT: Are we intending to send this letter endorsing electronic reporting for all permitted dealers for all species or just snapper grouper? If you're going to just go ahead and implement this, do it for all species. Is that the way it's going to be? That point is not clear to me right now.

DR. CRABTREE: Yes, that would be my intent, I wasn't specific just to snapper grouper. It's just that we're endorsing moving the whole quota monitoring program over to electronic reporting.

MR. MAHOOD: For Bonnie, at the last ASMFC meeting I was talking to Mike Cahall, and he said he was working with your people. Is this going to be part of that program and the SAFIS program?

DR. PONWITH: That is correct; the way the data works is they go to the commissions as the first step and are stored there. And then copies of them come to the science center so we don't ever have a problem with versioning. There is only one version. If any change happens, that change is mirrored throughout, so, yes, it runs through the commissions.

MR. CURRIN: Robert, the last work.

MR. BOYLES: Bonnie, I apologize, I didn't mean to throw you a Hail Mary. This was something that literally it was the last thing I got briefed on as I walked out the door Monday on this. I would like to reiterate the state's interest in improving the timeliness and the accuracy of the data, but we do have some fairly significant hurdles to get through as we cross-walk this with our state reporting requirements as well.

MS. SMIT-BRUNELLO: So here is where I see it left with this amendment. It's actually, Kate, not in here right now for dealers, right? I see vessels with federal snapper grouper permits. I see fishermen. It's primarily not directed specifically to dealers, correct?

MS. QUIGLEY: Well, Alternative 4 is specific to dealers and fishermen; so the note below, Alternative 4 says Alternative 4 would require that 100 percent of dealers and fishermen report electronically using the SAFIS system. What we can do is revise the wording of Alternative 4 to just specify dealers. That's one option.

MS. SMIT-BRUNELLO: Well, that is one option and maybe you want to backstop this so that you put that requirement in the amendment, if that's what you choose to do. If the center goes ahead and we complete rulemaking and get it in there, well, then the document can be revised to reflect that has been done, but I guess you keep it perhaps as a backstop in the amendment just in case something happens and it doesn't get implemented. I have no reason to believe it wouldn't, but I don't know.

MR. CURRIN: So, am I sensing a desire then to modify Alternative 4 to require that the commercial landings be submitted – dealer reports be submitted using electronic means? We've got a motion on the floor about the letter; let's dispense with that first. **Is there any to the motion? I see none; that motion is approved. Brian.**

DR. CHEUVRONT: I would like to go ahead and make a motion that we modify Alternative 4 to apply only to dealers and not fishermen. And as an aside and not part of my motion, I do want to make sure that we keep Alternative 3 as our preferred. It may not happen at this point, but I think it's important for the council to say that we endorse the idea of being able to have electronic reporting for fishermen logbooks. I think that's a very good idea.

MR. CURRIN: Yes, and it will remain our preferred. It just provides an option to the fishermen who would like to submit electronically. I presume that there is a system available for them to do that, a web page they can log in either in development or existing now. Bonnie.

DR. PONWITH: Yes, I believe that is underway. It is not as advanced as the dealer reporting. If I might comment on Alternative 4, if we could either pull the SAFIS Standards out or add NOAA and SAFIS. There is one element in SAFIS that doesn't meet one of the granularity requirements that we need; and if we're too specific on that, we might actually lose that piece of information. One of our data requirements exceeds the SAFIS requirement, so if we could put either the NOAA standards or NOAA and SAFIS standards, that way we would be covered and we wouldn't lose that piece of information.

MR. CURRIN: Are you okay with that, Brian?

DR. CHEUVRONT: Yes, I'll go ahead and modify – I'm going to change my motion to modify Action 10, Alternative 4, to apply only to dealers and not fishermen and to change the statement so it says "using the SAFIS or NOAA Software Systems".

MR. CURRIN: Okay, is there a second? Second by Charlie. Further discussion on the motion? **Any objection to the motion? I see none; that motion is approved.** Kenny has got a note from the AP.

MR. FEX: Yes, the AP, on the charter side and the recreational, they understand that the landings are hard to keep track of, and they actually recommended that the council establish an ad hoc advisory panel to develop electronic logbook or electronic reporting for the for-hire and the recreational sector. The recreational sector was kind of hard for the thing; but the for-hire, they were easily to go with so I just figured I would bring that to your attention.

MR. CURRIN: Yes, the recreational sector has always been a problem because of the numbers, and I think we're kind of moving in the direction to implement something for the for-hire sector as soon as we can and the money is available. Okay, Kate.

MS. QUIGLEY: We have one more action, Action 11, PDF Page 57, improvements to for-hire data reporting. These are similar to Action 10, a little bit different. Alternative 2 is require selected vessels with a federal for-hire permit to report electronically. We were told during the public hearings that the federal for-hire vessels were already required to report electronically. I just want to get some clarification on that.

Alternative 3, require vessels operating with a federal for-hire permit to maintain a logbook for discard characteristics; again, if selected; and then Alternative 4, require that for-hire landings, the catch/effort data be submitted in accordance with ACCSP Standards using the SAFIS system. We can go ahead and revise that language if needed.

DR. PONWITH: For Alternative 2, since there are multiple permits, modifying the language would clarify that and the modification would be vessels with federal for-hire permits – take the “a” out of there and add an “s” to the permits. Right now we've got a pilot electronic logbook program that is being run – has just completed, rather, in the South Atlantic, but that was on headboat vessels.

The for-hire would be headboat and charterboat vessels so it would be a little bit more inclusive. NOAA Fisheries views this as a very positive step toward improving the timeliness and accuracy of the data. If I might add a second recommendation – again, I'm not a member of the committee – Alternative 3, has, for example, size and the reason for discarding. Including discard characteristics such as size I think would be smart. If you start getting into things like the reason for discarding, it might actually become too onerous and end up being counterproductive.

MR. CURRIN: Okay, is this something you guys are working towards? It's certainly something we would like to see. If having us approving an alternative in this amendment would facilitate speeding that up, then I would recommend we do so; but if it's going to be meaningless, I'm not so inclined.

DR. PONWITH: I can say that we received the resources to do the pilot study for the for-hire vessels. Those data are being analyzed right now. Early indications are that the electronic reporting was viewed favorably by the eight vessels that used it and that the data we were getting was of high quality, I think the outcome of that pilot is going to be that it's a big success.

I don't, in my budget, have the resources to implement this in the for-hire wide in the South Atlantic; but as you know, the MRIP Program is looking for improvements to the MRIP collections and looking at them rather in a national scale and regional scale, and so including something like this as alternatives might be advantageous to send the strength of your message in that process.

MR. SWATZEL: I actually participated in the electronic logbook pilot program. I did find it relatively easy to use, and it certainly seems to be a good program. I would point out this same issue kind of exists in the for-hire side as the dealer commercial side concerning coordination with the states.

If we're filing electronically – at least in South Carolina if we're filing electronically for the National Marine Fisheries Service, we still need to have to do paper for South Carolina. If there could be some coordination to where for-hire vessels are not having to do two different reports, one paper and one electronic, it is an ongoing issue, and I'm sure it's the same issue you have on the other side, and Robert can address that.

MR. CURRIN: Okay, what is your pleasure here, folks? Roy.

DR. CRABTREE: Well, there are pilot studies going on. I've heard varying things about them. Some are in the Gulf of Mexico and other places. I think my preference is to wait until we have the results from some of these pilot studies so we can look at what worked and what didn't work and then come back and reconsider it then rather than decide something now.

MR. CURRIN: Okay, Bonnie, one question about Alternative 3 and your comments regarding size and reason for discarding; is your concern about reason for discarding is that they might be so numerous as to be cumbersome. If they were restricted to, say, two or three – say under the bag limit or under the size limit, for example, as the reason for discarding or if you had like three reasons restricted to that; would that be prohibitive?

DR. PONWITH: Right, if you had it narrowed down enough that you could use boxes for checkmarks, then there is nothing to it. It's if it ends up becoming a narrative, then you actually might lose data because it's too onerous. That was just one of the observations of people with experience on this.

MR. CURRIN: I know North Carolina has got a voluntary logbook thing and it's almost like a journal that you can keep. I've participated in it just out of curiosity to see how well it works. They have a section on reason for discarding and it's not as complete, but it's like two or three choices. If it could be maintained into three or four boxes, that wouldn't concern you? Okay.

All right, what is your desire here? Alternative 1 is no action. We don't have a preferred here. We do see improvements on the horizon. Is there a motion for a preferred in this action? Do you want to remove the action from the amendment? I guess if you don't take any action, Alternative 1 will be the default. Roy.

DR. CRABTREE: Yes, if you select a preferred, then there is nothing that comes of it. I'd say leave it in. I don't see if there is any reason to take it out.

MR. CURRIN: Okay. Yes, David.

MR. CUPKA: Mr. Chairman, we've still got one regulatory amendment and five other amendments that we need to complete before we finish our snapper grouper work. We have to do something on them to approve them for public hearing and scoping. It's six o'clock now. We can either recess for an hour and half and let everybody get something to eat and clear their head a little bit and come back or we can press on, but we've got to finish this somehow. Right now we're running about a day behind, so what is the pleasure of the committee?

MR. CURRIN: It's entirely up to you, folks, I'll do whatever you want to do. I will say that many of the amendments are updates. We do have to take some action on Regulatory Amendment 9 based on the additions and of alternatives that we've made to this document. And Gregg's advice, it doesn't look like we're going to be approving this for public hearing.

We do have some other issues, that's for sure. I'm content to press on if you're ready. That's all the actions in this amendment. Kate, thank you very much. I think we're done with 18; and I think based on Gregg's comments it would be unnecessary to approve this for the upcoming public hearings. Is that everybody else's feeling and the like? Mark.

MR. ROBSON: Just so I understand, what would be the schedule then for 18A?

MR. CURRIN: We would look at it again in March with some additional analysis of the alternatives we added and the data we requested. We would have the '09 data to answer some questions, and then we would approve it in June for public hearing; is that correct? That's my understanding and Kate is nodding. Okay, Regulatory Amendment 9, Jack, I think you're going to help us out with that. As I noted during the public hearing, I have received a number of surveys that were sent around by I don't know who –

MR. FEX: Me.

MR. CURRIN: – by Kenny to a number of snapper grouper fishermen in North Carolina. I'll pass this around to make sure it ends up with Julie or Kim or somebody so that you can get copies. In addition to this sheet, which represents I think eight or nine permit holders, Mr. McKinley – Randy indicated he had several more and I received at least three more of these. They were all very similar. They have their vessel document numbers.

The questions were would you like trip limits? All of them said yes. There was a question about catch shares or IFQs. I believe all of them said no or perhaps there was one maybe. And then they were asked to submit recommendations on trip limits for black sea bass, vermilion snapper and gag. They pretty much all mirrored for black sea bass, 1,500 pounds, a few at a thousand. Vermilion snapper were a thousand to 1,500; and for gag it was 750 to a thousand pounds. Those were their recommendations just for your information as we go through Regulatory Amendment 9. Jack, are we going to be working out of Attachment 6?

DR. McGOVERN: Yes, sir. The first action is for black sea bass. That's on PDF Page 67. There are 12 alternatives for this action. Alternatives 2 through 6 and 9 through 11 address the derby effects; 7 through 8 address the disposition of unused portion of the quota; and 12 addresses a spawning season closure for black sea bass.

Currently there is a 309,000 pound quota and the fishing year is June through May. The quota was met in December of 2009, and it was met in October of this year, but it just opened up again last week. Alternative 2 has a number of different trip limits – 2A is 500 pounds; 2B, 750; 2C, 1,000; 2D, 1,250. 2E is a thousand pounds that would be reduced to 500 pounds when 75 percent of the quota is met. Alternative 2F is 2,000; Alternative 2G is 2,500; and 2H is 340 pounds, and that's a quota that would keep the fishery open all year based on conditions in 2009.

500 pounds is expected – based on 2009 conditions, the quota would be met in February; 750 through 1,250, in January as well as that 1,000 pounds reducing to 75 percent; and trip limits of 2,000 and 2,500 pounds would have very little effect. You'll notice that a number of these alternatives are struck out. That's what the council saw the last time. The IPT suggested this new format just for ease of economic analysis.

Alternative 3 through 6 have split seasons for black sea bass. Alternatives 3 and 4 retain the June fishing year, but they just separate the fishing year differently. Alternative 3 is the June through November and December through May split to the fishing year. Alternative 4 is a June through December and January through May split.

Alternative 5 changes the fishing year to begin in November and has a split of November through April and May through October. Alternative 6 begins the fishing year in January and splits into six-month parts. Alternative 7 through 8 were in 18A previously. The IPT placed them in here. They weren't sure if the Snapper Grouper Committee wanted them in here or not, and so the council I guess can consider whether they want to retain them in here or remove them. Alternative 7 is similar to what we're doing for vermilion snapper where the unused portion from the first part of the fishing year is moved over to the second. Alternative 8 would carry the unused portion over into the next fishing year, which could have concerns with exceeding the ACL. Alternative 9 and 10 would be applied to the Alternative 3 through 6 where in Alternative 9 all but 1,000 pounds would be – when all but 100,000 pounds is met, the pot fishery would close and the remaining gears could fish and then start the second season with what is left over.

Alternative 10 would be 50,000 pounds instead of 100,000 pounds. Alternative 11 would close the pot fishery when 90 percent of the quota is met and allow the other gear types to fish, and then Alternative 12 has spawning season closure options for black sea bass. The peak spawning for black sea bass is March through May. Subalternative 12A would have a spawning season closure for two months of that peak spawning, March and April; April and May for B; March through May for 12C, which would include the whole spawning season; and then May through May 31st for Alternative 12D.

MR. CURRIN: All right, thank you, Jack. Let's go through this stepwise, if we can go back up to the actual trip limits for the first handful of alternatives, 1 and 2, and there are a number of

subalternatives. What is your pleasure here, folks, regarding trip limits for the black sea bass pot fishery? Tom.

MR. BURGESS: Mr. Chairman, at this time I am not in favor of a trip limit. I think the effort controls that are going to be put in place with Amendment 18A are going to have an effect on landings – you know, the 50 pot limit on some people but also returning to port with your traps. In the warmer months it takes longer for the fish to go to the pot, so we're going to have to have a trip fishery to maintain any type of catch.

Sea bass is a single species fishery, and you don't catch anything but black sea bass, and it's not worth as much as, say, vermilion snapper where you would have X amount of pounds plus your other fish along with that. Increased time at sea, decreased profits from running back and forth with fish and also with the 309,000 pound quota, this year it was met October 6th, but if we had the other poundage I think it would have gone through October. For conversation it would have been a five-month season; so for a 309,000 pound quota, I think that's fair/ I know this is going out for public hearing so I'll leave it at that.

MR. CURRIN: Okay, other thoughts on this? Charlie.

MR. PHILLIPS: Yes, I agree with Tom. I mean when he goes fishing, he wants to go fishing and make money and not have to work around the trip limits and come in and out, especially in the summer time. So, yes, just to speed things up for discussion, I'll make a motion we do Alternative 1.

MR. CURRIN: Motion by Charlie to select Alternative 1, no action, as the preferred. Second by Tom. Discussion? I'll just comment that I kind of spoke in favor of putting this whole regulatory amendment together based on comments from a number of fishermen. I think they've all had more time to think about it now and the implications of Amendment 18A.

I included black sea bass or asked to have that included primarily because the season was ending so quickly. That concerned me, but to hear a black sea pot fisherman say he's not as concerned about that, then that carries a lot of weight with me, so I'm fine with the alternative selected. Other comments? **Any objection to that motion? I see none and that motion is approved.** All right, the next set of alternatives, 3 through 6, deal with changes in the fishing year. It is currently June and there is only one season.

There has been some discussion about splitting the season and the like. What is your pleasure here, folks? Kenny just reminded me that the AP had preferred a split season. Which alternative was it, Kenny, or do you recall? Okay, no specific recommendations from the AP on whether it should be January through June and so on or a different set of dates. They just liked the idea of a split season. Robert.

MR. BOYLES: Mr. Chairman, I know that I've been contacted by a number of folks who were interested in access to the fishery during the wintertime. In light of that, I would make a motion that we select Alternative 6 as our preferred.

MR. CURRIN: Motion by Robert to select Alternative 6, which would change the black sea bass fishing year to open January through December; separate the commercial ACLs for January through June and July through December based on percentage landings from '06 to –

DR. CRABTREE: Point of order. Didn't we just a minute ago select no action as the preferred?

MR. CURRIN: That was for trip limits.

DR. CRABTREE: Well, it's all combined in one action.

MR. CURRIN: Well, there are a huge number of various alternatives under this one action.

DR. CRABTREE: I know but I think you shouldn't select no action. That's Alternative 1. That means you're not going to do any of this stuff in the whole action. I think you need to change that. Then if you don't want a trip limit –

MR. CURRIN: Okay, thank you, that's a very good point.

DR. CRABTREE: – you just don't select one, so I would move to reconsider the motion – oh, we have another motion up already.

MR. CURRIN: It has not been seconded and so can we withdraw that Robert for this point.

DR. CRABTREE: Okay, and then I would move to reconsider the motion to set Alternative 1 as the preferred alternative.

MR. CURRIN: Motion by Roy to reconsider Alternative 1 as the preferred; second by Ben. That motion is on the floor. Charlie.

MR. PHILLIPS: Well, can we add an alternative that there is no trip limit?

MR. CURRIN: Let's deal with this motion that is now before us, the one to reconsider this motion. It passed before as a preferred. I guess what we need to do is to de-select it as a preferred.

DR. CRABTREE: I move that we not select Alternative 1 as the preferred.

MR. CURRIN: Is there any opposition to the motion to reconsider this motion? I see none; now that motion is on the table.

DR. CRABTREE: I move that Alternative 1 not be the preferred.

MR. CURRIN: Motion by Roy; second by Robert that Alternative 1 not be a preferred. Any further discussion? Any objection to that motion? I see none. Roy.

DR. CRABTREE: Then if you don't select an alternative as the preferred that establishes a trip limit, there is no trip limit. So you didn't select one so you can just go down to where you were and start afresh.

MR. CURRIN: Thanks for keeping me straight. All right, Robert.

MR. BOYLES: Mr. Chairman, I would again make the motion that we select Alternative 6 as a preferred alternative under this multifaceted action item.

MR. CURRIN: Motion by Robert; is there a second? Second by Ben. Discussion on the motion? Brian.

DR. CHEUVRONT: Exactly what do we mean on how we're going to split it? Are we taking the 309,000 and dividing it in half and allowing half of it in the first – like we did with B-liners and half of it in the second season, because my concern would be that season starting in January, we're run up against that spawning season, which we would probably really like to have closed. I have a bit of concern about that. If somebody could address that issue, I would appreciate it.

MR. CURRIN: As it's written, Brian, the percentage assigned to each of those periods would be based on the percentages indicated by the 2006-2009 landings data. I don't have those values in front of me. Maybe Jack can enlighten us. Jack, can you answer that question? The question Brian had is under Alternative 6 what percentage of the ACL would be assigned to the two periods?

DR. McGOVERN: I think it's based on the historical catch. I believe there is a Table 4-6, maybe, that shows that.

MR. CURRIN: Do you have that page number so we can look at it?

DR. McGOVERN: PDF 77. Actually that's under Alternative 9 that applies at the 3 through 6. PDF Page 74.

MR. CURRIN: Is that correct, PDF 74?

DR. McGOVERN: Yes, sir.

MR. CURRIN: Do you see that, Brian, so it is roughly half.

DR. CHEUVRONT: Yes, so it just looks to me like the suggestion here is to split the quota evenly under Alternative 6, or roughly evenly, so you have 151,000 pounds starting in January, but then again that would – in 2009 and 2010 that would have closed the season the 8th of February; but my follow-up question is in calculating this for the 2009-10 season, that doesn't take into account anything that we'd be doing in 18A. That would probably delay the closure would be my guess. I think if we're getting into March, which was the average, then we're bumping up against that spawning season.

MR. CURRIN: Well, then there are actions to consider spawning season closures and that varies up and down the coast. I don't know what we'll do there but it looks like both could be accommodated, the fishery as it is. Robert.

MR. BOYLES: Mr. Chairman, again, folks that have contacted me, our fishermen were really interested in having access to that fishery in the wintertime. These were guys primarily in the northern part of the state, Little River and Murrells Inlet area, who were interested in a wintertime fishery.

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

MR. BURGESS: Just briefly, I'm not going to support this motion. The people that are in question are charter fishermen. I understand their concerns for having access to the resource, but I know there are fishermen that also have concerns about having just a single starting date. I'm looking at the commercial fishermen's involvement.

MR. CURRIN: Further discussion on the motion? Charlie.

MR. PHILLIPS: Yes, and I'd to see a – like further down they were talking about setting aside a certain amount of the harvest for just hook-and-line fishermen that would keep those guys where they could keep their discards – I mean, keep their fish while they're vermilion fishing and stuff like that, and I would like to keep the hook-and-line fishery open to some degree or another. I don't know how you'd do it with a split season. If there was a way to do it, then I might consider it.

MR. CURRIN: There were a couple of alternatives in there dealing with closing the pot season, as best I recall, when allowing some percentage left over for the hook-and-line fishermen. Those are the only ones I recall. We can deal with that when we get to that section if that's okay with you. Roy.

DR. CRABTREE: Kenny, this wasn't what the AP wanted, right? They wanted to keep the current season and have it split?

MR. FEX: No, I'll read exactly what they wanted. They wanted to specify two seasons; one in which all gears may participate and the other for all gears except pots. Specify the fishing year so that one of the seasons corresponds with the traditional winter pot fishery. The question was in January they open up the trawling up in Virginia, so the price of the black sea bass drops. I think they were more considering maybe an October or November second season start date.

And then that would avoid the spawning closure that he had brought forth; so maybe open the season in May or June, half the season, and then let the other half of the season start in October or November and December, something along those lines because that's traditional when North Carolina catches the pot fishery.

DR. CRABTREE: Tom, is that consistent with your experience that the January prices aren't good?

MR. BURGESS: Well, I can't really swear to that because in January – we haven't worked in several years in January, but there were concerns and discussion about that before this December 1st opening, and I think more people were in favor of the December 1st opening due to some price issues. It did come up in conversation. This is reasonable and I sure wouldn't have any trouble supporting this to go out to public hearings.

MR. FEX: I've been at several meetings and I think through all these meetings I've heard the Florida fishermen say that's why they wanted to start the season in June was because of the price gouging in January. I mean, that was at several meetings because a lot of North Carolina fishermen argued, well, why is it starting in June; it only helps the Florida fishermen, and that was the rationale that I had heard among the council at that time.

MR. CURRIN: Well, as a matter of history, it was the North Carolina contingent to the South Atlantic Council that pushed for so many years to move the start date to June. That was done about the time I got on the council. That's just some history and background, so here we are talking about changing it again. In six more years we may be back to June again, I don't know. I think

Tom's comment is a real one regarding the opening of the trawl fishery in the Mid-Atlantic. Although these guys haven't been able to fish in January, they haven't experienced that price drop, but I have heard from fishermen that typically that does occur. I would be content to leave it as it is, so I wouldn't favor this motion. Red.

MR. MUNDEN: The Mid-Atlantic Black Sea Bass Fishery begins January the 1st and runs through December 31st if there are quota left. North Carolina and all of the states from North Carolina through New York receive a state-by-state quota share through the Atlantic States Marine Fisheries Commission. We open our season the first day of January.

We utilize our black sea bass quota for bycatch in the summer flounder trawl fishery, but the first of January you would North Carolina, Virginia and New Jersey all opening for black sea bass. Our current fishery that will open January the 1st will be operating on a 500 pound bycatch allowance for black sea bass, which you have to keep in mind that we'll have upwards of 70 boats participating every two weeks, so they can land 500 pounds of sea bass in North Carolina every two weeks, and we will have the 70 boats bringing those fish in.

MR. CURRIN: Further discussion on this motion to change the fishing year into two sections? **All right, all in favor of this motion raise your hand, please, 3; all opposed, 8. That motion fails.** All right, what is your pleasure here, folks; any other alternatives here that you want to consider? I don't see any. That would leave the fishing year starting in June as it has been and leave a single season as it is now if we don't select a different one.

It closes when the quota has been met. Alternatives 7, 8 and 9 deal with split seasons and carryovers. If we're not going to split the seasons, those are moot. I guess we can move those – well, maybe at this stage we would leave those there or is there any benefit in moving them, Jack?

DR. McGOVERN: If you just leave them, they go to public hearing.

MR. CURRIN: Yes, that makes sense. Okay, that brings us to Alternatives 11. Let's look at that one, if you would, and that's to close the pot fishery when 90 percent of the commercial ACL is projected to be met. That would leave 10 percent of the ACL for hook-and-line fishermen and close the pot fishery. Brian.

DR. CHEUVRONT: I would like to make a motion that we make Alternative 11 our preferred.

MR. CURRIN: Motion by Brian to select Alternative 11 as the preferred; is there a second? Second by Charlie. Discussion? Ben.

MR. HARTIG: What are the percentages of the hook-and-line fishery?

MR. CURRIN: As best I recall, it is about 87 percent, roughly, the pot fishery or is it higher than that, Jack? He probably knows exactly.

DR. McGOVERN: It's about 89 percent and I think those data might be in this section.

MR. CURRIN: So that roughly mirrors the traditional pot. Roy.

DR. CRABTREE: But it does seem like this would effectively allocate more of it to the hook-and-line guys than they've historically been catching because they're going to fish the whole time, right, and then they're going to keep fishing after the pot fishery is closed. I don't know if it would be much, but it might.

MR. CURRIN: Yes, I don't know, that's a possibility, Roy. Tom.

MR. BURGESS: I would be more in favor of just a regular allocation, whatever the hook-and-line fishermen traditionally have, and they deserve to retain that, rather than just give allocation away to a different sector.

DR. CRABTREE: And that's fine but you can't do allocations in a framework action; so if you want to establish allocations, you would have to do that in an amendment somewhere along the way.

MR. CURRIN: Further discussion on this motion? Kenny.

MR. FEX: Yes, the motion up there is actually what the preferred is by the AP.

MR. CURRIN: Further discussion? All in favor of the motion raise your hand, please, 11; any opposed, 1. Okay, that motion is approved. Yes, Myra.

MS. BROUWER: Just a very minor point, but if you allow us to change the wording of that alternative to say "projected to be met",

MR. CURRIN: Yes, I don't think anybody would have a problem with that. In fact, that's what it says in my copy. Okay, Alternative 12, there are a number of subalternatives under that. It is to establish a spawning season closure for black sea bass. As you've heard earlier with the way the fishery has been operating beginning in June, it is usually closed during most of these periods, anyway. I don't see that changing very much, so we've got a de facto spawning season closure. I guess we could officially establish that if we wanted to under this alternative. Roy.

DR. CRABTREE: Well, I would point out that it looks likely that the recreational fishery is going to go over their amount of fish. I guess it's not an ACL yet or is it an ACL yet? I guess it is because it will be with 17B. I think some sort of additional measures to slow the recreational down would be a good thing.

MR. HARRIS: Mr. Chairman, I'm of the opinion that none of these options really affect a spawning season closure in Georgia. I think the spawning season is primarily in the wintertime off the coast of Georgia. I may be wrong about that, but that's my memory. I don't know about South Carolina and Florida, but they don't do a whole lot for us, I don't believe.

MR. CURRIN: Jack, can you speak to when those spawning seasons occur up and down the coast? I'm sure they vary from North Carolina to Florida.

DR. McGOVERN: Well, there is a cline to spawning, but the analysis that was done on a life history study was for North Carolina to Florida and peak spawning during that time. There were fish collected from North Carolina to Florida was March through May, but spawning extends outside that period of time, too, so it might be a little bit different off Georgia for peak spawning.

MR. CURRIN: Tom, have you got any insight into that?

MR. BURGESS: Yes, I did do some fecundity work with UNCW; and Jack is exactly right, in North Carolina – I did it in North Carolina, though, and one year it wasn't quite as pronounced. It was a little bit later I think due to water temperature, but the very next year – we did it two years in a row – it followed that pattern exactly; March, April and finishing up in May.

I would like to make one comment as far as establishing a spawning season closure for black sea bass. I know that the commercial sea bass potters are strongly in favor of not fishing in March, April or May – now, I'm just speaking about the fish pots – because they have the other nine months to work with, and they thought it was beneficial to the resource to fill in those nine months before we went ahead and worked in March, April or May.

I see down here there are some recreational closures, too. I know there were some current concerns at the AP meeting about a headboat captain who mentioned it was going impact him greatly if he couldn't make a trip or two and catch a few fish during that time. I thought that was pretty strong. I mean, we have a good strong resource that seems to be growing. I just have a little concern about the recreational sector. I know I'm a commercial representative, but the implications – and I would like to let the council take that up if they wanted to. As far as the trap season, they're in favor of closing it March, April and May.

MR. FEX: The AP was in support of a spawning closure for the commercial and the recreational sectors.

MR. BOYLES: Mr. Chairman, I would move that we select Subalternative 12C as a preferred.

MR. GEIGER: Second.

MR. CURRIN: Motion by Robert to select 12C as the preferred; second by George, and that would be a March 1st through May 31st spawning season closure for black sea bass applying to both commercial and recreational sectors. Discussion. Yes, Duane.

MR. HARRIS: Mr. Chairman, I'm going to vote against the motion because it doesn't do anything with respect to a spawning season closure off Georgia or Florida. I talked to Robert Johnson and he said the spawning season for black sea bass off Florida is in the February time period. I know it's in the same time period off Georgia. I'll vote against it until we have a better spawning season identity for our coastline.

MR. CUPKA: I think it is the same thing. I know when I first went to work for DNR, the first project I had was the life history study on black sea bass. That was a long time ago, but I seem to recall the major period was like in February, March and April, and then there was a smaller peak in the fall of the year, but the primary one was in those winter months.

MR. SWATZEL: Well, just pointing out that life as a headboat operator is tough already and it's going to get a lot tougher especially in the Carolinas in the spring, March and April. I mean, sea bass is really the only thing we can fish for. We're caught in the right whale speed limit issue because you can't get offshore. You can't catch vermilion snapper and part of the time you can't catch grouper either. You have effectively shut down the for-hire sector at least in the Carolinas in that time period as a result of this, so I just caution you.

DR. McGOVERN: I just wanted to add that in the analysis I think we can add information on spawning season peaks by region and by state. I'll try to add that so you can see how it's different off of Georgia, Florida. There is a cline. They spawn later the farther you go north.

DR. CRABTREE: And it's likely when the ACLs go in place, with the trends we have now and the quotas we have now, the fishery is likely to be shut down by that time because of the ACL.

MR. CURRIN: Other comments or discussion on the motion? **All in favor of the motion raise your hand, please, 4; all opposed, 8. That motion fails.** All right, I guess we could, if you have that desire, craft another motion that would perhaps try to encompass both Georgia and North Florida as well as a compromise on the spawning season closure to the north of there. I would add an alternative, I presume. Duane.

MR. HARRIS: Mr. Chairman, I would like to wait until we get the analysis that Jack is going to do before we craft another motion with respect to this issue.

MR. CURRIN: All right, is that the pleasure of the committee? Then, Jack, I think that takes us through that action; does it not?

DR. McGOVERN: Yes, it does, Mr. Chairman. We're now on PDF Page 90, trip limits for vermilion snapper. The vermilion snapper has a split fishing season, January through June and July through December. The quota for January through June is 315,523, and then for the second season it's 302,523. During 2009 the quota was met in September. It should have been met in September of this year. The January through June season, it was met in March.

Alternative 2 establishes a 1,000 trip limit for vermilion snapper. That would probably extend the season based on 2009 conditions by about three weeks. 2A would establish a 1,000 pound trip limit and reduce it to 500 pounds when 75 percent of the quota is met; and that would for the two seasons probably extend the season by about a month.

Alternative 3 would establish a 1,500 pound trip limit. That was added at the last council meeting. That would extend the season by maybe about two weeks for the two seasons. A 750 pound trip limit is Alternative 4. That would extend it by about a month. Reducing the trip limit from 750 to 400 pounds would add two weeks to that. A 500 pound trip limit in Alternative 5 would keep the fishery open almost all year, and it would keep it open all year based on 2009 conditions with a 400 pound trip limit.

MR. PHILLIPS: I would like to make a motion and then I'll explain if I can get a second for Alternative 1, no action, no trip limit.

MR. CURRIN: A motion by Charlie to select Alternative 1 as the preferred; second by Duane. Discussion? Charlie.

MR. PHILLIPS: Well, there are a lot of reasons I would do this. First of all, for some of the same reasons that Tom didn't want a trip limit on his black sea bass in North Carolina. You may – and I've heard the arguments you have a shorter trip, you will have better quality fish. My guys make seven-day trips. If they slush their fish, they look just as good as the guys that make short trips. You can keep pretty fish for seven days.

Two, it's basically a reallocation from the larger boats that make long trips to the smaller boats that make short trips. And it's going to cost more money. If you made a little extra money on the quality of fish, you're going to turn around and lose it trying to make back-to-back trips, and that's what they're going to do.

They've already told me if they have to do 1,500 pounds or something, they're going to make back-to-back trips. It is not really – you've got a derby fishery no matter what you do. It's not going to stretch the season out that much. But those guys down there with those bigger boats are going to have a hard time with even with a 1,500 pound.

I understand the concerns of wanting to stretch it out, but it really – it's a reallocation and it's economic. There is no biological reason not to let the guys catch their fish, make their money and they go do something else. I know at least one boat that tied up for quite a while because

once that season was over he just tied up, so he didn't interact with anything. Some of the other boats scrapped around on grouper or amberjack, but it is really, really hard for us to make a living when we can't grind on vermilion. I understand vermilion is a significant part of the northern people, and it's part of their package; but if you want professional fishermen, you need to let them go catch their fish; and if they something else they can do, then, fine; and if they don't, then their season is pretty much over.

MR. HARRIS: I've said at the last couple of meetings I believe with respect to trip limits here that Georgia would be disadvantaged because of the distance that they have to run to get to the fish compared to some of the other states. That's what Charlie is saying; they've got to run so far, they make the longer trips, and they need to be able to bring back in what they catch and not be limited to some kind of smaller trip limit.

DR. CRABTREE: Well, I understand your concerns, but it seems to me we need a trip limit. I think the AP recommended, what, a thousand pounds?

MR. CURRIN: The AP did recommend 1,500 pounds, I believe.

DR. CRABTREE: And I don't know if this would work or not, but I wonder would it be possible to have the trip limit apply in the EEZ off of Florida, South Carolina and North Carolina but not in the EEZ off of Georgia.

MR. CURRIN: You're going to do that without allocating some portion of the catch to – which we can't do here.

DR. CRABTREE: Yes, it would have to be done without allocating anything.

MR. PHILLIPS: A lot of those boats, Phil's boats, they come out, they work all the way down that ledge.

DR. CRABTREE: Okay, never mind.

MR. PHILLIPS: And those boats in Florida, when they're not hitting fish or the tide has got them, they've got to work all the way up that ledge. I talked to Otha in law enforcement, and he was not particular about trying to track a thousand pound trip limits, 1,500 pound trip limits. And I for one don't want my boats to have to deal with it. True, nine out of ten of them can probably hit that. I don't want to deal with that other one that's not hitting that.

MR. CURRIN: Charlie would probably love that, Roy, because then they'd all come down to Georgia and sell all the fish to him in his fish house.

DR. CRABTREE: I withdraw my idea.

DR. CHEUVRONT: I'm sorry you did that, Roy. I kind of liked that idea, but okay.

MR. CURRIN: Well, again, I'm one of the people that brought this forward to the council and asked that it be analyzed and considered because of folks in my area – and granted, Charlie, many of them are small boat fishermen are very, very interested in this to try to prolong their season. Interestingly, I'll point out to you at the AP meeting – and you were there – Mark Marhefka, who is a pretty big boat fisherman and at least in the past has made week-long trips, seemed to appreciate the 1,500 pound trip limit and spoke in favor of it there. I think he sees the fishery changing. He is threatened by the early closures. He is having to change the way he fishes. Anyway, just to relate that to folks who know Mark and know his history. Tom.

MR. BURGESS: Yes, I spoke to fishermen in North Carolina and they were in favor of a trip limit on the B-liners. I spoke to one fisherman at my fish house and he said with a 1,500 pound trip limit you can still stock 7 grand in a week because you'll have grouper and triggerfish and everything else.

I've talked to quite a few fishermen who are really interested in lengthening the season and try to get away from the discards, to have some of each species so that they can make a trip and make each of the – make the B-liners last a little longer and work through the groupers and things of that nature. This fisherman asked if he could – under Alternative 3, a 1,500 pound trip limit, he was interested very much so that when 75 percent of the quota was caught to go to 500 pounds. If could add a subalternative, if that's okay.

MR. CURRIN: Well, let's deal with this. We've got Charlie's to not establish trip limits. All right, any further discussion on that motion? Robert.

MR. BOYLES: Just for clarification, Jack, we understood a 1,500 pound trip limit would extend the season approximately two weeks in both seasons?

DR. McGOVERN: That's correct, on Table 4-14 and 4-15 it shows approximately when it would be met, but that's based on 2009 conditions; so you pick different years, you'd have different times when it would be met.

MR. BOYLES: The way I see that, that's an extra month of fishing. I mean, I'm sensitive to the Georgia situation, but we've heard folks time and again come and talk about trip limits as a way of allowing them to fish longer. I would vote against that motion on the board in favor of finding a way to give these guys an opportunity to fish a little bit more steadily.

MR. CURRIN: Other comments or discussion on this motion? **All in favor of the motion raise your hand, please, 3; all opposed, 8. That motion fails.** Okay, again, we've gotten the AP's recommendation of 1,500 pounds. Tom, I think you said you had talked to a fisherman that wanted a hybrid of Alternative 3 and 4, which cuts the trip limit back after 75 percent of it.

MR. BURGESS: Yes, that's correct, under Alternative 3 a subalternative when 75 percent of the quota is met, to reduce the trip limit to 500 pounds.

MR. CURRIN: Is that a motion to add a subalternative under 4?

MR. BURGESS: Yes, it is. No, under 3.

MR. CURRIN: I'm sorry, 3. Motion by Tom to add a subalternative under Alternative 3, such that when 75 percent of the commercial ACL is projected to be met, the commercial trip limit would be reduced to 500 pounds. Second by Ben. Discussion on that motion? Again, the motion is just to add an alternative at this point. Charlie.

MR. PHILLIPS: Just to not beat a dead horse, but we definitely can't go fishing for 500 pounds. If they want to do it off North Carolina, then we'll draw a line up there.

DR. CHEUVRONT: They're not go to really target them off of North Carolina for 500 pounds either. This is a way to allow, when these guys are still fishing – and they're still going to encounter these fish when they're going after gags or whatever. This is basically to keep from throwing dead fish back overboard and at least let them bring them back and sell them when they're targeting something else.

MR. HARTIG: And exactly, Brian is right, and you may see if fishermen are able to try this, if we approve that at some time, it may be that they find a value in being able to have vermilion as a bycatch at that – to be able to go and target the other species.

MR. CURRIN: Okay, again, we're going to have some more discussion later on this, I'm sure, if it comes up as a preferred, but this is just a motion to add it as an alternative. The motion is to add a subalternative under Alternative 3 that would reduce the trip limit to 500 pounds when 75 percent of the commercial ACL is projected to be met. **Is there any objection to the motion? I see two in opposition. That motion is approved.** All right, Duane.

MR. HARRIS: Mr. Chairman, I would like to add an alternative that would establish the trip limits only for the state of North Carolina for vermilion snapper.

MR. CURRIN: Motion by Duane to add an alternative that would establish limits only in the state of North Carolina. Second by Charlie. Discussion? Duane.

MR. HARRIS: I recall most of the people that have spoken in favor of trip limits for vermilion snapper were North Carolina fishermen. Maybe I'm wrong, but I don't remember fishermen from the other states speaking in favor of trip limits on vermilion snapper. I know most of the North Carolina guys from what I've heard want trip limits, and I think it would help them. I think this is a reasonable compromise.

MR. HARTIG: Well, with all due respect, without any trip limits in the rest of the area, you're not going to extend the season, so it would defeat the purpose of having the trip limits in the first place.

DR. CHEUVRONT: Right now the majority of the landings are coming from North Carolina and Florida. If we put the trip limits only in for North Carolina, the rest of it is going to be taken up basically in Florida. I was just whispered in my ear that a lot of the Florida fishermen actually are in favor of the trip limits as well.

MR. CURRIN: Do you want to modify your motion, Duane?

MR. HARRIS: Mr. Chairman, I want to modify my motion to include Florida in that.

MR. CURRIN: Were you serious about modifying it to include Florida, Duane?

MR. HARRIS: If I can get a second based on what we just heard.

MR. CURRIN: Charlie, are you okay with that. The motion as it has been modified is to add an alternative that would establish trip limits only for the states of North Carolina and Florida. I have to agree with Ben. I don't think the folks in North Carolina would like that approach as well. Again, we're just adding an alternative now. Discussion? Robert.

MR. BOYLES: Monica, is this not an interstate commerce issue?

MS. SMIT-BRUNELLO: What? Would you repeat the question? I'm reading something else as well, multi-tasking.

MR. CURRIN: We have a motion that is up on the board now that has been offered by Duane to establish trip limits for the states of North Carolina and Florida but not implement them elsewhere. This is just to add an alternative.

MS. SMIT-BRUNELLO: Well, I think you have some National Standard 4 concerns, but if you can build the rationale and record as to why this is a good idea and doesn't conflict with National Standard 4, then you're fine. I think you just have to build the record for it. It's not automatically wrong.

MR. CURRIN: Okay, further discussion on the motion to add this as an alternative? Charlie, last word.

MR. PHILLIPS: Okay, I've talked to a lot of these fishermen and catch shares have become a dirty word lately, and a lot of people think they're either going to get trip limits or they're going to get catch shares. They've got to have one or the other.

When I talked to some of the fishermen that used to be with me and are down in Florida now, and they said, "Well, we wanted trip limits because we don't want catch shares." And I said, "Well, what if you just left it alone?" "Oh, we didn't know that was really an option." So, there is a significant number of people that are trying to do something so they don't have the feeling that catch shares are their only other option. I just want that out.

MR. CURRIN: All right, and we'll have some of this conversation again if this gets selected as a preferred, I presume, so let's go ahead and decide whether we want to add this into the Regulatory Amendment 9. **All in favor of adding this as an alternative in Regulatory Amendment 9 raise your hand, 3 in favor; all opposed, 8 opposed. That motion fails.** Tom.

MR. SWATZEL: I would like to move to make Alternative 3, establish a 1,500 pound commercial trip limit, as a preferred alternative and also add the subalternative that would reduce the trip limit to 500 pounds when 75 percent of the commercial ACL is projected to be met.

MR. CURRIN: That's a motion by Tom and second by Ben. That is the subalternative that Tom offered up and was added to the document. I guess it will be Subalternative 3A. Discussion on that motion? Tom.

MR. SWATZEL: I've certainly heard a lot in South Carolina and more particularly in the Murrells Inlet area about the need for trip limits. I know it's controversial, but I think there is certainly an agreement that something needs to be done to be able to extend the fishing seasons, and I think this is certainly a step in the right direction. We can certainly take it out to public hearings and see what is going to be said.

MR. CURRIN: Okay, further discussion? **All in favor of the motion raise your hand, 9; all opposed, 2. That motion is approved.** Ready to move on, Jack.

DR. McGOVERN: Okay, the next action is for gag on PDF Page 99. There are three alternatives. Currently the commercial ACL for gag is 252,940 pounds. The quota would have been met in 2007. It's not going to be met this year. It would not have been met last year. The analysis was based on 2007 data. With a 1,000 pound trip limit, the quota would have been met in December of 2007. It would not have been met if the quota was reduced to 100 pounds when 75 percent of the ACL was met, and the quota would not have been met with a 750 pound trip limit.

MR. CURRIN: Okay, Kenny and the AP weighed in on this one as well.

MR. FEX: The AP considered a thousand pound gag trip limit with a starting season date of May 1st for each year and a reduction to 100 pound gutted weight of gag grouper when 90 percent of the quota has been met.

MR. CURRIN: All right, what is your pleasure here with gags? The people I heard from, as I indicated earlier, had trip limit suggestions from 750 to a thousand, and I would note that North Carolina last year implemented I think a 750 gag trip limit.

DR. CHEUVRONT: Per day.

MR. CURRIN: Per day, yes.

DR. CHEUVRONT: So if you had a multi-day trip you could have multiple.

MR. HARTIG: I would move the AP's recommendation.

MR. CURRIN: Okay, Ben moves the AP's recommendation which is a 1,000 pound trip limit for gag with a season starting on May 1 and to reduce the trip limit to 100 pounds

gutted weight when 90 percent of the quota is met. Again, I think that is an effort for bycatch. Is there a second; Charlie seconds.

MR. PHILLIPS: Second with a friendly amendment that we do a thousand pounds or the appropriate head count so we'll make it much easier on law enforcement.

MR. CURRIN: Charlie's friendly amendment or suggestion is to convert the thousand pound trip limit to a number of fish. I know we at one point had that calculation. Mark Marhefka used to throw it around. I forget what it was. Jack, do you recall?

DR. McGOVERN: I think the science center would have to provide us some kind of conversion.

MR. HARTIG: I believe the thousand pounds – the ones we catch are like 15 pound average. I can't speak for North Carolina, but it's still quite a few fish. The problems I see with this and trying to help law enforcement is in Florida when you have to take these fish out in the heat and things – and we have had to do it with king mackerel – you have quality concern that creeps up where the fish start to get warm when you start to count a large number of fish. I think a thousand pounds is just too large to accommodate law enforcement on this.

MR. CURRIN: And there are also high grade concerns when you start doing that as well.

MR. PHILLIPS: Well, you've got to remember now when we did pink porgies – that was only 200 pounds or whatever that was – we went to a fish count or head count just to make it easy for law enforcement and make it easy for the boats. I think a professional commercial fisherman is not going to be high grading, and I think you're going to average out.

DR. CRABTREE: I think this one is administratively going to be very difficult to pull off because we're usually projecting the closure date before 90 percent of it is caught, and you're going to get into a whole lot of projecting and everything that's going to really throw us off because it's going to be hard to know how much that is going to slow the closure dates and all. I think this one is difficult to do administratively.

MR. CURRIN: I kind of gathered that might be a problem. Further discussion on this motion? **All in favor of the motion raise your hand, 8 in favor; opposed, 2 opposed; any abstentions, 1 abstention.** Okay, now, Ben, your motion was to adopt the AP's recommendation. Was that intent to select it as a preferred, to add it as an alternative and select it as preferred or was that just to add it as an alternative? The motion was approved.

MR. HARTIG: Well, my intent was it to be a preferred alternative.

MR. CURRIN: Was that clear to everyone in the vote? We have voted and we were trying to determine what we voted on, whether we voted to add it as an alternative, as some understood, or to select it as a preferred, as others understood.

MR. HARTIG: Mr. Chairman, since the rest of the people who voted did not think it was going to be a preferred alternative, I will move that as an alternative to be considered.

MR. CURRIN: What do we need to do, just clarify that motion, read it again? We've already voted on it and it has been approved.

MR. HARTIG: Well, what I wanted to do was –

MR. CURRIN: Well, if it's unclear and some people were confused – Duane, you voted in favor of it; you can make a motion to reconsider if you'd like.

MR. HARRIS: Well, I voted in favor of it because I thought it was just to add it as an alternative and not make it the preferred. I don't know if we need a motion to reconsider it. It was adopted as it was, but it was not as a preferred. If you want to make it a preferred, I think it's cleaner to make a motion that it become the preferred.

MR. CURRIN: Then we'll proceed that way, so that motion has been interpreted as adding this alternative as an alternative to the Regulatory Amendment 9, so now what do we want to do about a preferred for this issue? Mark.

MR. ROBSON: Well, I'd like to hear a little bit more from NOAA regarding the problem they encounter with the trip limit and the reduction.

DR. CRABTREE: Well, I think it is going to be difficult for us to do because, like I said, we'll be projecting the closure date before 90 percent of the quota is caught. What I'm going to ask my staff to do is to go between now and the next meeting to really look and see how much of a problem it is.

If I come back at the next meeting and tell you administratively we can't do this, you can interpret that to mean that we won't approve it, but I'm not prepared to say it at this point. I'd like to do what you guys want to do, but I don't want to set us all up for just a big mess because we can't do it from an administrative point of view.

MR. ROBSON: Well, Roy, does that apply to the 75 percent as well or is that more of the standard that you all look at?

DR. CRABTREE: We've done 75 percent in the past and that gives us a little more working room than 90. I think we've okay with doing that. Administratively it's easier not to have these triggers, but 75 we've done in the past and we've been able to live with it.

DR. CHEUVRONT: I would like to make a motion that we make Alternative 2 our preferred alternative.

MR. CURRIN: Motion by Brian to make Alternative 2 – second by George. Discussion on that motion? Brian, is your intent with that strictly just to establish a 1,000 pound trip limit?

DR. CHEUVRONT: That is correct because if I'm not mistaken, based on the landings in the past, that if we did it at 75 percent, we wouldn't take up all the quota if we did Subalternative

2A; and if we did just 2 the season would last through about mid-December and it would close January 1, anyway.

MR. HARTIG: Well, I don't know if it will with a hundred pounds at 75 percent.

MR. CURRIN: That's not his motion. His motion is just to establish a 1,000 pound trip limit for tag. Further discussion on that motion? **All in favor of that motion raise your hand, please; any opposed. All right, that motion is approved.** All right, Jack, isn't that it in Regulatory Amendment 9?

DR. McGOVERN: One more action. This is on PDF 104. It's a trip limit for greater amberjack. Currently there is 1,169,931 pound ACL for greater amberjack. Alternative 2A would increase the greater amberjack commercial trip limit to 2,000 pounds; 2B would increase it to 1,500 pounds. Alternative 3 would change the trip limit to 2,000 pounds for vessels making multi-day trips north of Cape Canaveral. The way the IPT has defined a multi-day trip is one that lasts for more than one day. For all other trips, the 1,000 pound trip limit would apply.

Alternative 4 would change the commercial trip limit to 2,500 pounds for vessels making multi-day trips north of Cape Canaveral, and for all other trips it would be a thousand pound trip limit. Under all these alternatives, the commercial ACL would not be met. The effect of all these different trip limits, the expected catch is shown on Page 106, Table 4-28.

DR. CHEUVRONT: I would like to make a motion that we select Alternative 4 as our preferred alternative under Action 4.

MR. CURRIN: Motion by Brian; second by Charlie to select Alternative 4 as the preferred. Discussion? Kenny, what was the AP's recommendation here?

MR. FEX: The AP talked about it and they didn't see no reason for action. They thought a thousand pounds trip limit was substantial.

DR. CRABTREE: My concern – and I'm going to ask Otha – I don't know how in the world enforcement would know whether they're on a multi-day trip or not, and so I'm going to ask Otha is this enforceable?

MR. EASLEY: The short answer to that is no. Many of our trip limits are enforced at the dock. We don't know when they took off. Even at-sea boarding by the Coast Guard or state partners, it would take a great effort to investigate when they left and such, so this is a tough one.

MR. CURRIN: Yes, I think when things like that are done, typically a call-in system is used or hail in and hail out sort of thing, and that is difficult. Roy.

DR. CRABTREE: Yes, I'd offer a substitute motion to move Alternative 3 and 4 to the considered but rejected.

MR. CURRIN: Substitute motion by Roy to move Alternatives 3 and 4 to the considered but rejected; second by Duane. Discussion on that motion? I think the consideration is for law enforcement and the unenforceability of those as the primary impetus or rationale for that. Any discussion on that motion? **All in favor of that motion raise your hand, please, 11 in favor; any opposed. That motion is approved; I see none opposed.** Duane.

MR. HARRIS: Mr. Chairman, I would move that Alternative 2A be our preferred alternative. That's to increase the greater amberjack commercial trip limit to 2,000 pounds.

MR. CURRIN: Motion by Duane; second by George to select Alternative 2A as the preferred. That's to increase the amberjack commercial trip limit to 2,000 pounds. Discussion?

MR. HARRIS: Mr. Chairman, I'll speak to the motion, if I could. I've been hearing from Paul Nelson down off the coast of Florida that we've not ever met the quota or the ACL for amberjack and they're limited to a thousand pound daily trip limit. They just said, "You know, it's ridiculous that we're limited to that when we can't even catch the quota." I told him I'd do whatever I could to try to increase that daily trip limit for amberjack.

MR. HARTIG: And I appreciate that, Duane. I've been involved in this fishery since it started, and I appreciate that. We didn't want any higher than a thousand pound trip limit where we are because we don't think the fishery can withstand the day trips of over a thousand pounds. I have had problems with the assessment.

I wasn't involved in the last one; I was involved in the prior one. There are some problems that we see with the assessment. I mean, we watched the fishery literally crash when the science was still saying you can still fish; it's still healthy, in fact. But there were two years there when that I was going on where I couldn't hardly catch a legal-sized amberjack.

So, yes, the fishery has come back; yes, we are seeing the average size increase; yes, we are seeing fish in the 80 to a hundred pounds again, which we saw before. However, the volume of those fish that we see is not there yet. I would be hesitant – and I talked to a guy in the Keys, too, before I came, twice, and he called me when I was up here, and he is in the same boat as me.

He has been in the fishery the whole time and he sees the same things I'm seeing, but he's still not – he doesn't want to go over a thousand pounds. He'll travel 75 miles one way to catch them at times. That's why I would speak against the motion. I think it's too much too soon, and there is probably a reason why we're not catching the quota that you might think about. If they were as easy to catch, we may be producing more fish.

MR. CURRIN: And that same sentiment was shared by a number of people at the AP that were from southern Florida as well, Duane, and I share Ben's sentiments on that, too.

MR. HARRIS: Well, I appreciate anything Ben has to offer with respect to this issue. Would you be willing to compromise at 1,500 pounds, Ben? I mean, I would offer that as a substitute motion if that – I mean, we can either vote it up or down, but a compromise might be –

MR. HARTIG: No, to hear what people have to say, 1,500, yes, that's fine, we'll do that, but I think – well, you'll hear it.

MR. HARRIS: Mr. Chairman, I would offer to amend my motion to 1,500 pounds, if it's okay with the seconder.

MR. CURRIN: Motion by Duane to amend the previous motion to reflect a 1,500 pound daily trip limit for amberjack.

MR. GEIGER: And it's okay with me if we call the question.

MR. CURRIN: Alternative 2B is the preferred then. Is there a second?

MR. GEIGER: It's fine with me if we call the question.

MR. CURRIN: All right, the motion is to select 2B as the preferred. **Is there any objection to that motion? I see none; that motion is approved.** Okay, now we've got one last thing to do with this Regulatory Amendment 9; do we not? Robert.

MR. BOYLES: Mr. Chairman, I recommend that we move Regulatory Amendment 9 for public hearings.

MR. CURRIN: Motion by Robert to recommend to the council to approve Regulatory Amendment 9 for public hearing; second by Brian. The motion is to approve Regulatory Amendment 9 for public hearings. Discussion on that motion? **Any objection to that motion? I see none; that motion is approved.**

MR. HARTIG: Myra, how much public comment do we get on a regulatory amendment?

MS. BROUWER: I guess that would depend on what is being proposed. I don't have an answer for you, sorry.

MR. CURRIN: Bob just said, Ben, that we'll probably get a fair amount on this. We've had considerable input into this amendment during its development.

MR. HARTIG: Well, the reason I asked I think I remember a regulatory amendment previously on the council you only had to take public hearing at the meeting before you approved it. Is it the intent of the council to do more public hearings than that for this regulatory amendment?

MR. MAHOOD: Yes, I think we're going to take this out to public hearing because we're going to go out to public hearing with a number of things; and that is why I said because of the multitude of things we're taking out I think we'll hear a lot about the suite of amendments and regulatory amendment or whatever we're taking out. I expect a good turnout as we get down into Florida.

MR. CURRIN: Okay, Jack, thank you very much. Before we get away tonight, I would like to try to do one more thing. We considered Regulatory Amendment 10 earlier. As a committee, if we can just grab those two or three motions, whatever they were, and let me present those from the committee to the council and have those approved tonight, and then, Mr. Chairman, it's up to you what we do after that. I think we're all getting tired, but I'd like to take care of that, if we can.

MR. CUPKA: We still have a lot to cover. We can come in early in the morning, but we do need to finish these snapper grouper amendments if we can. There is no way that we'll probably adjourn at our regular time tomorrow.

MR. CURRIN: I'm willing to stay. We've got Amendment 24, which shouldn't take too long, and we do need to approve that for scoping, so I'll stay as long as you want. If you want to do that tonight, we can. Okay, on behalf of the committee I've got a number of motions that I'd like to bring to the council.

The motion is to select Alternative 11 as the preferred for Regulatory Amendment 10. Is there any discussion on this motion? Any objection to the motion? I see none and that motion is approved.

On behalf of the committee, I would move that we add discussion in that document that the Southeast Fisheries Science Center provide an interim update on the status of red snapper in early 2012 and that it be reviewed by the SSC. Is there discussion of that motion? Any objection to that motion? I see none; that motion is approved.

On behalf of the committee, I move to remove Alternatives 12, 13 and 14 and Action 2, the sunset provisions, and put them in the appendix. Is there discussion of that motion? Any objection to that motion? I see none and that motion is approved.

On behalf of the committee, I move that Regulatory Amendment 10 be approved for submission to the Secretary of Commerce. Do you have to do a roll call on that, Bob?

MR. MAHOOD: Mr. Cupka.

MR. CUPKA: Yes.

MR. MAHOOD: Dr. Cheuvront.

DR. CHEUVRONT: Yes.

MR. MAHOOD: Mr. Boyles.

MR. BOYLES: Yes.

MR. MAHOOD: Mr. Burgess.

MR. BURGESS: Yes.

MR. MAHOOD: Mr. Geiger.

MR. GEIGER: Yes.

MR. MAHOOD: Mr. Harris.

MR. HARRIS: Yes.

MR. MAHOOD: Mr. Hartig.

MR. HARTIG: Yes.

MR. MAHOOD: Mr. Haymans.

MR. HAYMANS: Yes.

MR. MAHOOD: Mr. Phillips.

MR. PHILLIPS: Yes.

MR. MAHOOD: Mr. Robson.

MR. ROBSON: Yes.

MR. MAHOOD: Mr. Swatzel.

MR. SWATZEL: Yes.

MR. MAHOOD: Chairman Currin.

MR. CURRIN: Yes.

MR. CURRIN: Dr. Crabtree.

DR. CRABTREE: Yes.

MR. MAHOOD: It's unanimous.

MR. CURRIN: All right, I guess what we do next depends on how much longer you want to stay. **Okay, another motion from the committee to provide staff editorial license to make changes to the document and ready for submission to the Secretary of Commerce. Is there discussion of that motion? Any objection to that motion? I see none; that motion is approved. We need a motion to deem the regulation as appropriate and necessary. Motion by Duane; second by Robert. Discussion on the motion?**

MR. MAHOOD: If we're going to give editorial license, the way we've done this before is once all the editorial stuff has been done and if there are any changes to the regulation because of that, your chairman has been given the authority to deem them as complete.

MS. SMIT-BRUNELLO: Well, we've had the council deem them, but then said that if there are any changes, you all would give the chairman the authority to be the redeemer.

MR. CURRIN: Do you want to do that in another motion or add it to this one?

MR. HARRIS: Mr. Chairman, I would add that if there any changes and it needs to be redeemed, that the chairman be given the authority to redeem it.

MR. CURRIN: Okay, the motion then is to deem regulations as necessary and appropriate; and if there are any changes, that the chairman be given the authority to redeem them. Further discussion on that motion? Any objection to that motion? I see none and that motion is approved.

Okay, what's your pleasure, folks, for the rest of the evening? Well, we've got a couple we could do real quickly, I think, if we wanted to do quickly tonight or quickly tomorrow. What time do you want to come in the morning? We've got 60 motions to go through with ACL, but I'm hoping I can approach them the way I did the last time when we had 195 or whatever it was.

MR. CUPKA: If you want to come in earlier, we can do that.

MR. CURRIN: All right, let's just recess until 7:30 in the morning and come in ready to go, and let's take care of the ACL and present all those motions. We'll run through those real quick and then jump right back into our schedule and do 24 and 18B, 20 and 21.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened as the Committee of the Whole in the Hilton New Bern/Riverfront Hotel, New Bern, North Carolina, Friday morning, December 10, 2010, and was called to order at 7:30o'clock a.m. by Chairman Mac Currin.

MR. CURRIN: Good morning, everyone, we will reconvene as a Committee of the Whole dealing with snapper grouper. My plan this morning is to go back and present the motions in groups from the Comprehensive ACL Amendment, which we approved as a committee, but the council needs to approve.

If it's okay with everyone, I would like to approach it somewhat like I did at the last meeting when we had so many motions, and I would like to present them as actions. The largest one has six motions within that action so we'll go through and approve all the motions under each action. I will give you a moment to look at those to make sure everyone is okay with them. We do have a couple of things to take care of that we skipped over and neglected during our committee deliberations on the ACL.

Everyone should have a copy of the summary report, and Myra has got those up on the screen as well, I believe. Okay, you don't have the summary report; I've got it. You will get it. **Anyway, on behalf of the committee regarding Action 1 there were three motions, numbers one, two and three, and on behalf of the committee I would move approval of those three. They will be on the screen, Roy. Myra said she has not sent a copy of that report yet. I've got a draft copy yesterday. Is there discussion on the motion? Is there any objection to that motion? I see none; that motion is approved.**

Action 2, the motion from the committee is under Action 2, change the preferred to Alternative 1. Discussion of that motion? Any objection to that motion? I see none; that motion is approved.

Under Action 3, there are two motions; numbers five and 6, establish species groupings, and on behalf of the committee move approval of those two motions. Any discussion of that motion? Any objection to that motion? I see none and that motion is approved.

Under Action 4 there are three motions, numbers 7, 8 and 9. On behalf of the committee, I move approval of those motion. Any discussion of those motions? Any objection to those motions? I see none and that motion is approved.

The next action from the committee was a discussion on the ABC Control Rule. There is a section there that is on the board. I think, Roy, you wanted to have some further discussion on alternatives here. Yes, go ahead, Myra, walk us through it.

MS. BROUWER: Up on your screen is the revised control rule action which combines former Action 4 and Action 5. Action 4 was for unassessed species and Action 5 was for assessed species. If you're going to adopt the SSC's control rule, which addresses both, the guidance was to put those two actions under one, so this is what we came up with.

Alternative 1 would be no action. Alternative 2 would be where applicable establish an ABC control rule where ABC equals OFL. That would be for species where the OFL is known, where we have an OFL. Alternative 3 for unassessed species, establish an ABC control rule where ABC equals a percentage of OFL or a percentage of the median landings 1999-2008 as appropriate.

This captures the SSC's suggestion that where the OFL is not known, that we refer to it not as an OFL but just the median landings. Those would be your subalternatives, 65 percent, 75 and 85 percent. Alternative 4 for assessed species, establish an ABC control rule where ABC equals a percentage of the yield at MFMT.

Here just a clarification that this, of course, does not apply to unassessed species, and you had made a motion to remove that alternative from Action 4 pertaining to unassessed species, but it would remain here for assessed species. Alternative 5 was reworded to again capture some of the nuances that had been left out.

For assessed species, establish an ABC based on the South Atlantic SSC's ABC control rule. For unassessed species, adopt the South Atlantic SSC's control rule but establish an interim ABC equal to 75 percent of median landings 1999-2008 until the SSC's control rule can be fully applied. Here I would like some guidance from perhaps Monica on the language that is highlighted. If you choose to adopt this rule, what exactly does that mean? Is that the appropriate language to have there?

MS. SMIT-BRUNELLO: So you're asking me whether the highlighted language is appropriate? I don't see an issue. Is there something I'm missing? It seems like it would be appropriate.

MS. BROUWER: Well, it was my understanding that if the council chooses to adopt that rule, even though it has not been finished and cannot be fully applied right now, that it would not necessitate another amendment in order for it to be applied later on when the SSC gives us those values next year. But then you might be in a position where once you adopt it, you can't choose a different approach. That is the caveat that I was concerned about.

DR. CHEUVRONT: To that point, I think one of the things that we're talking about is would this preclude us from then later looking at the Gulf's ABC control rule and potentially adopting some version of that. If this being our preferred and it goes forward, would it stop us from doing that?

MS. BROUWER: It would and there is another alternative. I haven't gotten through all of them yet, but there is an alternative that was added per your suggestion, Alternative 7, and that is again for assessed species you would stay with our SSC's control rule, but for unassessed species you could establish an ABC based on the Gulf Council's SSC's ABC control rule where the ABC is 1.5 standard deviations above mean landings. Again, this deviates a little bit from the guidance we've received from our SSC to use the median landings.

MS. SMIT-BRUNELLO: So a couple of issues I see, and I'll address the last one first on adopting the Gulf's SSC control rule. I see no problem in bringing that out and getting comment on it, but I think at some point your SSC needs to look at that and decide whether they want to go that route, too.

But going back to your original question about the fact that the ABC control rule isn't finished yet from the SSC, you've kind of got a couple of things moving parallel a little bit down the track. If you want to put that as your preferred, you just note that it's still in draft form, I guess, in the discussion, and you have the option when you look at it again to say, no, we don't like it, please go back, and then you have other alternatives. As long as everybody is aware that it's not finished – and I'm not sure when it's scheduled to be finished; I don't know.

MS. BROUWER: My understanding – and, John, if you're around, correct me if I'm wrong, but the SSC will revisit this next year, but the portion that is left to be completed is the very last tier for the unassessed species. Based on discussions at the National SSC Meeting and conversations with SSC members, I don't know if that portion is going to be fully completed anytime soon. What we have currently is what we're going to get for some time.

MS. SMIT-BRUNELLO: Right, so you look at what you've got and you decide whether it's appropriate to use; and if it's still in draft form, it's in draft form, but if you all adopt it as an approach you want to use here, then that's what you're going to use until you change it. But I don't know that it locks you in forever to this sort of thing if the SSC is still looking at it. I mean, it's a little hard to figure out when that all is going to be finished.

MR. CARMICHAEL: The last tier, their intention there is to partially use the table that is put forth by Rick Methot, which just allows you a way of quantifying the information within there and breaking that out to a degree whether or not you think the landings are significant or low and whether or not there are signs of overfishing or overfished having occurring, and then it gives them sort of some guidance in terms of where they might set the ABC given that.

So the thought from the SSC is that Tier 4 though remains a bit open ended, and I think one of the reasons they feel that is because in dealing with things like sargassum and golden crab and the aspects of wreckfish, corals, they realize that with many of the species that the council faces, it is really hard to go and apriori and prescribe exactly what you're going to do in every circumstance because there is such a wide range of circumstances they face. So not that I would say that it's incomplete; it's that it's probably not going to be strictly prescribed at any time.

MS. SMIT-BRUNELLO: When do they meet again?

MR. CARMICHAEL: They meet again in April, and their intention is to use a four-level table that was put forth by Rick Methot as part of the data-poor group. It's probably going to be another year, what we're told, before the data-poor group that came out at last year's National SSC comes up with a full report.

It sounded like every council is working on this and maybe over time we'll learn more about that sort of final tier, and we'll revise this as some information comes together, but I think at this point in time it's probably better to leave it a bit open because that's the area where the SSC can then judge all the information that is available and apply it's best scientific judgment to the problem.

MR. HARRIS: I don't have any problem leaving it open right now, but aren't we taking this to public hearing in February; and if we are and we have a preferred alternative and we don't really know what that preferred alternative is other than this language and some member of the public picks up on that and asks me, chairing the meeting, well, what is that alternative, and I say, well, it's open ended right now; where does that leave us?

MS. SMIT-BRUNELLO: But shouldn't the alternative be descriptive enough for you – I mean, there's going to have to be some work done so that it's descriptive enough for you, one, to know what it is; and, two, to describe it to the public.

MR. HARRIS: But they're not meeting again until April and these public hearings are in January and February; aren't they?

MS. BROUWER: Yes, they are, but we would have – if you adopt it the way it is now, we would have values for everything because you would be using the 75 percent of the median landings; and then for those species that are special cases such as sargassum and wreckfish, we already have ABCs from the SSC put in place.

MR. HARRIS: Okay, I'm okay. Thank you, I just wanted to make sure that I'm not going to be sitting there going –

MS. SMIT-BRUNELLO: So, maybe that needs to be rephrased slightly, right? If you've got values for the unassessed species, you want to put that in the description. I would urge you not – I will tell you at some point not to adopt something that is not finished, but you don't know what it is.

MS. BROUWER: In the document this action is followed by a table that shows what those values would be for all the species in the FMU, so we do have values for everything.

MR. CURRIN: I'm not as concerned about the confusion because I think as long as it's explained properly, there is a caveat there that has an interim that would use 75 percent of the median landings. What concerns me is using 75 percent of the median landings. I mean, the median landings, we had a lot of discussion of that yesterday, I think are extremely conservative.

Again, it puts forth a tacit assumption that we've been overfishing for 50 percent or more of the entire time series of whatever selected landing stream you use regardless of what selection that you make. It takes no account of trends in those landings, what is going on with the stock, how many people are fishing, nothing. I'd be a whole lot more comfortable as an interim using median landings if we have to or average landings over that timeframe for data-poor stocks that we know very little to nothing about. John.

MR. CARMICHAEL: And when the SSC reconsidered the control rule the last time – they discussed this in August and it came up again in November – there are some SSC members who have raised that same concern of using a median as an estimate of the OFL because of the implication that overfishing then is occurring by definition in at least half of the years. So, that's why they're very interested and were very willing to reconsider the control rule that was put forth and I think recognized that the interim step that we're at here is conservative.

MR. CURRIN: Well, I view it as ultraconservative. I would view just using the median landings as conservative. I don't know how that meshes – I mean, that may be not the advice we've gotten from the SSC so far, but we also understand that they're looking at this and realize there are some problems as well. Myra.

MS. BROUWER: And if you look at the new Alternative 7, that does give you the option of deviating from that slightly and continuing to use some of what our SSC has recommended, but then perhaps using the various tiers in the Gulf Council's ABC control rule for unassessed stocks. That is what Alternative 7 would do.

MR. CURRIN: Yes, and I understand that and I'm fine with that as an alternative; but from what little I know about it now, it seems to be carrying it a little bit too far, the Gulf's approach at this point. I would view the use of the median landings as somewhat in between our current preferred and the alternative regarding the Gulf landings.

But if you're comfortable with the current preferred at 75 percent of the median landings equal to the ABC, then that's where we are. If you want to change that, now is the time to do it. I think in answer to your question, from my perspective, Roy, you certainly need to comment on the revisions of combining Actions 4 and 5 together appear to be adequate.

DR. CRABTREE: I think with this short time to look at it, it seems okay. I think staff is going to have to go through it pretty carefully and see if they catch anything.

MR. CUPKA: So the only flexibility we have at this point, really, is in regard to the percentage because the SSC has recommended that we use the median values, so we couldn't change from median to mean or average, but we could I guess change the percentage; is that correct?

MS. BROUWER: Yes, that's correct.

DR. CHEUVRONT: Then maybe it might be appropriate to add a new subalternative that we take a hundred percent of the median as one of our choices, because right now I think we have 65, 75 and 85, so ABC equals 100 percent OFL or median landings 1999-2008, so that would Subalternative D, and gets us closer to the number that you were thinking about, Mac, which I share your concern for the overly conservative nature of what we've got right now.

MR. CURRIN: Is that a motion to add that Subalternative 3d?

DR. CHEUVRONT: So moved.

MR. CURRIN: Motion by Brian to add a Subalternative 3d that sets ABC equal to 100 percent of either OFL when known or median landings from 1999-2008. Is there a second? Second by David. Discussion? Roy.

DR. CRABTREE: Well, according to the guidelines if you set ABC equal to OFL, there will be a presumption that overfishing is occurring unless you're able to provide a justification and rationale, which I'm not sure you have, as to why that's not the case. I think your issue here is with the way the OFL is being set. I think the SSC did that, when, John, a year ago practically – April of last year. You've got a lot of new people on the SSC. I'd send this back to the SSC and ask them to relook at that – express your concerns to them and ask them why the Gulf Council approach at specifying OFL and then the ABCs from that is not appropriate and see what their response is..

MR. CURRIN: Well, I'm thinking of this more along the lines, Roy, of where we do not have an OFL, for those stocks where we don't have an OFL, and we're trying to determine an ABC where we don't have an OFL.

DR. CRABTREE: My concern, though, is whether you call median landings an OFL or not, I think you could argue we're essentially using it as an OFL. Maybe you can write up a rationale. I just point out to you that that alternative has problems with it being consistent with the guidelines, that you're going to have to be very careful and make sure you address it if that's where you come down. I think it's going to be difficult to do that.

MR. CUPKA: Well, what if we change it to something like 98 percent, but also I think we need to send this back to the SSC and have them look at the OFL issue.

MR. CARMICHAEL: The SSC put forth the median as an estimator of OFL at their April meeting, and it was in conjunction with the other control rule which was extremely conservative, as you guys noted, and then had them reconsider that and reconsider a number of specific species. So at the June meeting when you did that, the council put forth with accepting essentially at that time the OFL estimate based on the median, so the SSC was basically provided that information and didn't really talk about it in depth.

As I noted, there are several SSC members who have questioned what that implies in terms of the stock, and there are some who are uncomfortable with that. Given that the council essentially took that OFL and then set the 75 percent ABC as kind of a step while the SSC worked out the details further and has the time to apply the analyses of the current control rule, there is the possibility that you guys could choose some other approach for the interim step. I don't know that you would be crossing lines with the SSC if you were to do so.

MR. CURRIN: Well, if a hundred percent causes us some problems, then we probably ought to step it down some, but I view 75 percent as too much of a step down personally. Discussion on this motion? Charlie.

MR. PHILLIPS: Well, I'm not sure what the timelines would be, but what if we used the Gulf rule for an interim rule and sent what they've sent us back and let them sort it all out whether the Gulf rule is okay or how they want to do it and then let us use the Gulf rule as an interim rule and then send it back and let them redo it and bring it back to us.

MR. CURRIN: That's up to the committee. Duane.

MR. HARRIS: All we're trying to do right now is get a suite of alternatives to take to public hearing, and we want to make sure that suite of alternatives covers all the alternatives that we're likely to choose because then we don't have to bring it back to public hearings again as long as we've included those. If there is something in here or there is something that is missing from this list of alternatives, we need to add it and take it out to public hearings. Otherwise, if we change it later, then we've got to go back through that whole process again.

MR. CURRIN: Okay, we've still got this motion on the floor that Dr. Crabtree has advised us is likely not to pass muster. How do you want to deal with that motion; are you ready to vote on it?

DR. CHEUVRONT: I would like to modify my motion to add Subalternative 3D for ABC equals 95 percent of median landings of 1999-2008.

MR. CURRIN: Motion by Brian to modify that motion to add Subalternative 3D, ABC is equal to 95 percent of median landings from 1999-2008. Seconded by David. Further discussion on this motion? And, again, it's just adding an alternative. Any objection to the motion? I see none; the motion is approved. David.

MR. CUPKA: To Duane's point, he is right, and I think we've got a very broad range there now, because I think the Gulf Control Rule is high enough that anything we do is likely to be within that range of alternatives. I do think that the SSC, at some point, needs to revisit this issue and take a look at the whole issue of OFLs for some of these stocks.

MR. CURRIN: And I think it's captured in our discussion yesterday of adding the Gulf Control Rule, that we wanted the SSC to look at that Gulf Control Rule as well as I'm sure the other alternative that we just added. As John indicated, there is some concern and I think they're going to be looking at that whole issue.

All right, as it stands now we have added one more subalternative to this, the Gulf alternative is there, and we still have a preferred, but again we'll get another bite at the apple after public hearing. Is everybody okay with this action as it stands and combining these alternatives? Myra.

MS. BROUWER: The IPT had suggested moving Alternative 6 to the appendix because it is redundant. It is already incorporated in the SSC's control rule; so if we could get some guidance to go ahead and do that. And also for Alternative 7 you see I've left the years for you to decide if you want to stick with the 1999-2008 or pick different years for that.

MR. CURRIN: Is there a motion to move Alternative 6 to the considered but rejected? Motion by Brian; second by Duane. Discussion? As Myra indicated, it is redundant. Any objection to that motion? I see none; that is approved. Alternative 7, we need to supply a timeframe for that. Is 1999-2008 that we've used for the other alternatives appropriate to apply for the Gulf?

MR. HARRIS: So moved, Mr. Chairman.

MR. CURRIN: Motion by Duane; second by David to use the 1999-2008 timeframe to calculate the Gulf Rule. **All right, the motion is to use the 1999-2008 timeframe for Alternative 7. Is there any objection to that motion? I see none; that motion is approved.** Action 6 to specify allocations for the snapper grouper fishery; there were just some suggested word changes and guidance to the staff; no motions from that action.

Action 7 to establish annual catch limits for the snapper grouper fishery, there were two motions there; Motions 10 and 11. On behalf of the committee, I would move approval of those two. Is there discussion of the motion? Any objection to that motion? I see none; the motion is approved. Now we have one thing hanging that we left under Action 7. Myra, I'll turn it over to you. It is an action that we took on several other alternatives throughout here, but it just kind of fell through crack.

MS. BROUWER: Right, so under Action 7 you had selected to remove the subalternatives under each of the alternatives, and this is an action that you took for other similar actions in the document, so just for consistency I would need a motion to do the same here.

DR. CHEUVRONT: I make a motion that we move Subalternatives from, is it, 2, 3, 4 and 5. I forget how many total there were – 2, 3 and 4 to the considered but rejected appendix.

MR. CURRIN: Motion by Brian; second by Duane. Discussion on that motion? The motion is to remove subalternatives from Alternatives 2, 3 and 4 and put them in Appendix A. Any objection to that motion? I see none; that motion is approved. All right, are we okay there, Myra, until we get to Action 8?

Okay, we've got another measure to take care of in Action 8, but first like to offer, on behalf of the committee, approval of Motions 12, 13, 14 and 15 regarding AMs and ACTs. Any discussion of that motion? Any objection to the motion? I see none; that motion is approved. Now, I think, Myra, we've got one more item under Action 8 to take care of, is that correct, and that is to consider setting a commercial ACT.

MS. BROUWER: Right, on the screen are the alternatives for the commercial ACT, and you did not pick a preferred for this one. This is for snapper grouper species.

MR. CURRIN: If you recall what we did in similar circumstances I believe was modify Subalternative 2A to state that we would set no ACT for the commercial industry. Brian.

DR. CHEUVRONT: I make a motion that we select Alternative 2 and Subalternative 2A as the preferred for ACT.

MR. CURRIN: Motion by Brian to select Alternative 2 and 2A as the preferred; second by George. Discussion? Any objection to that motion? I see none; that motion is approved.

Action 9, there was one motion, specify allocations for the wreckfish fishery, and the motion on behalf of the committee is to select Alternative 3 as the preferred. Is there discussion? Any objection to that motion? I see none; that motion is approved.

Under Action 10, to establish annual catch limits for wreckfish, the motion from the committee is to remove subalternatives under Alternatives 2, 3 and 4 to the appendix. Is there discussion of that motion? Any objection to that motion? I see none and that motion is approved.

Under Action 11, there are three motions, 18, 19 and 20, dealing with accountability measures for the wreckfish fishery. On behalf of the committee I move approval of those three. Is there discussion of the motion? Any objection to that motion? I see none and that motion is approved.

Under Action 12 there are five motions regarding management measures for wreckfish; 21, 22, 23, 24 and 25. On behalf of the committee I move approval of those motions. Is there

discussion of the motion? Any objection to that motion? I see none and that motion is approved.

Action 15, black grouper annual catch limits, two motions, numbers 26 and 27. On behalf of the committee I move approval of those motions. Discussion of the motion? Any objection to that motion? I see none; that motion is approved.

Action 16, there are five motions, 28, 29, 30, 31 and 32. You will note that there were substitutes under 32. On behalf of the committee I would move approval of those. Discussion of the motion? Is there any objection to that motion? I see none; that motion is approved.

Action 17, there are three motions, numbers 33, 34 and 35. On behalf of the committee I would move approval of those, dealing with the ABC for dolphin. Discussion of those motions? Any objection to the motion? I see none; that motion is approved.

Action 19, two motions, Number 36 and 37, ACLs for dolphin. Discussion of that motion? Any objection to that motion? I see none and that motion is approved.

Action 20 regarding accountability measures for dolphin, there were seven motions, 38, 39, 40, 41, 42, 43 and 44. Any discussion on the motion? Is there any objection to this motion? I see none and that motion is approved.

Action 21 is management measures for dolphin – remember we requested that the staff do some analysis of bag limits, and I think we've got that available for your consideration now. Action 21, we added an alternative to set a 20-inch size limit for dolphin from Florida through New England, but we asked for some analysis on bag limits to see what kind of reduction that would get us.

Recall we were looking for an 11 percent reduction in the dolphin harvest. The 20-inch size limit everywhere gave us I think 15. At first glance, it looks like a limit of 8 for all states would give you a 10.82 percent reduction. Scratch that, then.

MR. GEIGER: Gregg, correct me if I'm wrong, we can take the percentages from each of the sectors and add them together to get the total reduction necessary, right, from the for-hire sector and the private sector.

MR. WAUGH: Jack is saying yes, and one caution is these were done very quickly last night, so we would want editorial license to double check them and make any necessary adjustments. There are three tables there; one showing percent reduction on headboats. That's up there now so you get – you'd have to look at how you want to add them to get it. If you look at 8 across the board, you'd add the 5.55 there for headboats. The next one is charter and then private at the bottom.

MR. GEIGER: And my intent was not so much to select that number today. This is a public hearing document and it gives the opportunity to the public to see what can be done in terms of

length changes or length regulations as well as bag limit reductions to achieve that 11 percent reduction that we're looking for. This is a good tool for the public to see how you can achieve that reduction and let them decide.

MR. CURRIN: Thank you, George, and it looks like, again a quick addition here, that a bag limit of 9 would give you slightly more than an 11 percent reduction. Robert.

MR. BOYLES: Jack, are these per person or is it per boat?

MR. CURRIN: Per person, I believe; is that correct, Jack. Yes. Well, I'm not sure whether that previous motion was the preferred or not. It did not indicate it; so if you want a preferred, we have two alternatives here to choose from, a size limit, and they're not mutually exclusive, and/or a bag limit. Robert.

MR. BOYLES: Mr. Chairman, I make a motion that we select as preferred a management measure of a bag limit of 9 per person.

MR. CURRIN: A motion by Robert to select 9 dolphin as a bag limit for the recreational industry; seconded by George. Discussion? Roy.

DR. CRABTREE: Do all of the states have 10-fish bag limits at this time? In order for this to get you what you need, the presumption is that all of the states will move to 9 fish, too, just so all you state directors understand that. If that doesn't happen, then we will have to revisit it.

MR. ROBSON: Again, the 20-inch size limit also achieved the necessary reduction if that was implemented?

MR. CURRIN: That's correct. In fact, I think it got us to close to 15 or a little over 15 percent reduction. We'll have an opportunity to let the public react to this and come back and look at it again and see what people think. Further discussion? Mark.

MR. ROBSON: Well, I'm going to have to speak against this motion to make this the preferred. I think I would prefer to see the size limit the preferred. That's my preference.

MR. CURRIN: Further discussion on this motion? **Is there objection to the motion, five in opposition; all those in favor, 7; so that motion is approved then.** Again, we'll have an opportunity to look at this again after we get reaction from the public. Gregg.

MR. WAUGH: Just in terms of editorial license, as we double check these calculations and put this together, if there is an adjustment necessary in that bag limit – if, for instance, it really needs to be 8 in order to get that 11 percent reduction – would it be your intent that replace the 9 as a preferred; or if we find that there needs to be another alternative in order to achieve that 11 percent, that we would add that as another separate alternative?

MR. CURRIN: What is your pleasure here, folks? Brian.

DR. CHEUVRONT: I think because of some of the controversy associated with this and the close vote, I think it would really be – if it's something less than 9, we need to bring it back to the council for more discussion and not make it the preferred at that point. Because we're taking this out to public hearing with 9 as the preferred – well, even if it stayed the preferred, it became 8, we would still have to bring it back to the council and we could change our mind.

MR. CURRIN: That's correct.

DR. CHEUVRONT: But I think what we would have to do is I think there would be a lot of reservation on the part of the council if we have to drop it down to 8 fish, that we need to have another serious discussion about it, and I just didn't want to lock us into that as our preferred at this point. I guess I'm okay just for public hearing sake.

MR. CURRIN: It's up to you. We're going to have another bite at it in March; and if you feel more comfortable with not having it switched without your knowledge until you come back in March or see this again, then we can just not select a preferred here. Robert.

MR. BOYLES: Mr. Chairman, the purpose of my motion was simply to give staff some guidance on what to look at. Mark, I appreciate you bringing up the point we're trying to achieve an 11 percent reduction, and I think what we're getting a sense of is how do folks want to get there, what bus they want to ride. Clearly, there are some folks who don't want to ride the minimum size bus; so if we don't do that, what are we looking at in terms of the bag limit reduction. I don't feel really strongly one way or another, but I sure would like to know what our constituents think.

MR. GEIGER: Yes, and based on Gregg's comments here, this seems like the 9 figure is kind of squishy. Certainly, if we're going to make this our preferred based on squishy information, I'm kind of pulling back from my desire to do this because if it turns out it needs to be 8 or 7 or some other number and we take this public, which is why I said all I wanted was an opportunity for the public to see that you could do by bag limits or by size limits. **I would make a motion that we reconsider this motion.**

MR. CURRIN: Motion by George to reconsider; second by Robert. That motion is now on the table. It is currently a preferred. A motion to uncheck it or de-select it, I'm not sure what the proper term would be in order if you just want to leave the alternatives for the public to view and then the council would not have a preferred. Is there a motion to that effect?

MR. BOYLES: So move, Mr. Chairman.

MR. CURRIN: Okay, motion by Robert; second by George to remove or de-select as a preferred the 9-fish bag limit for dolphin. Further discussion? Any objection to that motion? I see none; that motion is approved. Thank you, Gregg and Jack, for working diligently to get that analysis to us today.

All right, back to Action 21, there is a single motion there from the committee that I offer to the council to set a 20-inch minimum size limit for dolphin from Florida through New

England Council's Area. Discussion of that motion? It is just to create an alternative. Any objection to that motion? I see none; that motion is approved.

Action 22, there are three motions, 46, 47 and 48, dealing with ABC control rule and ABC for wahoo. On behalf of the committee, I move approval of those motions. Discussion of that motion? Any objection to that motion? I see none and that motion is approved.

Action 23, allocations for wahoo, the motion from the committee is to use 1999 as the initial year for allocations in Alternatives 3 and 4. Discussion of that motion? Any objection to that motion? I see none; that motion is approved.

Action 24, ACLs for wahoo, Motions 50 and 51 I offer on behalf of the committee. Any discussion of that motion? Any objection to that motion? I see none; that motion is approved.

Under Action 25 for accountability measures for wahoo there are six motions that I would offer on behalf of the committee, Motions 52, 53, 54, 55, 56 and 57. Any discussion on that motion? Is there any objection to that motion? I see none; that motion is approved.

Action 26, management measures for wahoo, two motions, 58 and 59, I move on behalf of the committee. Any discussion? Any objection to the motion? Any opposed to the motion? I see two opposed; that motion is approved.

Action 27, on behalf of the committee I move that we move Action 27 to the appendix. Discussion of that motion? Any objection to that motion? I see none; that motion is approved.

On behalf of the committee, under Action 28 I move that we move Action 28 to the appendix. Discussion of that motion? Any objection to that motion? I see none and that motion is approved.

On behalf of the committee, Action 29, ACLs for golden crab, I move that we adopt the IPT's recommendation to modify wording of no action alternative. Any discussion of that motion? Any objection to that motion? I see none and that motion is approved.

Under Action 31, to modify the golden crab framework procedure, there was a motion to remove Action 31 to the appendix; undertake changes to framework procedures in a future amendment. Is there discussion of that motion? Any objection to that motion? I see none; that motion is approved.

And then the final motion on ACL I would present on behalf of the committee to approve the Comprehensive ACL Amendment for public hearings. Discussion on that motion? Any objection to that motion? I see none and that motion is approved. All right, I think that takes care of the Comprehensive ACL; does it not, with nothing left over? All right, we're back to our agenda and next is Amendment 24 found under Attachment 7. All right, Myra, whenever you're ready.

MS. BROUWER: Amendment 24 is the red grouper amendment. In September the guidance from the committee was to take the black grouper actions out of this amendment and add them to the Comprehensive ACL Amendment, so that just left red grouper included in here. Action 1 is to establish an MSY for red grouper. You have two alternatives. You do have a preferred and that is to set MSY equal to the yield produced by Fmsy or the proxy, and the ones that are recommended by the most recent SEDAR. That would be an Fmsy of 0.2212 and MSY would be at 1.1 million pounds.

MR. CURRIN: Everybody okay with that preferred? I'm seeing heads nods. Okay.

MS. BROUWER: The next action is on PDF Page 61, and that is to specify a rebuilding schedule for red grouper. Red grouper was found to be overfished and overfishing. You have four alternatives. Again, you do have a preferred and that is to define a rebuilding schedule as the maximum period allowed to rebuild.

That's Tmax and this would equal ten years with the rebuilding time period ending in 2020. The IPT discussed this and they recommend that the council consider an eight-year rebuilding schedule alternative as well. Under the F rebuild scenario there would be a 54 percent probability of stock recovery in eight years.

MR. CURRIN: What's your pleasure; do you want to add an alternative for eight years?

MR. BOYLES: So move.

MR. CURRIN: Motion by Robert to add an alternative for an eight-year rebuilding timeframe; second by David. Discussion on the motion? Okay, the motion is to add an alternative to consider an eight-year rebuilding schedule for red grouper. Okay, Kenny, the AP's recommendation.

MR. FEX: The AP recommended to the council to consider no changes to the red grouper management because existing regulations appear to be sufficient to keep landings below the ACL. Recommendation; the council should consider an increase in the bag limit to account for the fact that other regulations appear to be sufficient and landings kept below the limit.

MR. CURRIN: Further discussion on the motion? **Any objection to the motion? I see none; that motion is approved.** The current preferred is a ten-year rebuilding schedule. Roy.

DR. CRABTREE: Well, we skipped over the MSST section and I wanted to come back to that for a second, Mac, when you think it's appropriate.

MR. CURRIN: All right, let's just make sure everybody is okay on this action, the rebuilding schedule. Okay, with the current preferred? Okay, Roy.

DR. CRABTREE: We have a long history of setting MSST equal 1 minus M times Bmsy. In my view that has resulted in us setting MSSTs that are too close to Bmsy to be very practical. What the guidelines say is that MSST should equal whichever the following is greater, one-half

of Bmsy stock size or the minimum stock size at which rebuilding to the MSY level would be expected to occur within ten years if the stock or stock complex were exploited at the MFMT.

I think we ought to request that the science center provide us with an estimate of the minimum stock size at which rebuilding to the MSY level would be expected to occur within ten years if we were fishing at the MFMT, and that that ought to be added in as an alternative. It may come out to very close to 1 minus M, I don't know, but it could come out differently.

MR. CURRIN: Is that a motion?

DR. CRABTREE: So moved.

MS. BROUWER: Roy, would you kindly reread that for me?

DR. CRABTREE: I move that we request that the science center provide us with an estimate of the minimum stock size at which rebuilding to the MSY level would be expected to occur within ten years if the stock is exploited at the MFMT level and the result of that be added as an alternative.

MR. CURRIN: Motion by Roy; second by Mark. Discussion on the motion? **Is there any objection to the motion? I see none; that motion is approved.**

MS. BROUWER: Action 3 is on PDF Page 64, and that is to specify a rebuilding strategy for red grouper. There are several alternatives. The no action is to maintain a yield-based rebuilding strategy with the Foy at F 45 percent SPR. Under this strategy the fishery would have a 57 percent chance of rebuilding by 2014 and a 99 percent chance of rebuilding by 2020 based on an F 30 SPR proxy.

And then you can see the various levels for OY; the overfishing level; the ABC recommendation from the SSC, which is 665,000 pounds whole weight with dead discards and 622,000 pounds whole weight without dead discards. Under this no action alternative, the ACL would not be specified. Here the IPT suggested to change the language in the alternative to do not specify a rebuilding strategy since the rebuilding plan expired in 2006.

Also, the IPT recommended that the council discuss whether setting an ACL for a number of years if appropriate. Alternative 2 would define a strategy with Foy equal to F rebuild, and here again you have the OY level, the OFL level, the ABC that is recommended by the SSC. The ACL here would 665,000 whole weight with dead discards and 622,000 whole weight without dead discards. Under this scenario the ACLs would be set at the ABC that has been recommended by the SSC.

Alternative 3 defines a strategy where Foy is equal to 85 percent of Fmsy. For this one the ACL would be higher than what has been recommended by the SSC. Alternative 4 would set Foy equal to 75 percent of Fmsy. Under this strategy the ACL would 613,000 pounds whole weight with discards and 573,000 whole weight without discards.

Alternative 5, Foy equal to 65 percent of Fmsy; the corresponding ACLs would be 535,000 pounds with discards and 501,000 without discards. Alternative 6 sets Foy equal to F rebuild, and the ACLs are 583,000 pounds whole weight with discards and 545,000 without dead discards.

MR. CURRIN: All right, a couple of suggestions regarding Alternative 1 or a question and a suggestion from the IPT. The plan expired in 2006 and is there a need to consider changing the wording in Alternative 1. Roy.

DR. CRABTREE: It's sort of a general question about all of these. I think every one of them has an annual catch limit, and they all give a value in pounds whole weight with dead discards and then a pounds whole weight without dead discards. The two numbers are really close. I'm looking at Alternative 3, 668,000 pounds with dead discards and 643,000 pounds without dead discards. Maybe John Carmichael can help me with this.

We've got whole weight with discards and then another number that's whole weight without discards. I'm reading this that it's saying we're only going to have about 40,000 pounds of discards and harvest 600,000 pounds of fish, which I find difficult to believe, and I wonder if it's not right or if I'm misinterpreting what it means.

And if you don't know the answer right now, I don't think we need to go into it, but, Myra, I think that's a question that the folks need to figure out because it's hard for me to believe you could harvest 600,000 pounds of red grouper and only have 40,000 pounds of discards, but it may be true; I don't know.

MR. CARMICHAEL: I would believe that it's a function of likely how the discards are estimated through the projection scenarios. Normally what is done is if you look at, say, the prior years and see what the ratio is of what is kept versus what is discarded; and then as you move forward into the future, it presumes that there is a certain level of encounters and you maintain that proportion essentially of the mortality that is discarded.

So then the issue then gets to be as you change regulations that affect that ratio, then what you will observe is a much greater proportion of fish that end up being discarded. That is where the council has gotten in the past into doing things like post-quota bycatch mortality and other analyses after the projections are done to try and get a better handle on what you really think will be discarded. I would think that's predicated on the management system that was in place up to that time, and we would anticipate that you have level of total removals, but there may actually be a greater proportion of those in the future that will end up being an actual discarded part.

DR. CRABTREE: Well, I guess all I'm saying is it appears odd to me that the discards would be so low and ask that the team look into that a little bit and report back to us what they've found.

MR. CURRIN: Yes, you've got to keep in mind that most of this fishery occurs in Florida and how good those guys are down there. It is a relatively shallow water fishery, but still that's less than a 10 percent hook-and-release mortality on them. That's just for the recreational guys. A lot of that fishery occurs off of North Carolina, too, and it's fairly deep water. It's well over a

hundred feet, so it does seem odd. All right, what's your druthers regarding the questions from the IPT on the no action? Roy.

DR. CRABTREE: I think I agree with them in terms of the rewording.

MS. SMIT-BRUNELLO: I do, too, I think that's a good idea.

MR. CURRIN: Okay, everybody okay with that, I presume. Then the second question, the IPT recommends that the council discuss whether setting ACL in a number of years – I guess, for example, three years is appropriate. Myra, can you expand on that little bit. It's not really clear to me exactly what they're asking.

MR. BROUWER: I think basically is do you want to see ACL values – what they would be for 2011, 2012 and 2013 and consider setting those values for a three-year time period, for instance, or do you want to just set it for the following year and then revisit that.

DR. CRABTREE: Well, I think it's because the ACL is projected to go up every year, right, so the question is do you want to just set a single number or do you want to set a three-year series of increasing numbers.

MR. CURRIN: Okay, that's clear now. What is your pleasure on that, folks?

DR. CRABTREE: I'll make a motion. I would move that we set a three-year series of ACLs.

MR. CURRIN: Motion by Roy; second by Mark to set a three-year series of I presume increasing ACLs. Okay, discussion? Roy.

DR. CRABTREE: And then we would have to come in after three years and revisit but presumably we would have an update sometime around that timeline.

MR. CURRIN: Further discussion on the motion? **Any objection to that motion? I see none; that motion is approved.** I did not see that the council had selected a preferred for this.

MS. BROUWER: You do not currently have a preferred, but I just want to remind you this is going to be going to scoping, so that's where we are in the process.

DR. CRABTREE: I don't think we need to select a preferred right now. I don't think we have any economic analysis. **I think Alternative 3, the ABCs in that alternative exceed the SSC's recommendation, so I would move Alternative 3 to the considered but rejected bin.**

MR. CURRIN: Motion by Roy; second by George to move Alternative 3 to the considered but rejected as the ACL exceeds the ABC provided by the SSC. Discussion? Any objection to that motion? I see none; that motion is approved.

MS. BROUWER: The next action is on PDF Page 71, and that is to specify the ACLs for red grouper. You do have a preferred which is to divide the ABC into commercial and recreational sector components based on criteria in the various options. Again, I'll remind you that for other amendments you have chosen to divide the ACL and not the ABC.

With that guidance to be consistent, we would change this for these percentages to apply to the ACL as opposed to the ABC. Also, the language that refers to poundage has been stricken through. That's what you've decided to do for other amendments as well, so to be consistent I suggest that we do that here.

MR. CURRIN: That makes sense and I think everybody would agree with that. Everybody okay with expressing the value as a percentage of the ACL as opposed to the ABC? Do you need a motion for that or are you okay with guidance to do that?

MS. BROUWER: I'm good. Alternative 3 simply looks at three components instead of two with the same percentage.

MR. CURRIN: At this stage I presume everybody is fine with leaving that in there to get public reaction. Roy.

DR. CRABTREE: If you were in the Gulf of Mexico, that one would create an uproar and huge controversy. That's the dreaded sector separation word.

MR. CURRIN: I'm not so sure the reaction wouldn't be the same over here so far, but we'll see.

MS. BROUWER: The next action is to specify accountability measures and management measures for red grouper, and I'll refer you to Table 4-11 on PDF Page 78. This shows landings with the four-month closure taken out. That's using information from 2009. This table shows that the total landings in 2009 are well below the ACL. It's looking like management measures are not necessary to keep the landings below the ACL, in which case we would just take this action out and just set a rebuilding plan for red grouper.

DR. CHEUVRONT: Can we go ahead and make a motion then to remove this action?

MR. CURRIN: Well, since we're going to scoping –

DR. CHEUVRONT: Okay, can we then somehow – and I don't remember; do we have wording in there that says specifically that based on the numbers that we have now that we probably don't need to set accountability measures at this point or is that somehow in violation of Magnuson not to set them even though we don't really need them?

MS. SMIT-BRUNELLO: If you don't need them, the Magnuson Act doesn't require that you do them or set them.

DR. CRABTREE: Accountability measures?

MS. SMIT-BRUNELLO: I thought you meant other management measures.

DR. CHEUVRONT: No, I meant accountability measures.

MS. SMIT-BRUNELLO: It sounds to me like you have measures in place already that would suffice for accountability measures, yes or no?

MR. CURRIN: Yes.

DR. CHEUVRONT: Well, we have a quota on the commercial side and that would basically – if they hit that, they would shut down.

MR. CURRIN: I think the bottom line is we will need to have accountability measures. We can't say just because you didn't reach the quota last year we're going to make the assumption you're never going to reach it.

MS. SMIT-BRUNELLO: Well, yes, that's right. We were just talking about what measures were actually in place right now for that.

DR. CHEUVRONT: So then at this point, no preferreds or anything, just take out what we have?

MR. CURRIN: I think at this point that would probably be good. You're point of making it clear to the public that at this point, based on the perceived and identified reduction in 2009 from the four-month closure, that no further actions will be needed to meet the rebuilding schedule for red grouper.

DR. CHEUVRONT: Yes, and if we can make that very explicit, because I've gotten a lot of questions from North Carolina red grouper fishermen that are concerned that they knew the status of this stock from the SEDAR and they had been asking me what else is going to have to happen now, and I said, well, we have to wait and see because we're trying to see if the four-month closure, which was not in effect when the stock assessment was done, is that going to be enough, so I've got a lot of guys who are waiting to hear this news.

DR. CRABTREE: There is a statement in the document that says the current management measures may be sufficient to limit the landings to below the ACL, but I think we do need the accountability measures to be specific to red grouper because it is overfished. It does appear that no additional management measures or reductions are necessary.

I would point out that to some extent this is a large paper exercise that really is a result of having a very high minimum stock size threshold that is set very close to Bmsy; and that if the stock were not overfished, we would have already solved the problem and ended the overfishing and we wouldn't have to go through anything with this. That's why I think we need to think a little more carefully about our minimum stock size thresholds to make sure we aren't constantly having to do rebuilding plans just because of the normal fluctuation of things. I do think we need to keep the AM alternatives in here.

MS. BROUWER: And you do have selected preferreds for the commercial AMs and also for recreational, and here we would just need guidance to change the wording in Alternative 4 to strike through "in-season" like we've done in the Comprehensive ACL and other amendments.

MR. CURRIN: Yes, you may do that. Okay, that's it for Amendment 24. Is everybody okay with where we are? Do we need to approve this for scoping. I would entertain a motion to that effect. George.

MR. GEIGER: Mr. Chairman, I would make a motion we approve Amendment 24 for public scoping.

MR. CURRIN: Motion by George; second by David that we approved Amendment 24 for scoping. Discussion on the motion? Any objection to that motion? I see none; that motion is approved. All right, the next agenda item is to look at Amendments 18B, 20 and 21. They're Attachment 8. Kate is going to do that. Let's take five minutes.

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

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

MS. SMIT-BRUNELLO: Kate and I have talked about it, but I've thought about it further and I've read the Act and the guidelines and what I would advise you is to really back-burner this amendment until you get your ACL amendments done. I think there is some good initial rationale for extending the fishery management unit. I don't know whether you would end up extending for all or some.

I think that remains to be seen, but my consideration is in extending it and then you would need to I think revise your ACLs, although they're not final. All of them aren't final so some of them would be revised and some of them would be new, but it's the lack of data and information really that's available right now.

I think that the better plan would be finish your ACL amendment, and your Comprehensive ACL Amendment has groupings in it as to how you're going to monitor ACLs. It has some species that you may remove from the management unit. My advice would be to finish that, see how you end up with all your species, monitor the information, that you get the landings information from Virginia. I heard that Maryland is also going to have some new landing requirements

And then see what that looks like and then decide whether it's appropriate to extend the management unit; and if so, that will give time as well to work out with the Mid-Atlantic Council the procedures of are you going to specify a portion of the ACL and then give them management authority over it, how will that be done, and all those other kinds of procedural issues that need to be resolved. My main concern is really the lack of complete information that you would have in order to figure out how to establish ACLs and all that.

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

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

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

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

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

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

MR. MUNDEN: That's correct.

MR. CURRIN: Yes, I think that's been apparent from the very beginning working with those folks and it has been cordial so far at least. Nothing else on 18B. All right, Kate.

MS. QUIGLEY: Okay, moving on to Amendment 20, then, the document has not changed since the last time that you saw it. We have received word from some of the wreckfish fishermen,

basically the participants of the wreckfish fishermen of their preference to have a halt in the wreckfish ITQ program until a new stock assessment has been done. I just wanted to put that out there, but there has been no progress since September on Amendment 20.

MR. CURRIN: Kate, have you heard anything from the guys participating in that fishery or the coupon holders, or permit holders about how the current low ACL might affect their participation or interest or desire to maintain the program as it is?

MS. QUIGLEY: Yes, all the wreckfish shareholders that are participating now, everyone has told me that they will no longer be able to participate or go fishing after implementation of the 250,000 pound ACL or TAC. They will no longer be able to participate, which is why they were thinking, well, if we just suspend the program until we get a new stock assessment, then, yes, it would be a derby fishery basically, but they would be able to make catches similar to what they were catching before and still in total catch what they had historically caught as a fishery.

We don't have numbers because some of them are confidential, but the average landings are somewhere between 200,000 and 250,000, and that's why the SSC chose that number for the ABC. Even if it's a derby fishery, they would be able to participate and make the landings that they were making before, but they would no longer be able to participate once the 250,000 TAC is implemented/

MR. CURRIN: Yes, and I think it's important to note that this is one of the species, I understand from John Carmichael, that the SSC is going to look at again, realizing that there might be some problem with how the ACL was set. That's my impression, anyway. Monica.

MS. SMIT-BRUNELLO: Kate, have you received any completed waivers of confidentiality from any of the shareholders?

MS. QUIGLEY: We still only have one waiver and that's from somebody who is not participating in the fishery. They're a wreckfish shareholder, but they're not participating in the fishery, so, no, we have not received waivers from current participants.

MS. SMIT-BRUNELLO: There is a section in the regulations that – the part of the regulations you looked at the other day or Bob handed out regarding the SOPPs, but it also covers other council kinds of things, and then there are some other sections on confidentiality of statistics and all that. I believe there is a provision in there that the executive director of the council could write a letter to the AA for the Fisheries Service and ask permission for council members to see confidential information.

He would have to explain why. I am going to maybe work with Bob, if he is amenable to this, to draft that request up because it's silly, actually, and you can't do your jobs if you can't see this information because of the few numbers of participants. I think we can work on that letter and hopefully you'll be given authorization, clearance, whatever to see that information. I don't, though, know how we're going to portray it to the public, so we'll have to work on that.

MR. CURRIN: Monica, a question on that; could it also apply to the SSC?

MS. SMIT-BRUNELLO: I think that there is provision in there. Well, I saw a draft of some revised regulations which would allow the SSC to see that very thing, the confidential information. I don't think that has gone out to the public yet, so I'll check on that. But if there is any way for that to be done, of course, we'll work on it.

Some of the members of the SSC right now can see it as a function of how the Magnuson Act is set up. If you're, for example, a state employee whose primary responsibility is working on fishery management plans, you can see confidential information as long as you're working on certain other criteria, a federal fishery management plan and all that, so some of those people who are on the SSC would be able to see the information and others on the SSC would not be, so we'll try to see what we can do to continue to get straightened out.

MR. CURRIN: That's encouraging. Anything else on 20 at this point? Okay, before we get into 21, Kate – and that is Attachment 8, so everybody can bring that up – Phil Steele asked me for a little bit of time to make some comments about the new format, which I think you probably all noticed in Amendment 24.

MR. STEELE: If you've read Regulatory Amendment 10 and Amendment 24, you've noticed a pretty radical departure from our normal format of how we present our documents. For years we've heard from the communities and our constituents that our documents are very difficult to read, almost incomprehensible. Our intent here was to bring a new design – it's a trial balloon here to float this to you to see if you like this new format on how we're presenting our documents to you.

I hope to do this region-wide with all of our councils and working with our council staffs to make these documents more comprehensible and more readable. I would like your input on that. If you're okay with it, we'll continue to grow and develop these documents for the more readable. Thank you.

MR. CURRIN: My initial reaction was very favorable and very positive. I hope you'll also – and I'm sure you will – get input from the staff on this. I'm sure you get that already as they're transitioning.

MR. STEELE: Yes, sir, we've been working closely with the staffs to do this. Particularly, I'd like to thank Rick DeVictor; he has been leading the charge on this.

MR. CURRIN: Other reaction or comments for Phil? George.

MR. GEIGER: Yes, I see it as a positive move. I think it looked great, much easier to read, much more appealing to read rather than the sterile white and black pages. It's much better.

MR. BOYLES: I would echo everything George said. It has been very, very easy to find stuff and to refer folks to it. I appreciate it and I'm looking forward to plowing through more documents like it.

MR. CURRIN: Yes, and I'm sure you're keeping a sharp eye to reducing the volume as well, so that would be helpful to everybody.

MR. STEELE: Well, part of our intent here is to – there is a lot of redundancy in these documents; and if I can still abide by our rules and regulations and all applicable laws and get rid of some of this, I think we're on the right track.

MR. CURRIN: Okay, thank you, Phil, I appreciate that. All right, Kate, Amendment 21.

MS. QUIGLEY: Okay, Amendment 21, we had one item on the agenda and that was to approve the issues contained in the Amendment 21 options paper, which is in the Draft Amendment 21 for scoping. But before that, we had two other issues that have come up that the IPT would like some guidance on.

The first one is that in the Amendment 21 document, which hopefully you have open and I have here, which I can refer to if needed, we have a comparison of catch shares to a number of different programs, and one of them is trip limits. Just as the council knows, we are exploring trip limits in Amendment 9, so the first question the IPT has for the council is do you want to continue to include trip limits in the Amendment 21 document in comparison to catch shares?

DR. CHEUVRONT: I think at some level it does need to stay in the document because it needs to be looked at in comparison to the other potential alternatives, which is not included in the Regulatory Amendment 9. I don't know that we need to get into the detail of saying this is what trip limits could be for this species, whatever. I see this as being more of a philosophical discussion and not a specific this is how it would be for each species.

MR. CURRIN: Yes, and I would agree. Robert.

MR. BOYLES: I agree as well; and something that Charlie said last night really struck me regarding the discussion of trip limits, and my sense is that among a lot of our constituents trip limits are viewed as an alternative to catch shares, and so I think it is important that these comparisons are contained in a single document; again, in the spirit of the new format, it makes it a little bit easier for folks to understand what we're contemplating and going through. I think it needs to stay.

MR. CURRIN: It may even be beneficial, Kate, that we've actually got or will have some trip limits established so we'll actually have some values for comparison, and that may shed some light on informing people what their options are and how things are working. Roy.

DR. CRABTREE: Are we saying that trip limits should be more of a discussion in a context and frame of reference kind of thing rather than specific alternatives?

MR. CURRIN: I was speaking to including them or keeping them in for comparative purposes within the document. We've considered all the trip limits so far that people have expressed interest in. I mean, there are certainly other stocks like sea bass that we didn't include as a trip

limit managed species, and there are certainly others. I don't know, to answer your question exactly, Roy. I would say at this point they probably ought to be included as alternatives.

DR. CHEUVRONT: I guess I've always seen this amendment all along as not being we're setting up a catch shares program and this is how we're going to implement it; I mean, this is what we're going to do. I've seen this as being more a discussion of this is potentially how catch shares could work in the South Atlantic, here are the pros and cons, here is how trip limits could work in the South Atlantic and here are the pros and cons; and state-by-state quotas.

We're going to basically have a side-by-side comparison of all these different management schemes that the council could choose, and at this point in the amendment we weren't actually going to say this is what we're going to do for this fishery. I'm seeing some other heads nod around the table that that is the way other people saw this amendment, too.

Now, if we need to put in examples of maybe a specific fishery that we could carry across all the different management options as an example to show how it might work as a way to make the comparison between the alternatives a little more concrete and less abstract for council members and the public, I would be okay with that, but I didn't see this as being a prescriptive document saying this is what we are going to do.

DR. CRABTREE: Well, when you read the purpose and need, it talks about trip limits, endorsements, cooperatives, catch shares, regional quotas, state-by-state quotas, so there is a lot of stuff in here; but if we select trip limits in Regulatory Amendment 9, then that will become the status quo, and that's where the comparison with trip limits will be. They won't be separate alternatives; it will be that's the status quo alternative is a trip limit. But I guess that just depends on what we decide with Regulatory Amendment 9.

MS. QUIGLEY: Okay, the second issue was that we have an additional action that has been crafted in the last 24 hours that we would like to present to you for inclusion in the options paper to see if it's something amenable to the council. We thought it was important enough to bring up. You have the Attachment 8 scoping document, and then we also have a catch share participation action that I'm going to read to you. It's a bit of wording so it's hard to blow up, so I'll just read it.

New Action, Catch Share Participation – this would occur pretty early in the document – Alternative 1, no action, do not establish criteria for participation in a catch share program for South Atlantic snapper grouper species. Alternative 2, participation would be mandatory for fishermen harvesting catch share managed species. Alternative 3, participation would be mandatory for fishermen harvesting catch share managed species if a majority of eligible fishermen approved implementation of the catch share program through referendum.

Note: Criteria for determining eligible voters in the referendum would need to be determined by the council. And then Alternative 4, initial participation would be voluntary for fishermen harvesting catch share managed species. Prior to the start of the catch share program, fishermen could decide whether or not they would like to participate in the catch share program.

Those choosing to initially participate – that is, in the first year of the program – would be allocated shares and annual pounds based on the criteria developed by the council for the catch share program. Fishermen choosing not to participate initially in the catch share program could choose to opt in the catch share program prior to the start of subsequent fishing years and would be allocated shares and annual pounds based on criteria developed by the council for the catch share program.

Those choosing not to participate in the catch share program would be included in a “common pool” of fishermen. These fishermen would fish under non-catch share regulatory constraints imposed by the council; for example, trip limits, quotas, closed seasons, et cetera. So what this is, is a proposal for an action for a voluntary catch share program.

MR. CURRIN: Reaction – David.

MR. CUPKA: Well, I think it’s a good action. One minor thing I would point out, though, under Alternative 3 is I think we would not only need to develop criteria for determining who the eligible voters are, but how those votes would be assigned, would it be based on a catch history, would it be each person that meets certain criteria gets one vote. The number of votes that they get, I think that’s an important part of that issue that needs to be considered, also.

MR. CURRIN: Yes, I would agree, David, that is a very important aspect. You almost decide the game by how you set that up. Charlie.

MR. PHILLIPS: I wholeheartedly agree that this is a proper avenue for looking at this; not necessarily implementing, but looking at it and people just knowing what the format would be. I like this a lot.

MR. CURRIN: Kate, under Alternative 4, I presume if it’s an optional sort of thing, that then there would be a segment or a portion of the ACL that would be assigned to the participants in the catch shares and that would have to be determined how that was allocated, and then the other fishermen would be fishing under a different management regime for whatever was left over or their allocation.

MS. QUIGLEY: That was our thinking is that there would be some sort of split in the ACL perhaps based upon the catch share histories of those participating in the catch share program or some other method.

MR. CURRIN: Yes, my initial reaction is to definitely move in this route. Everybody okay; do you think this a good action to add? Brian.

DR. CHEUVRONT: So I’ll go ahead and make the motion that we include this new action for the catch share participation part of Amendment 21 to be taken out.

MR. CURRIN: Motion by Brian; second by Ben. Discussion? Any objection to that motion? I see none; that motion is approved. Okay, the motion was to include catch share action in Draft Amendment 21, and it was approved.

MS. QUIGLEY: Okay, the only remaining task is to approve the issues in Draft Amendment 21 for public scoping.

MR. GEIGER: Mr. Chairman, if we could to Action 22 in the document – that's on PDF Page 17, Action 22, Cost Recovery Plan. Alternative 1 says no action, do not establish a cost recovery plan, and my checking on this is that we're actually required to have a cost recovery plan. For NEPA purposes, I understand why we have a no action alternative, but I think we need to explain in that alternative probably in parentheses that the council is required to have a cost recovery plan associated with a catch shares program. I make that motion unless all we need are instructions.

MR. CURRIN: I think direction to staff should be fine, and, Kate, is nodding her head. David.

MR. CUPKA: I will make a motion that we approve Amendment 21 for scoping, Mr. Chairman.

MR. CURRIN: Motion by David to approve Amendment 21 for scoping; second by Duane. Discussion? Any objection to that motion? Tom.

MR. BURGESS: So we're at scoping now for this amendment. I wasn't sure; that was my question about where we were at with the amendment and the process and stuff, so it's scoping, come back to the council, public hearings and things of that nature; is that how that usually works or do you think that will work the same with this amendment?

MR. CUPKA: Scoping is basically to identify the issues that you want to address in an amendment. It is at the very beginning of the process, so we'll see it several more times, yes.

MR. CURRIN: Kind of think of it like the council is thinking about doing something in this arena and here are some things that we've thought about and we're asking for you to add to this list or modify this list or give us your opinions on how this should go. It is very early in the process, and it's just kind of open, give them a chalkboard and let them start writing down what they like, what they don't and what they'd like to see in addition, that kind of thing. Any further discussion on the motion? **Any objection to the motion? I see none; that motion is approved.**

Okay, that's it for 18B, 20 and 21. We two other items left on the snapper grouper agenda and that's Amendment 22 and then we've got a couple of items under other business that we need to take care of.

MS. BROUWER: Amendment 22 needs to be approved for scoping, and this is the amendment that contains long-term management measures for red snapper. The amendment has not changed much from what you saw in September. You did make a motion to add a few things to it. Those things were added.

I walked through the document with the Snapper Grouper AP. They had only one recommendation and they actually made a motion to exclude catch shares from the consideration

for long-term management of red snapper. The AP also requested that material and minutes from meetings where red snapper issues have been discussed in the past be provided to them so they can formulate better recommendations for the council. That's basically all I have on Amendment 22.

MR. CURRIN: All right, thank you, Kenny you can pass, as we all will, along to the AP that at this stage at least the council chose at the last meeting to keep catch shares in as an option at this stage. That's no endorsement necessarily of a way to go about it but just a possible approach that may be considered.

MR. FEX: You guys had said a few minutes ago about if somebody wanted to be involved with catch shares, they could be involved; and if somebody else didn't want to be involved, they could be involved in the derby, but I think that would be a big problem because, say, a vessel wanted to be involved with the catch shares, I don't know what kind of regular management you would be able to keep that vessel from being in each one of them. I don't know how that would go, so that might be something you might want to think about. I mean, if one vessel wants a catch share and the other don't, how is that going to regulated?

MR. CURRIN: Well, the answer to that is we don't know right now. We're going to have to figure that out and we're in the very early stages in that previous amendment. We just added an action just to look at it. David.

MR. CUPKA: Mr. Chairman, I would like to make a motion that we approve Amendment 22 to go out for scoping.

MR. CURRIN: Motion by David to approve Amendment 22 for scoping. George.

MR. GEIGER: Mr. Chairman, in Alternative 5 we have establish a tagging program, and I think it's a tag program. A tagging program connotes to me and I think the general public that we're going to tag fish in an effort to – okay, I see heads nodding. What we're trying to do here is establish a tag program whereby they have a set number of tags to be affixed to the fish as they're caught, which limits them in effect as to how many fish they can catch, number one.

The second thing is in conjunction with a tag program I think our discussions in the past have included the elimination of a size limit to the effect where the first fish caught would be retained, thereby eliminating the potential for discard mortality. I would propose that be included as part of that tag program, and it has to be linked back up to the first alternative which talks about retaining the size limit at 20 inches. I'm sorry if I've delayed the process here.

MR. CURRIN: No, that's okay, I appreciate you bringing it up. It is an important measure. Do we need a motion to include that? I think direction to staff is okay, probably. Are comfortable with that or would you rather make a motion? I see no objection from the rest of the committee. Okay, David, I'll let you make that motion again.

MR. CUPKA: Okay, the motion is to approve Amendment 22 for public scoping.

MR. CURRIN: Motion by David; second by George Geiger to approve Amendment 22 for scoping. Discussion on that motion? Any objection to that motion? I see none; that motion is approved.

Under other business we got an e-mail or Myra did from Steve Atran from the Gulf Council regarding their request and desire to cede the management of mutton snapper and yellowtail to the South Atlantic Council. There were three issues that came up regarding how that was going to come about regarding permits and a couple of other things. We need to have some discussion on those. One is the question of how would the South Atlantic Council handle commercial permitting requirements? Do you want to handle them one at a time and see if we can make a decision on those, and I then I'll go to the second question. David.

MR. CUPKA: Well, not specific to that, but I have been attending Gulf Council meetings, and you'll remember the original was for three species, Nassau, yellowtail and mutton. They did approve us being responsible for or taking on Nassau grouper, but at their last meeting they wanted to look a little further into some of these issues on yellowtail and mutton.

I had the impression, Roy, that some of the people in your permit office were going to look at that issue and maybe that's where Steve got some of his – I haven't seen Steve's memo, so I don't what is in there, but you had expressed not concern but you wanted to give the permit people an opportunity to look over some of those issues. Again, I don't know if it's in that memo, but I didn't know if you wanted to make any comments on that.

MR. CUPKA: Well, there are three questions. Let me go ahead and give you all three because I think this is going to require some work by the staff and the regional office. That's the first question. The second was how would the South Atlantic Council handle bag limit conflicts? The Gulf Council staff suggested the South Atlantic Council remove these species out of the aggregate snapper grouper bag limit and give them each an individual bag limit.

And then the third question was which amendment would that come in? Of course, we can't decide that today. There are some questions for consideration I think by the regional office, the council and the staff, and perhaps the best way to handle this is ask the staff to develop some possible ways that we can address their concerns and any others that might pop up as we consider taking over management from the Gulf of mutton snapper and yellowtail. Monica.

MS. SMIT-BRUNELLO: Mac, did Steve say that it was also an option for the Gulf Council to remove those species from the reef fish management unit?

MR. CURRIN: I don't recall that being mentioned in the memo, but that certainly would seem to be a viable option. I guess if they gave them to us, then they would have to remove them from their management unit.

MS. SMIT-BRUNELLO: Right, but I meant in the sense – well, yes, that's right. I was thinking of Florida managing, but I will talk with Shepard Grimes as well and I'll work on this.

MR. CURRIN: Is that sufficient, Myra?

MS. BROUWER: Yes.

MR. CURRIN: Any further discussion by the committee on this? Everybody okay with that approach? All right, other business to come before the Snapper Grouper Committee? Brian.

DR. CHEUVRONT: Mac, I'd like to go ahead and make a motion and then have some discussion on this motion. **I would like to make a motion that we ask the Secretary of Commerce to disapprove Amendment 17B and send it back to the council for reconsideration of the deepwater closure.** If I can get a second on this, I will go into some explanation as to why I'd like to have this done.

MR. CURRIN: Motion by Brian; is there a second? Second by Tom Burgess. Discussion on the motion? Brian.

DR. CHEUVRONT: Well, I think we've heard from public testimony, we've seen several – I mean, there have been written statements by council members and things on this that really indicate that there are probably other viable alternatives to a complete deepwater closure. We heard the public testimony a couple of nights ago about the fact that they don't see speckled hind and Warsaw grouper north of Cape Hatteras.

We've gotten evidence from other folks that perhaps off of Florida and there may be some other places where this deepwater closure is not going to achieve any management measures that we're trying to get. What we'd like to do is bring that back to us, let's discuss it, let's refine this and see where we can go from there.

DR. CRABTREE: Well, some questions; so you're specifically asking that the secretary disapprove just the prohibition on fishing for I think it was seven deepwater species outside 240 feet, so just that specific measure, correct?

DR. CHEUVRONT: Well, there were a couple of other issues I know that we made in our statements. There were some things about snowy grouper that were in there where we were basically prohibiting and putting more restrictions on snowy grouper. Ben, can you address some of the other things?

MR. HARTIG: I don't know if I really had anything more than just the deepwater closure in my problems. I think my comments were specific to that.

DR. CRABTREE: So I'm taking that you're talking specifically about the deepwater closure and just the deepwater closure; because, if we're talking about a whole bunch of things, then I think this is going to get extremely complicated and difficult. If you're talking about one specific thing, you can lay out your rationale for that and we'll look at it.

MR. CURRIN: Monica just reminded me as well, Roy, for the consideration of the council that the black and red grouper ACLs are different in 17B and what we are considering approving as

well. I guess we can modify those through another amendment, but if that came back as well, it could be done at the same time or it could be done through the existing amendment.

DR. CRABTREE: And I don't have any trouble that you've got new information that is going to lead you to setting up a different ACL or something, and I don't think that's any basis for disapproval. I think here if you're talking specifically about that deepwater closure, then you need to lay out a careful basis that there is new information that you didn't have available to you; or, as Brian said, you've concluded that it's not going to achieve what you originally thought it would or it's going to have impacts that you didn't have information at that time.

A lot of that has been in the letter I think we got from North Carolina, the minority reports and all that kind of thing. If that's your concern, I would urge you to focus on that one particular thing and not broaden this out into a whole list of things.

MR. CURRIN: And that's my primary concern, Roy, and in addition to that I'll also say that I'm very interested in having us look and re-evaluate that deepwater closure because I think there is some new information that was – I mean, the minority report, the information in that was new to me. In fact, much of that was not discussed in our deliberations on 17B.

Since that time I think there has been further analysis by the state of North Carolina, as pointed out in their letter to the council and the secretary, that needs to be considered. In addition, we just heard this week regarding the blueline tilefish landings, that they have gone up tremendously over the last two years.

One of my concerns in supporting that deepwater closure was that carving out or excepting the blueline tilefish fishery was going to lead to greater harvest of snowy and greater discards of snowy and exceeding the ACL that we had established for snowy. Even with these large landings the last two years, they're, what, two to four times the average landings for bluelines, I believe I'm correct in stating that the snowy landings still are maintained well below the current ACL, so my fear has not been realized and it gives me pause or concern for the necessity of that deepwater closure especially north of Hatteras where that blueline tile fishery is prosecuted off of our coast at least. Monica.

MS. SMIT-BRUNELLO: Well, at this point the comment period on the amendment has closed and the comment period on the proposed rule has closed. I believe December 22nd or 23rd is the day that the – 22nd, Jack says, is the day the secretary has to make the decision on whether to approve, disapprove or partially approve the amendment. It might be helpful for your discussion that the Magnuson Act states that really the only way the secretary – the Service, Department of Commerce can't substitute their judgment for that of the council and you can only disapprove if the action is inconsistent with the Magnuson Act or some other applicable law.

So, new information in and of itself to me isn't sufficient grounds to disapprove an amendment necessarily unless you can couch that in some way with a law that then leads to the amendment being inconsistent with, if you get my circular argument. I'm not being too direct here, but there are other ways for you to deal with new information. As you know, you've got emergency rules, you've got regulatory amendments, you've got all those kinds of things. So when you're

talking about this, the only for the secretary to disapprove an action is if it's inconsistent with the law.

MR. CUPKA: I don't ever remember the council taking this type of action in our history, and that's not say we can or shouldn't, and I'm not speaking against the motion. I do have some concerns about what the other impacts would be if we do that. I was going to ask the question, Monica or Roy, if there are other ways to deal with looking at this issue without creating further problems with the amendment?

MS. SMIT-BRUNELLO: Well, you have emergency rule, you have interim rules that can only be used to reduce overfishing. You have regulatory amendments, plan amendments so I think you're all kind of aware of the different vehicles you can use to change. Let's say 17B got approved, then you know all the different ways that you can change that. I believe in the framework process it allows you to adjust – well, I know it does because we just did if for Regulatory Amendment 10, but it allows you to adjust area closures and those sorts of things. That's one way to deal with it.

MR. CUPKA: To that point, yes, I think we all know the ways. I guess what I'm really asking is, is there a better way among those or if we wanted to do something, wouldn't it be better to use one of those routes rather than try and pull back the entire amendment, and apparently it –

MS. SMIT-BRUNELLO: Well, you've all discussed 17B. I know it was a close vote, but we've tried to make an adequate administrative record to support the action the council took, which was ultimately to send it forward to the Secretary of Commerce, so perhaps I need to hear some more discussion on the specific concerns.

I've heard some about blueline tile and the fact that maybe – I think, Brian, you said the reductions – maybe you could talk a little bit more about what the closed area you thought would get you – it will not achieve its purpose that you thought it would. After I hear some of that, perhaps you could use an emergency rule if the amendment got approved. Again, nothing has been done it yet.

DR. CRABTREE: And just so we're clear, at least the way I'm understanding the motion, you're not asking us to disapprove Amendment 17B or pull it back. You're asking us to partially approve it and to disapprove one specific measure and presumably approve the remainder of the amendment.

DR. CHEUVRONT: Yes, that would be all right now. To me, if this is not the proper mechanism to make this work, to pull back – you know, disapprove this one action, my goal is the outcome and not the method. Whatever method we need to do to get this to happen will be fine, but I just want to make it's going to happen. Now, if we can request the Secretary of Commerce to disapprove this one – partially approve the amendment except for this one action, that's fine, but if we need to go through the route of – like we did, which is now 17A, where we had the emergency rule, 17A went into place with the closures, but then an emergency rule went into place at the same time that delayed those closed areas, then that would work, too, if that

would give us enough time to work out what exactly should be the areas that should be closed and what should be open.

I can speak to north of Hatteras, but there may be other areas that Ben might be aware of or we could help figure out off of Florida where maybe we don't need to have the closure for the same or different reasons than we've got. For example, we can show – from North Carolina trip tickets we can show you that we do not encounter speckled hind or Warsaw grouper, the two species that triggered this closure. They don't occur north of Cape Hatteras.

Whether that constitutes new information or whatever, we can show that we have reasons for not doing that closure north of Cape Hatteras. Now, I also understand fully, especially with the conversations I've had with Roy, this is not going to solve our blueline tilefish problem. Okay, we know that we're going to have issues and that there is probably going to be certainly a more restrictive quota in place for the commercial fishery than what they've been doing for the last three years.

We're aware of that, but this preclude the closure of that area and the fishermen still will be able to get – if they're going out there to fish – that hundred pound snowy grouper bag limit – or excuse me, trip limit. We can come up with the reasoning for why we should open this north of Hatteras. What I would like to do is let other areas, like off of Florida, if they can come up with the reasoning behind why it should be open off of Florida, let that be considered as well.

MR. CURRIN: And my interest in this is making it as timely as possible and doing it as quickly as we can. It doesn't make any difference to me which way we go about it. I just would like to see it done as quickly as possible to ameliorate the impacts that we know are going to occur.

MR. HARTIG: The only avenue I saw for trying to do the legal aspect of it, when I wrote that paper, was basically the best available science, and I don't think NMFS has ever gone against the best available science or lost a case or anything as far as the legalities. There is certainly a lot of science lacking in that document and there are problems with it.

I'm comfortable, actually, if I see this council showing the willingness to go back and consider this again. My fear was that once this got approved, it wouldn't reopen again in my lifetime based on the uncertainties that the SSC would have with the deepwater complex without any information.

I don't see a scientist looking at this and ever being able to reopen it without a significant fisheries-independent data monitoring program, which I don't think is going to happen in the deepwater complex because it is very, very expensive. We've placed our fisheries-independent monitoring a lot for some of our other species, and rightfully so. I would like to come back and see this council look at this deepwater complex with a slant towards MPAs and allowable fishing areas in the long term so that we could have a significantly closed areas of the deepwater complex and then in a smaller allowable area.

MR. BOYLES: As far as the minority report, the only thing I've seen is Ben's great comments on 17B. As the basis for asking to send it back to the council, I can't support the motion. This

has been a very difficult process. I'm sensitive to information. I don't get a sense that this is new information, though. We've advised the secretary – given the secretary our best advice, and I won't support the motion.

MR. HARRIS: I can't support the motion as it is currently structured, either. I don't think the secretary can disapprove an amendment based on new information. I don't know whether there is new information or not, but I would support an action to relook at this deepwater closure in some emergency action. I just can't support this motion/

DR. CRABTREE: Well, my advice to you, if you want to change this, would be to do it through a framework action. I think that would be more appropriate and could be done quickly. This is essentially a time area closure is my read on it, Monica, which your framework allows you to do. And if you have new information or different ways of looking at things that would lead you to think you can achieve goals through something that is going to have less economic impact, I think you could certainly do that. How quickly we could get that changed, I don't know. It depends on how complicated it gets and how long it takes you to figure out what you want to do. But if you want to start work on changing it, that would procedurally be the best way to do it.

MS. SMIT-BRUNELLO: Well, let me read what the purpose or at least part of the purpose of the closure is at least from I believe the proposed rule that Andy just pulled up. "The ACL would prohibit all harvest and possession of speckled hind and Warsaw grouper regardless of the depth where they are caught.

"In order to maintain an ACL of zero for these two species, all fishing and possession of deepwater snapper grouper species, snowy grouper, blueline tile, yellowedge grouper, misty grouper, queen snapper and silk snapper would be prohibited beyond a depth of 240 feet. By prohibiting harvest and possession of these co-occurring species, fishing mortality of speckled hind and Warsaw grouper is expected to decrease." So, is what I'm hearing today is that is not accurate in the sense that you just said that those two species, Warsaw and speckled hind, do not occur off of North Carolina?

DR. CHEUVRONT: They do not occur in North Carolina north of Cape Hatteras and none of those other species occur in North Carolina at all.

DR. CRABTREE: So I think what I'm hearing is that may well be true throughout most of the geographic range of it, but there are specific parts of it –Brian mentions north of Hatteras where it may not, so I guess you could argue that the closure could be smaller, maybe, or something like that.

MR. CURRIN: And I think that's the point. Brian.

DR. CHEUVRONT: I understand the opposition to the motion that stands now. Would it be possible if we changed the motion such that we request an emergency rule to be put in place to delay the deepwater closure and then institute framework action to reconsider that – I'm trying to find something that is feasible that NMFS will allow as well as what the rest of the council is willing to go with.

I think you understand the concern of what we're trying to do. I don't want to disallow the rest of the amendment, obviously, because there are good things in that amendment. My goal is to get to the end result of where you all can see where I want to end up. How we get there is less important to me – the journey is less important than the destination, let's put it that way. If I can get some help from folks to make sure that we can come up with another way to get there, I'm fine with that.

DR. CRABTREE: Well, I'm having a difficult time getting to an emergency because this is something we sat here and deliberated on and reached a decision on and so it's hard for me to say what is the new unforeseen circumstance. It's quite different than 17A where we had a new stock assessment handed to us at the last minute, and so that's a little different here.

I think, Brian, the best you could do would be to ask staff to put a framework action together, give them some fairly specific instructions as to what you want, and potentially that could happen quickly. We wrote Regulatory Amendment 10 and took action on it at this meeting. I don't know if you can get this thing done that quickly, but it's possible to make a framework action happen relatively quickly, and then you could make the changes to it. I suspect you're going to have a fair amount of discussion about exactly what to do with it, but I think that's your best bet is to work on a framework and just change it rather than an emergency rule.

MR. CURRIN: You've heard the advice. Monica.

MS. SMIT-BRUNELLO: And procedurally I agree with that, too. I've just reread the Service's guidelines for emergency rules, and it's hard to fashion these kinds of circumstances into an emergency rule with recent unforeseen events or recently discovered circumstances and that sort of thing. I think that's going to be more difficult. I'm not saying you couldn't try, but then that will be evaluated and we'll have to figure that out, so perhaps a regulatory amendment is – it's definitely a more long-term way to deal with this situation.

DR. CRABTREE: And bear in mind if you did ask for an emergency rule, there is going to be a lot of staff time put into dealing with the emergency rule; and then if the decision is that won't work, then we've spent a lot of time spinning wheels that could have been spent working on a framework action potentially.

MR. CURRIN: And that's my sense as well, Brian, after this discussion.

DR. CHEUVRONT: I guess I was seeing the emergency rule as being an incentive to get this work done. This council and the council staff have a huge amount on their plate right now, and I could see this framework action getting pushed back later and later and later while we're dealing with some of these other things.

Meanwhile the deepwater closure would go into place and who knows when we would get this framework action actually worked on. I mean, look at some of the amendments that we discussed today that staff simply hasn't had any chance to do any work on them since our meeting in September, and so this would just probably be something else that ends up in the queue, and that's not the journey I wanted to take.

MR. CURRIN: Further discussion on the motion? Charlie, last word.

MR. PHILLIPS: I'm trying to follow this rabbit trail myself. If you disapprove the deepwater closure and not put the emergency in with the understanding that we're going to do a framework, I'm like Brian, I'm looking for ways out.

MR. CURRIN: Well, I think that route would be redundant in essence. If you approve this amendment and the secretary does disapprove the deepwater closure portion of 17B, that portion would come back to us and there would be no need to do an emergency or a framework action. The other option is to disapprove this amendment or withdraw it and then request today that staff being work on framework action to address Brian's and Tom's and my concerns about that area north of Hatteras.

If there are other areas that Ben or other council members are aware of that exhibit the same characteristics where blueline tilefish occur and yet interactions with speckled hind and Warsaw and snowy as well, I would add, don't occur, then those also could be considered in that framework action. All right, let's vote on this motion. I'll read the motion; it has been modified since it was offered.

DR. CHEUVRONT: Okay, I'll withdraw the earlier motion.

MR. CURRIN: **With the consent of the committee, the initial motion was withdrawn.** The new motion, Brian, do you want to make it?

DR. CHEUVRONT: This would be the new motion: request that an emergency rule be put into place to delay the deepwater closure in 17B and take action through framework to modify the deepwater closure.

MR. CURRIN: Okay, is there a second; second by Tom Burgess. Okay, all in favor of the motion –

MR. MAHOOD: Is this going to the secretary? If you request an emergency rule, it is.

MR. CURRIN: Yes, okay, Bob.

MR. MAHOOD: Mr. Cupka.

MR. CUPKA: Yes.

MR. MAHOOD: Dr. Chevront.

DR. CHEUVRONT: Yes.

MR. MAHOOD: Mr. Boyles.

MR. BOYLES: Yes.

MR. MAHOOD: Mr. Burgess.

MR. BURGESS: Yes.

MR. MAHOOD: Dr. Crabtree.

DR. CRABTREE: No.

MR. MAHOOD: Mr. Geiger.

MR. GEIGER: Yes.

MR. MAHOOD: Mr. Harris.

MR. HARRIS: No.

MR. MAHOOD: Mr. Hartig.

MR. HARTIG: Yes.

MR. MAHOOD: Mr. Haymans.

MR. HAYMANS: No.

MR. MAHOOD: Mr. Phillips.

MR. PHILLIPS: Yes.

MR. MAHOOD: Mr. Robson.

MR. ROBSON: Yes.

MR. MAHOOD: Mr. Swatzel.

MR. SWATZEL: Yes.

MR. MAHOOD: Chairman Currin.

MR. CURRIN: Yes.

MR. MAHOOD: Okay, the motion passes with three dissenting votes.

MR. CURRIN: My hesitancy there was because I fear the request for the emergency rule may delay the action and implementation of the goal that we all have. That may or may not be the

case. It's going to take a strong case I think in that, so that was why I hesitated, and I'm not sure this is the best route.

DR. CRABTREE: So in the letter you're going to send us, Bob, a couple of things. You're going to need to get us this request very quickly because we have to approve or disapprove by the 22nd of December, and we need time to digest what you get us. I am going to say you need to get us something very early next week. And, two, you're going to need to lay out what the new and unforeseen circumstances are that meet the criteria of an emergency or this will just go nowhere. I won't be able to get this through the system unless you can lay out that there are new and unforeseen information or forces here that would enable to do this. Monica, I don't know if you have anything else to add to it.

MS. SMIT-BRUNELLO: I will add that I will give you a copy, if you don't already have it, of the policy guidelines for the use of emergency rules, but I'll be glad to work with you for any help I can give you when you craft the letter.

MR. MAHOOD: Okay. Gregg pointed out to me there's actually two parts to this. What will be the priority of the follow-up framework in our scheme of things now? That will have a little bit more it than the emergency rule request.

MR. CURRIN: Well, from my sense the priority still has to be the statutory deadlines to be met, and I would place this right below that.

MR. MAHOOD: And Chairman Cupka makes a good point. We'll probably know something pretty quickly because of the timelines of whether or not we even need to proceed on that relative to what happens with the emergency rule, and then that would probably determine what the priority would be of the framework.

MR. CURRIN: Yes, that's a good point.

DR. CRABTREE: And bear in mind if there was an emergency rule to do this, it would only be in place for 180 days. It could be extended but only if there are permanent changes coming down the pike.

MR. MAHOOD: Right, I think that's the point Gregg was trying to make is then you'd have follow up with some action, which would be a framework action, so it's going to throw more into the mix relative to everything else that's going on.

MR. CURRIN: Other comments? All right, I see none and we've got a path at least. I hope it's the right path. Mr. Chairman, I think that ends the Snapper Grouper Committee's deliberations.

(Whereupon, the Committee of the Whole was adjourned at 10:10 o'clock a.m., December 10, 2010.)

MR. CUPKA: Thank you, Mac, and I want to thank everyone that has been working on all of these numerous amendments here on snapper grouper and especially thank Mac and the staff for

navigating us through this Herculean task we had this week with all these amendments. With that, then I think we're going to go right into our committee reports.

I think the way to do this, maybe to help get us back on track, would be as we get the committee reports, rather than giving all the material, if we just do the motions under each committee report, it will help us to move ahead some. We'll take about a 10-minute break and then we'll come back and start on the committee reports.

MR. CUPKA: I would like to go ahead and reconvene the meeting. As I mentioned before, we're going to go right into committee reports and we're going to limit these to committee motions. The first committee we have is the Spiny Lobster Committee Report, Mark Robson.

MR. ROBSON: The Spiny Lobster Committee met this week, and I'll go right into the motions for council consideration. **The first one is Motion 2, which basically replaced Motion 1. That motion was to adopt Options A-D in Alternative 4 as the council's preferred alternatives. Those had to do with removing species from the Lobster FMP. We have them up on the board. Again, the preferred was Alternative 4, Options A-D. On behalf of the Spiny Lobster Committee I so move. Is there any objection to the motion? Seeing none, the motion passes.**

The next motion was Motion 3, adopt Alternative 3 as our preferred alternative for maximum sustained yield and include discussion in the document about the range of landings as an interim proxy for maximum sustained yield. Alternative 3 was that the MSY would equal the yield produced by the fishing mortality at MSY or at yield Fmsy or a proxy and that the MSY would be defined by the most recent SEDAR and Joint Scientific and Statistical Committee. On behalf of the committee I so move. **Is there any objection to the motion? Seeing none, the motion carries.**

Motion Number 4 is to accept the IPT recommendations on optimum yield. That motion was approved by the committee and on behalf of the Spiny Lobster Committee I so move. Is there any discussion? **Any objection to the motion? That motion carries.**

Motion Number 5 is to adopt Alternative 3 for the maximum fishing mortality threshold. This motion was approved by the committee and it specifies the MFMT as indicated below. On behalf of the committee I so move. Is there any discussion? **Any objection? The motion carries.**

Motion Number 6 is to add a new Alternative 4 that would use the annual catch limit as the overfishing threshold. That motion was approved by the committee and on behalf of the committee I so move. Is there any discussion on the motion? **Any objection to the motion? That motion carries.**

Motion Number 7 is to adopt Alternative 2 as the preferred alternative for the overfished threshold. That motion was approved by the committee and on behalf of the committee I so move. Is there any discussion of the motion? **Any objection? That motion carries.**

Motion Number 8 is to add two new alternatives using what we all know and love as Boyles' Law using the formula for determining allocation. That was approved by the committee – and also to add entire time series to allocate so there were actually two new alternatives for allocation. **Motion Number 8, add two new alternatives using Boyles' Law of 50 percent the last ten years and 50 percent the last three years; and also the entire time series to allocate spiny lobster annual catch limits. That motion was approved by the committee and on behalf of the committee I so move.** Is there any discussion? Any objection? Gregg, you had some figures to actually that recalculated those allocation amounts. Are they up there?

MR. WAUGH: They are for Alternative 6, Boyles' Law, 76 percent commercial and 24 percent recreational. The entire time series would be 77 percent commercial and 23 percent recreational.

MR. ROBSON: So those are the figures. Again, on Motion 8, on behalf of the committee I so move. Any discussion? Any objection? Seeing none that motion carries.

Motion 9 was to make Alternative 6, the Boyles' alternative, our preferred. That motion was approved by the committee and on behalf of the committee I so move. Is there any discussion? Any objection? That motion carries.

Motion Number 10, move Alternatives 4 and 5 to Appendix A, to the alternatives considered but rejected. On behalf of the committee I so move. Is there any discussion? Any objection? That motion carries.

Motion Number 11 was to add ABC Alternatives 6-8. On behalf of the committee I so move. Is there any discussion? Any objection? That motion carries.

Motion Number 12 is to adopt ACL Alternative 3A as our preferred alternative. That motion was approved by the committee and on behalf of the committee I so move. Is there any discussion? Any objection to the motion? Show that motion approved.

Motion Number 13 is to set the annual catch target, Alternative 1, as our preferred. That motion was approved by the committee and on behalf of the committee I so move. Is there any discussion? Any objection? The motion carries.

Motion Number 14 is to adopt the IPT wording for Alternative 2A and make it our preferred alternative. That would include we would be – On Option A, Gregg, there is some language that we would remove the reference to ACT. Go ahead.

MR. WAUGH: Yes, the committee motion included this language “or ACT”, so after you make that on behalf of the committee we need to amend it to remove that “or ACT”.

MR. ROBSON: Okay, so on behalf of the committee I so move Motion 14. Is there any discussion? Any objection? The motion carries. So, again, the additional motion, Gregg, would be to move that we remove the reference to “ACT” in that previously approved motion.

MR. BOYLES: Mr. Chairman, I would like to make a motion to remove the phrase “or ACT” from Alternative 2.

MR. ROBSON: We have a motion and a second by Duane Harris. Any discussion of the motion? Any objection? That motion carries.

Moving on now to Motion Number 15, which is to adopt Alternatives 2 and Alternative 4, Option 1 as our preferred alternative. On behalf of the committee I so move. Is there any discussion of the motion? Any objection? That motion carries.

Motion Number 16 is to adopt Alternative 3B as our preferred. That motion is approved by the committee. On behalf of the committee I so move. Is there any discussion? Any objection? The motion carries.

Motion Number 17 is to accept the IPT recommendation for wording of Action 9. That motion was approved by the committee and on behalf of the committee I so move. Is there any discussion? Any objection? The motion carries.

Motion Number 18 is to accept the IPT recommendation for Alternatives 2-4. That motion is approved by the committee. On behalf of the committee I so move. Is there any discussion? Yes, Gregg.

MR. WAUGH: This is the one where Roger can come up and explain these charts. We had charts for Alternatives 3 and 4. We did not have the charts for Alternative 2, so we have put those together and we just wanted to show you those so that you could give us some further guidance of whether you want to keep Alternative 2 as a preferred.

This is the habitat in South Florida. We just did this right now for the South Florida area. This is the hard bottom habitat. You can see that this Alternative 2 will cover quite a large area. If you look at the area, still just looking at South Florida, this depth contour is the 30 meter line, so the Alternative 2 would prohibit all spiny lobster trapping on all known hard bottom in the EEZ off Florida in water depths less than 30 meters.

You can see that pink shaded area, and that entire area we would be prohibiting spiny lobster trapping. This goes significantly beyond Alternatives 3 and 4, and we just wanted to bring that to your attention in case you wanted to have some further discussion about your preferred alternative.

MR. ROBSON: So we have the Motion 18, which was to accept the recommendations for Alternatives 2-4. The next motion deals with a preferred. Motion 18 was approved by the committee and on behalf of the committee I so move. Is there any discussion? Any objection to the motion? Seeing none, the motion carries.

Okay, for Motion 19 was to make Alternatives 2 and 4 our preferred alternatives for the areas. That motion was approved by the committee. Again, we did not look at the area covered by Alternative 2, and so that is why we wanted to make sure that was presented to see the

amount of area that is covered by making 2 and 4 our preferred alternatives. On behalf of the committee I so move. Is there any discussion of that motion? Charlie.

MR. PHILLIPS: That just seems like an awful lot of bottom that LE is going to have to cover, and I'm not so – it has been a long time since I was down there shrimping, and I know where the lobster traps were because we had to dodge them. I'm not so sure I'd want to use such a large area with such loose boundaries.

MR. ROBSON: I thought I remembered some discussion. We were starting to move quickly through this stuff, I thought I had heard a comment that we were looking at alternatives that would affect both trapping and then all spiny lobster fishing, and that was why the two alternatives that we chose were chosen.

But if that were the case, it might be Alternatives 3 and 4 and not 2 and 4. I just don't know if we were clear on this. I believe this area is a lot larger area that would be covered than had been – I know there has been a group of folks working with the NOAA staff on identifying the areas that might need to be singled out. I don't know if they had gone this far.

MR. GEIGER: Well, I understand that work, but if in fact that's the type of bottom and the habitat that we're trying to preclude interaction with, why wouldn't we include it, just to make it a smaller area or are we trying to protect specific habitat associated with lobster fishing?

MR. HARTIG: Well, are you specifically trying to deal with the acropora corals or are you specifically dealing with hard bottoms? I mean, basically if you put this into effect, there won't be any spiny lobster fishing off of where I am and there is a lot of it that has gone on since – as long as they've been trapping. You can't set a lobster trap in South Florida – well, I won't say you can't, but it is very unlikely to set a trawl that doesn't land on some piece of hard bottom somewhere in South Florida.

MR. WAUGH: And the Alternatives 3 and 4 were developed by protected resources staff on the IPT working with industry to include areas of acropora coral, so that's the difference between 3 and 4. They create closed areas around existing acropora coral. Alternative 2, as Ben just mentioned, would cover all known hard bottom shallower than 300 meters, that with coral as well as without, and that's the different.

MR. ROBSON: My concern, George, is that this would generate an enormous backlash of concern and basically the alternative is going beyond the biops and the need to look at acropora to sort of a broad brush approach to all hard bottom habitat and whether or not any of it might even have or historically had acropora. As it goes out, it's likely to generate quite a bit of controversy. George.

MR. GEIGER: All right, I'd vote against the motion, then. Let's vote it down and put the motion in we need to put in.

MR. ROBSON: All right, so we have the Motion 18 to make Alternatives 2 and 4 our preferred motion. **All in favor of the motion signify by raising your hand; all opposed. The motion fails.** George.

MR. GEIGER: Okay, Mr. Chairman, I'd make a motion to make Alternative 3 and 4 our preferred alternatives.

MR. ROBSON: We have a motion; is there a second? Second by Tom Burgess. Is there discussion on the motion? George.

MR. GEIGER: Well, for all the reasons that we're trying to protect acropora coral to begin with, I think this is the right thing to do and select the one that the resource committee that is working on protecting that particular species has recommended to us. Three and four does that and I'm satisfied with that.

MR. ROBSON: Any other discussion on that motion? Any objection to the motion? That motion carries.

Motion Number 20 is to adopt the IPT recommendation approved by the committee regarding gear markings. On behalf of the committee I so move. Is there any discussion on the motion? Any objection to the motion? Seeing none, that motion carries.

Motion Number 21 is to adopt wording for Action 11 and alternatives from the IPT. Those wording changes are shown. That motion was approved by the committee and on behalf of the committee I so move. Is there any discussion of the motion? Any objection? That motion carries.

Motion Number 22 is to adopt Alternative 6 of the alternatives above regarding trap marking and removal as our preferred alternative. That motion was approved by the committee and on behalf of the committee I so move. Is there any discussion? Any objection? That motion carries.

There were some other motions and Motion Number 23 was to approve Spiny Lobster Amendment 10 for public hearing and DEIS review and approve any additional alternatives and modifications suggested by the Gulf Council. That motion was approved by the Spiny Lobster Committee and behalf of the committee I so move. Is there any discussion? Any objection. That motion carries.

Motion 24 was to approve Spiny Lobster Amendment 10 public hearing locations and dates with the understanding that they will be coordinated with the Gulf Council and schedule a South Atlantic Spiny Lobster AP meeting on April 20th in Key West. That motion was approved by the Spiny Lobster Committee and on behalf of the committee I so move. Any discussion? Any objection? That motion carries.

Motion 25 was to adopt the timing and task, Items 1-6. That motion was approved by the committee and on behalf of the committee I so move. Any discussion? Any objection?

That motion carries. Mr. Chairman, that completes my report on the Spiny Lobster Committee. Gregg.

MR. WAUGH: Just for one point of clarification; if we come back to the motions where we picked our preferreds for Alternatives 3 and 4; Alternative 4 prohibits all spiny lobster fishing and Alternative 3 just includes trapping. I don't know that we need to change the motion, but the bottom line of this motion is that Alternative 4 will be your preferred because that prohibits all spiny lobster fishing. Alternative 4 includes Alternative 3. Just to make sure that is your intent, so the document will reflect Alternative 4 as your preferred.

MR. ROBSON: Well, the only thing I'm recalling about this is that the discussion from NOAA regarding the acropora was that they were dealing specifically with the trap fishery and its impacts on acropora. I don't know if there is anybody here from NOAA that could address that, because it didn't include other forms of lobster harvest, I don't believe.

MR. STEELE: I believe you're correct. We don't have anybody here from Protected Resources, but I think your statement is true.

MR. ROBSON: It was specifically narrowly focused on the trap fishery. If that were the case, I'm not sure that Alternative 3 might not be more appropriate at least to select as the preferred.

MR. HARTIG: Going out to hearing, I think it would be interesting to hear both and have both alternatives in there and not combine them into one alternative. Is that what you're saying we would do or that our preferred would be both?

MR. ROBSON: Well, if we selected both as a preferred, technically really 4 would be the preferred because it encompasses both 3 and 4. Dr. Crabtree has come back into the room, and it may be that we could use some help clarifying the acropora issue. George.

MR. GEIGER: For simplicity why don't we just redo it and go out with what you really think we need to do, Mark; and if that's Alternative 3, then let's revisit it and do what we really need to do rather than just trying to cover both of these areas, and we'll hear it. It's a public hearing document.

MR. ROBSON: I think that this was focused on the trap fishery and impacts to acropora, and I think it would be more appropriate for Alternative 3 to be the preferred.

MR. GEIGER: Okay, so I make a motion we reconsider the motion making Alternative 3 and 4 our preferred alternative.

MR. ROBSON: We have a motion to reconsider and a second by Ben Hartig.

MR. GEIGER: And we're doing this for all the reasons we've just had this had this little back-and-forth banter, that we're really trying to protect this species from trap damage.

MR. ROBSON: Yes, that is correct. Is there any discussion on the motion? Mac.

MR. CURRIN: Gregg is trying to dig this out right now, but if you notice there are three options under those that deal with three different sized areas; and my question is whether those are independent of each other or whether the large encompasses both the medium and the small and the medium encompasses small. If that's the case, then it would be appropriate to select one of those options.

MR. ROBSON: I don't know the answer to that. I think we could still have Alternative 3 in general as our preferred. We've got a motion to reconsider our earlier motion nineteen. Is there any discussion? **Any objection to that motion? Okay, that motion to reconsider passes.** George.

MR. GEIGER: Mr. Chairman, I would like to make a motion that we make Alternative 3, Option A our preferred alternative.

MR. ROBSON: Second by Mac. All right, we have a motion for a new preferred alternative, Alternative 3, Option A. Is there any discussion of the motion? Any objection? That motion carries. With that, Gregg, did you have anything else? Okay, Mr. Chairman, I believe now that concludes my report.

MR. CUPKA: Okay, thank you, Mark. Robert.

MR. BOYLES: Mr. Chairman, having voted on the prevailing side with respect to the vote requesting the secretary institute an emergency rule on the deepwater closure, I would make a motion to reconsider.

MR. CUPKA: We have a motion to reconsider and Mr. Boyles was on the prevailing side, so the chairman rules that the motion is in order. Okay, we have a motion by Mr. Boyles and a second by Mac. Discussion on the motion? Any objection to the motion? It looks like three objections. All right, all those in favor. Okay, the motion passes. All right, we need to take another roll call vote then, I guess. Well, we passed the motion to reconsider the original motion, and my understanding is we are not going to change that motion. We're just going to revote on the motion. Charlie.

MR. PHILLIPS: Could we have some discussion on why we're reconsidering it.

MR. CUPKA: Well, I asked for discussion and no one – do you want to go ahead? Okay, the motion to reconsider passed but before we take the vote we can ask for discussion. Mac.

MR. CURRIN: Mr. Chairman, I would like offer a substitute motion and that would be to remove the request for emergency action from this motion and simply make a motion to begin framework action to look at the deepwater closure or modify the deepwater closure in Amendment 17B. If I get a second, I'll explain my rationale. We do have a second.

My rationale for doing it, as I indicated earlier in our discussions, I'm fully supportive of getting this done, and I'd like to see it done as quickly we possibly could. My fear with including the

request for emergency rule in this is that would delay in fact the ultimate goal of getting to where we want to get, and that is to reconsider that deepwater closure, specifically north of Hatteras. I believe that there is substantial support and documentation to support that request.

I believe that the state of North Carolina – don't let me speak for you, Brian – would be more than happy to work with the staff to develop that framework action. I further believe that it is a relatively simple matter. I don't what is all involved in developing these framework actions, but if it's simple and to the point and not extremely complicated, and we've got some outside help,

I think that might facilitate getting this done much more quickly than going down the road of requesting an emergency action. From the discussion we had earlier, my fear is that request for emergency action would in fact be denied and that would put us at least one more meeting behind before getting started on the development of a framework. That's my rationale.

DR. CHEUVRONT: Yes, I'll speak in favor of this as well. Part of our rationale that we will use for this would end up being some of the things that I put into the minority report and some comments that we made. I had some discussion by e-mail with Louis regarding this, and he has consented to allow me to help work with staff in putting together the arguments and things that we need to do. If I can help move this along, just let me know any way that I can help. I'm going to speak in support of this substitute motion.

MR. BOYLES: Mr. Chairman, a question; procedurally, this is then just a motion of the council and is not going to the secretary. It's not a roll call vote. This is just direction on where we want to go; is that correct?

MR. CUPKA: I was going to bring that up, and I think that's my understanding unless Monica says otherwise; but since it does not involve an emergency action now, it would not require a roll call vote. There would just be a regular vote by the full council; is that correct?

MS. SMIT-BRUNELLO: I think that's correct. I'll double check it.

MR. MAHOOD: We don't need a roll call vote to undo the other roll call vote.

MS. SMIT-BRUNELLO: Right, I think that's okay.

MR. MAHOOD: I don't think you do.

MS. SMIT-BRUNELLO: Yes.

DR. CRABTREE: I think this is a wise decision. I think you're exactly right, that the emergency request would take away time from the people because it would be Jack and our staff that would have to deal with that and your staff would have to put the request together, and that time could be spent relooking at this. I do think it's a difficult argument to make that there is an emergency, so I think this is a good idea.

MR. CUPKA: Any further discussion on the motion? The motion is to remove the emergency request and begin a framework action to reconsider the closure in Amendment 17B. **All those in favor signify by raising your hand; opposed; abstentions. It looks like it's unanimous. We'll vote again since it was a substitute motion. All right, all in favor of the main motion signify by raising your hand; opposed; abstentions. It's unanimous.** All right, that brings us down to the Mackerel Committee Report, Mr. Geiger.

MR. GEIGER: The Mackerel Committee met on December 7th in New Bern. The committee reviewed Mackerel Amendment 18/EA. The committee approved the following motions. For those of you who are following along, if have this report, Motions 1, 3 and 4 – basically, Motion 1, we made a motion and we reconsidered it and Motion 4 got us back to where we were, so I won't bother going through those three motions in the interest of time.

Motion 2 was to add subalternatives listing in each of the species under Alternatives 2-4 and develop ACL alternatives for full council. We asked staff to come up with some ACL numbers for these species.

MR. WAUGH: Yes, Mr. Chairman, two things here is we need to remove “all” from the alternatives in Alternatives 2, 3 and 4. What we've done is you asked us to add subalternatives under here. By adding these subalternatives, the intent is to give you the option of choosing one or more of these. Perhaps it can be just direction to staff from the council to now remove “all” from the wording in these three alternatives such that you have the opportunity to choose one or more of these.

MR. GEIGER: Any objection to doing that? Seeing none, that is direction. Gregg.

MR. WAUGH: Okay, then the request was to look at projected anticipated ACLs for these minor species. Remember previously our intent was to remove them and then there was a desire to look at them. One qualifying item off the top is bluefish is just in the Gulf and dolphin is just in the Gulf. I have calculated some preliminary numbers here, but those decisions would be up to the Gulf Council to handle.

Sero and little tunny are still managed as one stock, and so we would have input on those two. This taking the landings' data from tables in the amendment that begin on Page 28. If you look at sero, looking at this time series, 2000-2008, and you look at a mean, the mean landings are 96,135 pounds. The median is 100,938 pounds.

The various alternatives that the Gulf SSC is considering, the mean plus 0.5 of the standard deviation, 1 of the standard deviation and 1.5 of the standard deviation would give you these sorts of numbers, ranging from 110,000 up to 136,000. If it's your desire to keep these four species in the management unit right now and develop ABC/ACLs for those, then we would just need you to indicate what you would like us to do is work up alternatives like we have for king, Spanish and cobia with the ABCs/ACLs and look at what management measures might be necessary.

We would do that for sero using our SSC recommendation as one alternative and the Gulf's as another alternative. We could start working on those for sero and little tunny and then it would be up to the Gulf to consider how they would want to handle bluefish and dolphin. You can see for little tunny you get a range from the median is 194,000, median is 218,000 pounds, and then the three mean plus standard deviations range from 218,000 up to 266,000. You can see how these numbers compare relative to total landings for little tunny and sero.

MR. CURRIN: I do have an interest in retaining little tunny and would make that motion that the staff develop ACL alternatives for little tunny in Mackerel 18.

MR. WAUGH: I think we have a motion – didn't you make this motion on behalf of the committee?

MR. GEIGER: The motion has been made; we didn't take any action on it until you made your presentation.

MR. WAUGH: Okay, but it does have us developing ACL alternatives.

MR. GEIGER: Right. Is there any desire on the part of anyone else to consider any of the other three species? Okay, so we have a motion to add subalternatives listing each of the species under Alternatives 2-4 and develop ACL alternatives for full council. That was approved and on behalf of the committee I so move. Is there any discussion of that? We've just had the discussion that Mac wants to include little tunny. Anybody else have any desires to include any of the other three species? Mac.

MR. CURRIN: Then I think it's appropriate now for me to make the motion I made before and that is to include little tunny under the subalternatives.

MR. GEIGER: This is a new motion, so we've got to vote on the motion that we made. **Is there any objection to that motion number two? Seeing none, that motion was approved.** We have a new motion on the floor – go ahead, Mac.

MR. CURRIN: Yes, my motion would be to include and analyze alternatives concerning little tunny under this action.

DR. CHEUVRONT: I'll second it.

MR. GEIGER: Okay, we have a motion and a second to include and analyze alternatives including little tunny. Seconded by Dr. Chevront. Is there any discussion? Mr. Hartig.

MR. HARTIG: I'm going to just speak against it. If you look at Methot's stuff and his tiered approach, little tunny is going to fall into the nil category and you may actually want to set your ACL for that species at the highest level of landings. That is just a thought; and maybe when the SSC looks at it, they'll have a different idea. That is my concern.

MR. GEIGER: Any other discussion? Gregg.

MR. WAUGH: The intent would be that we would work up alternatives based on how our SSC has provided guidance thus far. The Gulf's alternative – and you have directed us, and we'll come to that, is to present the Gulf's control rule to our SSC; and then as John has indicated is our SSC is looking at their approach again in April, so they very well could give us another alternative for little tunny. But if we do include little tunny, you may want to make clear that you want us to also include an alternative based on the Methot approach that could go out to public hearing, so it wouldn't delay us.

MR. CURRIN: My interest in doing this is this is an issue that has been around for a long time. Particularly in North Carolina because of the large recreational fishery, there is interest there and I have personal interest in making sure that there are regulations in place such that new fisheries don't develop at a huge level that would impact activities that are going on now.

MR. GEIGER: Any other discussion? **Is there any opposition to the motion? Seeing none, that motion carries.**

MR. HARTIG: Well, could I make a motion to include the Methot method to calculate ACLs for little tunny.

MR. GEIGER: Okay, we have a motion from Mr. Hartig to include Methot's method to calculate ACLs for little tunny; second by Mr. Robson. **Is there any discussion? Is there opposition to the motion? Seeing none, that motion carries.** Before we leave it, is there any other desire to take any action on the other three species? Seeing none, we'll move along.

Under Action 2.2, Action 2 is modify the framework procedures. We had Motion 5, adopt Alternative 3, Option 2 as our preferred, which was approved by committee, and on behalf of the committee I so move. Is there any discussion? Is there any opposition to that motion? Seeing none, that motion carries.

2.3, Action 3, establish separate Atlantic and Gulf Migratory Groups of cobia. Motion Number 6 was to adopt Alternative 3 as our preferred. It was approved by committee and on behalf of the committee I so move. Is there any discussion? Any opposition to the motion? Seeing none, that motion carries.

2.13, Action 13, specify MSY, MSST, MFMT/OFL, ABC, OY, ACL, et cetera; Motion 7 was to adopt Alternative 2 as our preferred with ABC equal to 10.46 million pounds. That was approved by the committee and on behalf of the committee I so move. Is there any discussion? Any opposition to that motion? Seeing none, that motion carries.

Motion Number was to move Alternative 5 to the considered but rejected appendix. Approved by committee and behalf of the committee I so move. Any discussion? Any opposition to that motion? Seeing none, that motion carries.

2.13.4, optimum yield for Atlantic Migratory Group King Mackerel; Motion 9, accept the IPT recommendation to fold the optimum yield into the ACL action. Approved by

committee and on behalf of the committee I so move. Is there any discussion? Any opposition to the motion? Seeing none, that motion carries.

2.13.5, annual catch limits for Atlantic Migratory Group King Mackerel; Motion Number 10, adopt Alternative 2 as our preferred. Approved by committee and on behalf of the committee I so move. Is there any discussion? Any opposition to that motion? Seeing none, that motion carries.

2.13.6, annual catch targets for king mackerel; Motion Number 11 was to adopt Alternative 1 as our preferred and move Alternative 2 to the considered but rejected appendix. That was approved by committee and on behalf of the committee I so move. Is there any discussion? Any opposition to that motion? Seeing none, that motion carries.

Action 2.13.6B, recreational sector ACT; Motion Number 12 was to adopt Alternative 4 as our preferred. That was approved by committee and on behalf of the committee I so move. Is there any discussion? Any opposition to that motion? Seeing none, that motion carries.

2.14, Action 14, specify accountability measures for Atlantic Group King Mackerel; Motion Number 13 was to adopt Alternative 2 as modified as our preferred and on behalf of the committee I so move. Is there any discussion? Any opposition to that motion? Seeing none, that motion carries.

Motion Number 14 was to adopt Alternatives 3A and 4A as our preferred alternatives. That was approved by committee and on behalf of the committee I so move. Is there any discussion? Any objection? Seeing none, that motion carries.

Motion Number 15 to move Alternative 5 from the accountability measures to the considered but rejected appendix. That was approved by committee and on behalf of the committee I so move. Is there any discussion? Any opposition? Seeing none, that motion carries.

Action 15, management measures for Atlantic Migratory King Mackerel – no motions until we get down to 2.16.3, allowable biological catch control rule for Atlantic Group Migratory King Mackerel. Motion Number 16 was to adopt Alternative 2 as our preferred. That was approved by committee and on behalf of the committee I so move. Any discussion? Gregg.

MR. WAUGH: In looking at the landings' information – and we have received updated landings' information – what the SSC recommended was to use the median of ten years of landings, and that gets you 4.91 million pounds. Using the updated landings and you recalculate that, the median is 5.29 million pounds.

I mentioned this to John and he feels that the SSC's methodology was to use the median of ten years of landings. It would be consistent with their methodology now that we have updated landings' information to use that updated landings' information to calculate what their ABC would be, and that would be using this new value of 5.29 million pounds.

You can see how that affects the allocations. Under the existing 4.91, we're looking at 2.7 million pounds on the commercial side. This would increase that to 2.91. The recreational existing ABC or how we set our ACLs would be 2.21 and it would increase 2.38. The recreational ACT would go from 2.03 up to 2.19.

MR. GEIGER: This is good news and also is consistent with our desires to always use the most updated information possible to come up with these calculations. I don't know that there would be anybody who would be in opposition to that, but we have a motion that we need to take action on first. Is there any opposition to that Motion 16 I read to adopt Alternative 2 as our preferred. Any discussion? Do we need to just say in the discussion for all those reasons we want to use the most updated landings' information? Mac.

MR. CURRIN: That makes sense to me. I don't know the best way to go about it; perhaps offer a substitute motion to adopt the SAFMC SSC recommended ABC Control Rule and establish an ABC as 5.29 – let me rephrase that. **Substitute motion to adopt the South Atlantic Council SSC's recommended ABC Control Rule using the most recent landings.**

MR. GEIGER: We have a substitute motion by Mr. Currin; is there a second? Ben Hartig seconds it. Is there any discussion? Is there any objection? Seeing none, the substitute becomes the main motion. Is there any discussion on the main motion? Any opposition to the main motion? Seeing none, the main motion carries.

Motion Number 17, move Alternatives 3-5 to the considered but rejected appendix. That was approved by committee and on behalf of the committee I so move. Is there any discussion? Any objection to that motion? Seeing none, that motion carries.

2.16.4, optimum yield, Motion Number 18 was to accept the IPT recommendation to fold OY into the ACL action. That was approved by committee and on behalf of the committee I so move. Is there any discussion? Any objection to the motion? Seeing none, that motion carries.

2.16.5, annual catch limits for Atlantic Migratory Group Spanish Mackerel. That last motion was on Spanish, too. 2.16.5, annual catch limits for Atlantic Migratory Group Spanish Mackerel; Motion Number 19 was to adopt Alternative 2 as our preferred. That was approved by committee and on behalf on the committee I so move. Discussion?

MR. CURRIN: To make it consistent with the previous motion, I would offer a substitute to read that the ACL is equal to the OY is equal to the ABC, which is equal to that value calculated using the most recent landings.

MR. GEIGER: We have a second by Ben Hartig. Is there any discussion of the substitute motion? Is there any objection to the substitute? That motion becomes the main motion. Is there any discussion of the main? Any objection of the main motion? That motion carries.

2.16.6, annual catch target for Atlantic Migratory Group Spanish Mackerel; Motion Number 20 was to adopt Alternative 1 as our preferred and move Alternative 2 to the considered but rejected appendix. That was approved by committee and on behalf of the committee I so move. Is there any discussion? Any objection to the motion? Seeing none, that motion carries.

Action 2.16.6B, recreational sector ACT; Motion 21 was to adopt Alternative 4 as our preferred. That was approved by committee and on behalf of the committee I so move. Any discussion? Any objection to that motion? Seeing none, that motion carries.

2.17, Action 17, specify accountability measures for Atlantic Migratory Group Spanish; Motion Number 22 was to adopt Alternative 2 as our preferred and track king mackerel wording to adjust the bag limit – let me reread that; adopt Alternative 2 as our preferred and track the king mackerel wording to adjust the bag limit the following fishing year. That was approved by committee and on behalf of the committee I so move. Is there any discussion? Any objection to that motion? Seeing none, that motion carries.

Motion Number 23, adopt Subalternatives 3A and 4A as our preferred alternatives. That was approved by committee and on behalf of the committee I so move. Is there any discussion? Any objection to the motion? Seeing none, that motion carries.

2.18, Action 18, management measures for Atlantic Migratory Group Spanish Mackerel; Motion Number 24 was to adopt Alternative 5 as our preferred. That was approved by committee and on behalf on the committee I so move. Is there any discussion? Any opposition to that motion? Seeing none, that motion carries.

2.19, Action 19, no action on that particular action and no motions. Motion Number 25 was to add alternatives to set the ABC equal to the mean of landings plus 1.5 times the standard deviation; ask the SSC to evaluate the Gulf Council Control Rule for ABC/ACL and ask why that approach can't be used for Spanish mackerel or cobia. That was approved by committee and on behalf of the committee I so move. Is there any discussion? Is there any opposition to that motion? That motion carries.

MR. WAUGH: When we were discussing cobia, there was an issue over the recreational landings, whether we had the latest landings, and the issue was whether we had the 2009 recreational information. We did have that from the Center. That was my error in pulling that information into the table, so I wanted to apologize for Bonnie and Steve Turner for implying that they didn't send us that information. We had it; that was just my mistake. What we would need is just your guidance to update the cobia numbers similar to what we were doing for Spanish mackerel; and as we look at these other alternatives, we'll use the most recent ten years' landings.

MR. CURRIN: If guidance is all right, I'm okay with that. If you need a motion, I'm prepared to make it.

MR. GEIGER: Is guidance okay, Gregg?

MR. WAUGH: Yes.

MR. GEIGER: Okay, thank you. **2.19.4, optimum yield for Atlantic Migratory Group Cobia, Motion Number 26 was to accept the IPT recommendation to fold OY into the ACL actions for Atlantic Migratory Group Cobia. That was approved by committee and on behalf of the committee I so move. Is there any discussion? Any opposition to that motion? Seeing none, that motion carries.**

2.19.5, allocations for Atlantic Migratory Group Cobia, Motion Number 27 was to move Alternative 4 to the considered but rejected appendix. That was approved by committee and on behalf of the committee I so move. Is there any discussion? Any objection to that motion? Seeing none, that motion carries.

2.19.6, annual catch limits for Atlantic Migratory Group Cobia; Motion Number 28, adopt Alternative 2 as our preferred. That was approved by committee and on behalf of the committee I so move. Is there any discussion? Any objection to that motion? Seeing none, that motion carries.

2.19.7, annual catch target for Atlantic Migratory Group Cobia; Motion Number 29, adopt Alternative 1 as our preferred and move Alternative 2 to the considered but rejected appendix. That was approved by committee and on behalf of the committee I so move. Is there any discussion? Any objection to that motion? Seeing none, that motion carries.

Recreational ACT, Action 2.19.7B; Motion Number 30 is to adopt Alternative 4 as our preferred. That has been approved by committee and on behalf of the committee I so move. Is there any discussion or objection to that motion? Seeing none, that motion carries.

Action Number 20, specify accountability measures for Atlantic Group Migratory Cobia; Motion Number 31 was to adopt Alternatives 3, 4A and 5A as our preferred. That was approved by committee and on behalf of the committee I so move. Is there any discussion or objection to that motion? Seeing none, that motion carries.

Action Number 21, management measures for Atlantic Migratory Group Cobia, Motion Number 32 was add alternatives to consider one cobia per boat per day and an alternative that looks at a closed season for recreational fishing. That was approved by committee and on behalf of the committee I so move. Is there any discussion or objection to that motion? Seeing none, that motion carries.

Other motions; Motion Number 33 was to approve Mackerel Amendment 18 for public hearings and give editorial license to staff to incorporate changes from the Gulf Council at their February 2011 meeting. That was approved by committee and on behalf of the committee I so move. Is there any discussion or objection to that motion? Seeing none, that motion carries.

Motion Number 34, approve Mackerel Amendment 18 for public hearing locations and dates with the understanding that they will be coordinated with the Gulf Council. That was approved by committee and on behalf of the committee I so move. Is there any discussion or objection to that motion? Seeing none, that motion carries. The schedule is provided in that committee report if anybody needs to look at it.

Motion Number 35 is to approve scheduling a Mackerel AP meeting during May in Charleston pending the Executive/Finance deliberations. That was approved by committee and on behalf of the committee I so move. Is there any discussion or objection concerning that motion? Seeing none, that motion carries.

Motion Number 36 was direction to staff and on behalf of the committee I would so move. There were seven action items and I don't know that we need to go over each one of those individually. Is there any discussion or objection to that motion? Seeing none, that motion is approved.

Item Number 3 concerned bag limit sales for species in the coastal migratory pelagics' FMP. **Motion Number 37 was to begin work on Mackerel Amendment 19 to address bag limit sales. That was approved by committee and on behalf of the committee I would so move.** Is there any objection or discussion of that motion? I guess I would have some discussion. There is a footnote here that says the amendment will likely be Number 21.

MR. WAUGH: And that certainly isn't an attempt to delay it any further. It's just a recognition that there other amendments already in the queue. Nineteen and twenty are already taken up with other issues. Twenty is the Gulf's look at LAPP or that type of approach. It is just indicating that the actual number of the amendment will be 21.

MR. GEIGER: Is there any other discussion or objection to that motion? Seeing none that motion carries. I believe that's it. The committee provided guidance and that's on the last two pages of the 11-page committee report. I think the staff does a wonderful job putting these reports together.

When I came on the council, the council members kind of put their own committee reports together, and, My God, they took forever. Can you imagine if we had to put our own committee reports at this meeting? Thank you, staff. That completes my committee report, Mr. Chairman.

MR. HARTIG: David, I've got one question for that committee. It wasn't really specific to any one thing, but it was a general – I mean, in cobia we were going to look at the Gulf's way of computing using the standard deviations, and I thought we were going to come back review that after we had those figures. Is that not my recollection?

MR. GEIGER: Well, he did put those figures up. Did you want to review them in more detail, Ben? He said he had gotten the updated figures from the science center and he included them in the chart and told us what the ACL would be under the different parameters. Mac, I think the motion you made was to incorporate the latest numbers into the calculations for ABC/ACL.

MR. HARTIG: Was that for cobia, also?

MR. CURRIN: Yes, Ben, it was. I think Gregg had the values associated with using the Gulf's Control Rule. We didn't change any preferreds or anything based on that, but it's there for consideration and can be addressed at some later date, I presume.

MR. GEIGER: Now, those numbers are not included in this report; so if you want to look at those numbers, Gregg has the table and I guess Gregg could print out that table for you to look at or do you want us to all look at them together again?

MR. HARTIG: No, I'm fine.

MR. GEIGER: Okay, that completes the Mackerel Report.

MR. CUPKA: Thank you, George. Next is our Ecosystem-Based Management Committee Report.

MR. HARRIS: The report has been e-mailed to the council. There were eleven motions and one unresolved issue. I'll take us through some of those motions and discuss the unresolved issue regarding sea turtle release gear. **Motion Number 1 was to adopt Alternative 1 as our preferred. That was approved by the committee and on behalf of the committee I so move. Is there any discussion of the motion? Is there objection to the motion? Seeing none, that motion is approved.**

Motion Number 2 is to delete the following language from Action 1, Alternative 3, which is remove octocorals from the fishery management unit. On behalf of the committee I so move. Is there discussion of the motion? Is there objection to the motion? Seeing none, that motion is approved.

Motion Number 3 is to move Action 1, Alternative 3 to the considered but rejected appendix. On behalf of the committee I so move. Is there discussion of the motion? Is there objection to the motion? Seeing none, that motion is approved.

Motion Number 4 is to adopt Alternative 2 in Action 2 as our preferred alternative, and on behalf of the committee I so move. Is there discussion of the motion? Is there objection to the motion? Seeing none, that motion is approved.

Motion Number 5 is to accept the IPT recommended changes to wording for Alternatives 1 and 2 and adopt Alternative 2 as our preferred. On behalf of the committee I so move. Is there discussion of the motion? Is there objection to the motion? Seeing none, that motion is approved.

Motion 6 is to not accept the IPT recommendation and keep Alternative 4 as a separate alternative and choose Alternatives 2 and 3 as our preferred alternatives. On behalf of the committee I so move. Is there discussion of that motion? Is there objection to that motion? Seeing none, that motion is approved.

Motion 7 is to replace Alternatives 2 and 3 with new Alternative 7. On behalf of the committee I so move. Is there discussion of that motion? Is there objection to the motion? Seeing none, that motion is approved.

Now, with respect to the unresolved issue regarding Action 5, Anna and Monica and Jack and the Protected Resources staff at the region have discussed this. There is a biological opinion requirement associated with this, but there are some unresolved issues. For example, the Western Pacific Fishery Management Council, when you look at their requirements for sea turtle release requirements, they don't conform to this biological opinion.

My recommendation is that we take this out to public hearings without a preferred alternative. I think there is a good suite of alternatives here. It would take a lot of time to discuss these alternatives and come up with a preferred. If you want to select a preferred, that's okay, but right now I think we need to have a good bit discussion about this, so I'd recommend that we just stick with the alternatives that are in the plan right now and take this to public hearing.

Any discussion of that recommendation? Okay, seeing none, with respect to Action 5, we'll go to public hearing without a preferred alternative. Those alternatives are in this report, and I would ask you to look at those and be thinking about this because after the public hearings we're going to be coming back in March and making some recommendations with respect to this issue.

Motion Number 8 is to remove Action 6 addressing the Shrimp Fishery Management Plan and move to the rejected appendix, and on behalf of the committee I so move. Is there discussion of that motion? Is there objection to that motion? Seeing none, that motion is approved.

Motion Number 9 is to adopt Alternative 3 as our preferred and on behalf of the committee I so move. Is there discussion of the motion? Is there objection to the motion? Seeing none, that motion is approved.

Motion Number 10 is to remove old Action 7, which is the Coastal Migratory Pelagics Fishery Management Plan, to the considered but rejected appendix – not the whole plan, but just Action 7. On behalf of the committee I so move. Discussion of that motion? Is there objection to that motion? Seeing none, that motion is approved.

Motion Number 11 is to approve the Coastal Ecosystem-Based Amendment Number 2 for public hearings, and on behalf of the committee I so move. Is there discussion of that motion? Is there objection to that motion? Seeing none, that motion is approved. I want to thank Anna for the excellent job she has done in preparing this and getting me through this committee as the new committee chair and a new staff person. Mr. Chairman, that completes my report.

MR. CUPKA: Thank you, Duane. The next report is from the Golden Crab Committee. **There was only one motion from our committee, and that is establish a control date of December**

7, 2010, for golden crab. On behalf of the committee I would so move. Is there any discussion? Any objection to the motion? Then that motion is approved.

That completes the Golden Crab Committee Report. **I'm sorry, there was one other motion and was to approve Golden Crab Amendment 5 for scoping and on behalf of the committee I would so move. Is there any discussion? Any objection? Seeing none, that motion is approved**

That brings us down to the SEDAR Committee Report. There are a number of motions that were made there, and we'll just go through those. **The first is to move to swap the scheduling of gray triggerfish and white grunt assessments, and on behalf of the committee I would so move. Is there any discussion on the motion? Any objection? Without objection, that motion is approved.**

Second, move to support the rest of the South Atlantic proposed SEDAR Schedule as revised and to assess blueline tilefish along with Warsaw grouper and speckled hind in 2013.

MR. ROBSON: Well, I didn't know if the revised schedule, if we took into account moving the spiny lobster placeholder back to 2014?

MR. CUPKA: Yes, we revised that and left it up to Florida with a question mark; that is correct. Any discussion on the motion? Tom.

MR. SWATZEL: Just when appropriate, I want to revisit the scheduling for vermilion snapper and red porgy.

MR. CUPKA: Well, we ought probably go ahead and do that now before we take action on this.

MR. SWATZEL: I'm sorry I neglected to bring this issue up at the SEDAR Committee level. **I would like to move that we swap the scheduling for vermilion snapper and red porgy assessment scheduling.**

MR. CUPKA: Second by Brian. Discussion on the motion?

MR. SWATZEL: If I may, I had a number of discussions with fishermen, both commercial and recreational, and certainly from a vermilion snapper perspective it is a very valuable fish commercially and very important from a recreational standpoint. If you may recall, in Amendment 16 vermilion snapper from a recreational standpoint were very close to qualifying for a nine-fish bag limit versus five. We missed it by just a few percentage points. The general impression is that perhaps a new assessment will show that fishery as being much better than it originally was, which might benefit both recreational and commercial fishermen. I just view that we want to try to accelerate that assessment to the extent that we could.

MR. GEIGER: How long has it been since we've had a red porgy assessment?

MR. CARMICHAEL: I think it was 2006.

MR. GEIGER: And when would this occur; what year would this occur?

MR. SWATZEL: If I may, the red porgy was scheduled for 2012 and the vermilion snapper was scheduled for 2014.

MR. HARTIG: Just how many years does that give us between the last assessment and the one you want now?

MR. GEIGER: The question is when was the last vermilion snapper assessment done? The answer was the vermilion snapper was 2008.

MR. BOYLES: Could we recapitulate, please, just where are we and what would this action move? We had vermilion in 2008 and if the motion that Tom made – Tom's motion – the next vermilion snapper assessment would be 2012. And for red porgy, the last assessment?

MR. CUPKA: 2006 and that would move to 2014. Further discussion? Charlie.

MR. PHILLIPS: I understand that is not an exceedingly long timeline for vermilion, but we've heard a lot of interest from fishermen about the length of the season. Vermilion is much, much, much more important dollar-wise and pound-wise than red porgy. For those reasons, if we could get any kind of an increase in assessment, it is going to help the fishermen much more on vermilion than what I would probably expect on red porgy.

MR. GEIGER: I certainly understand that an intense discussion will take place at the SEDAR Steering Committee and the scientific community will weigh in on the merits of doing it or don't do it. I will support the motion based on the trust I have in that process and the decision you guys make.

MR. CUPKA: That's correct; this is a recommendation to go to the steering committee for final approval or disapproval. Further discussion? Bonnie.

DR. PONWITH: I just wanted to revisit the blueline issue. When we had that discussion in committee, the question I asked was which one would we swap out to be able to add the blueline in, and I'm not sure if we got an candidate for that.

MR. CUPKA: Well, let's go through the rest of these. I don't recall if it's in there or not; and then if we need to, we'll address it at the end. Okay, further discussion? **All those in favor of the motion signify by raising your hand; opposed like sign. The motion is approved.**

All right, that brings us back to the committee motion, which is to support the rest of the South Atlantic proposed SEDAR Schedule as revised and to assess blueline tilefish along with Warsaw grouper and speckled hind in 2013. On behalf of the committee I would so move. Any discussion? Brian.

DR. CHEUVRONT: Bonnie, the question that came up and the reason why we added blueline on top of the other two instead of swapping something out, there is a very high probability we

won't be able to do an assessment on speckled hind and Warsaw. We tried with SEDAR 4 and the data weren't there and they got dropped out of that assessment.

The data collection has not improved at all since then, and my guess is that we will not be successful in trying to do an assessment on those two species; and instead of just losing an opportunity to do an assessment because we can't do those two species, I thought that it would be appropriate to add blueline tile at that time.

DR. PONWITH: Thanks; that helps clarify. I have asked our folks what they think the chances are based on the information that we've got. They believe it's at least reasonable that we would have the data that we needed to run that assessment. We won't know until the data workshop is carried through to fruition. In the event that we were able to carry those out, then would we just drop that back in queue; is that the thought that it would be substituted in in the event that we were incapable of doing either or both of those other two species?

DR. CHEUVRONT: That's really difficult. We've basically had the same designation on Warsaw and speckled hind since early to mid-nineties and nothing has really been able to happen with them since then. I've looked at the landing stream, what is there, and it's basically nothing. Actually if you check the recent years, I don't have much confidence that we're going to get Warsaw grouper or speckled hind.

What they did back in the nineties was a catch-curve analysis, and I can't imagine that they're going to be able to get anything more significant than that. My concern about the blueline tilefish is that the landings have gone up so incredibly in these last three seasons that we are looking at facing a serious problem with this fishery if we can't assess it soon and take action if we need to do something. I'm in a quandary here and I need some help from my fellow council members on we think we ought to do here.

DR. PONWITH: And, again, even this discussion is helpful because once I walk away from the council meeting and we get into the SEDAR Steering Committee, we don't have easy access to your thoughts on this when judgment calls. We certainly have your council representatives there, but it's not the full suite. Understanding kind of what your logic is and what your choices would be helps us to be able to act according to your wishes.

MR. CURRIN: One comment and then a question or toss something out for thought; the comment is that during the data workshop for SEDAR 4 there was considerable discussion of the capability of doing an assessment for speckled hind. The best I recall – Erik Williams would know because I think he made the comments – I believe the consensus was they were very, very close to being able to do an assessment at that time on speckled hind. That may well have changed, Brian, I don't know.

The comment that I would throw out or question for consideration is it would seem to me that the data streams and data sets that would be used for assessing all three would be very, very similar and perhaps some consideration of that could be used in designing that data workshop and have all three of those species looked at preliminarily in that time slot and then perhaps a decision could be made based on the availability and capability on which specie or species could be adequately assessed.

MR. CUPKA: Well, I don't think we're going to resolve this here today, and this is a recommendation. If it turns out it can be accomplished, then I guess it will be. If it can't, we will have to revisit it, but again it's a recommendation and we aren't going to make a final decision here today. We're aware of your wishes, Brian, and we will try to accommodate that if we can. Any further discussion on the motion? **Is there any objection? Seeing none, then that motion is approved.**

The next one is to move to approve the SEDAR 25 Terms of Reference and on behalf of the committee I would so move. Any discussion on the motion? Any objection? Seeing none, that motion is approved.

Next is to move to approve the schedule for SEDAR 25 with flexibility to shift the assessment workshop and review workshop if feasible. On behalf of the committee I would so move. Is there any discussion on the motion? Any objection? Seeing none, that motion is approved.

Next is to move that Tony Austin, Chris Long, Joey Klosterman, Chad Lee, Robert DeVincinitis, Nikolai Klibansky and Paul Ruderhausen be appointed to the SEDAR Pool. On behalf of the committee I would so move. Is there any discussion on the motion? Any objection? Seeing none, that motion is approved.

I don't know if we can project the table, Myra, but we had a number of appointments of state agency and other agency representatives to the SEDAR 25 workshops. I don't know if we can project those or if I've got to read every one of these out. **These are appointments to all three workshops during the SEDAR 25. We can provide Joe that list I guess and you can put those in. I'll just provide the list to Joe, because it's a long list. On behalf of the committee I would so move. Is there any discussion? Any objection? Seeing none that is approved.**

We have the same thing with SSC representatives to SEDAR 25 Data, Assessment and Review Workshops. On behalf of the committee I would so move. Is there any discussion? Any objection? That motion is approved.

(INDIVIDUALS APPOINTED BY MOTIONS ABOVE ADDRESSING STATE AND AGENCY REPRESENTATIVES ARE:

Data Workshop: NC DMF: Alan Bianchi, Dough Mumford, Jack Holland (NC ASSESSMENT TEAM TO BE DETERMINED); SC DNR: Joey Ballenger, Paulette Mikell, Dave Wyanski, Laurie DiJoy, Jessica Stephen; GA DNR: Julie Califf, Kathi Knowlton; FL FWC: Steve Brown, Beverly Sauls (ASSESSMENT TEAM TO BE DETERMINED); Nikolai Klibansky, UNCW; Paul Ruderhausen, NCSU; Julie Defillipi, ACCSP.

Assessment Workshop: Nikolai Klibansky, UNCW; Paul Ruderhausen, NCSU.

SSC REPRESENTATION: Chip Collier, Data and Assessment Workshop; Marcel Reichert, Data and Assessment Workshop; Assessment Workshop, Steve Cadrin, Andy Cooper, John Boreman. Review Workshop: Anne Lange, Jim Berkson.)

MR. CUPKA: Next is to appoint Jimmy Hull to the SEDAR 25 Data Workshop and on behalf of the committee I would so move. Is there any discussion on the motion? Any objection? Seeing none, that motion is approved.

Next appoint Kenny Fex, Bobby Cardin, Chad Lee, Joey Klosterman and Tony Austin to the SEDAR 25 Data Workshop. On behalf of the committee I would so move. Is there any discussion? Is there any objection? Then that motion is approved.

The next motion is to approve those same individuals to the SEDAR 25 Assessment Workshop. On behalf of the committee, I would so move. Is there any discussion? Is there any objection? Seeing none, that motion is approved.

Next is to appoint Anne Lange to chair the SEDAR 25 Review Workshop. On behalf of the committee I would so move. Is there any discussion? Any objection? That is motion is approved.

Next is to appoint Anne Lange and George Sedberry to the SEDAR MPA Procedural Workshop and to appoint Marcel Reichert as a replacement if needed. On behalf of the committee I would so move. Any discussion on the motion? Any objection? Seeing none, that motion is approved.

Next is to appoint Ben Hartig and Tom Burgess to the SEDAR 25 Data, Assessment and Review Workshops. On behalf of the committee I would so move. Discussion on the motion? Is there any objection? Seeing none, that motion is approved.

Next is to move that those interested in serving on a SEDAR workshop as a constituent representative submit to the council a written request for appointment within two months of the council meeting at which appointments will be considered. The request should include the following information: full current contact information (name, phone number, address, e-mail; the SEDAR Project and workshops for which appoint is desired; and a summary of experience and knowledge of the stocks and fisheries involved. On behalf of the committee I would so move. Is there any discussion on the motion? Any objection? See none, that motion is approved.

That concludes the report of the SEDAR Committee. The next item I have on here is a legal briefing by Monica. She and I talked earlier about this and she has offered to dispense with their report at this meeting so we'll have a legal briefing at our next meeting.

Next is the Joint Executive/Finance Committee Meeting. There was one motion that came out of that and that was to modify the retirement plan to allow for employees to receive up to an additional 4 percent in their 401(k) account based on an employee's matching contribution to the account up to 4 percent. On behalf of the committee I would so move.

Is there any discussion on the motion? Any objection? Seeing none, that motion is approved. That concludes the Joint Executive/Finance. Next is the SOPPs Committee Report.

MR. HARRIS: The SOPPs Committee Report has been e-mailed to everyone. There were no motions, but I would like to reiterate the request of the executive director to review the new SOPPs language against the existing SOPPs language that the council has and be ready to discuss and approve the new SOPPs at our March meeting. That concludes my report, Mr. Chairman.

MR. CUPKA: The next item was the Snapper Grouper Committee Report and we have already gone through all the actions and motions that came out of the Snapper Grouper Committee so we don't need a report from them. That brings us down to the reports, Dr. Crabtree.

DR. CRABTREE: Mr. Chairman, I'll be brief. We e-mailed out to all of you a quota report just a little bit ago. Most of the things that have happened recently we've talked about. We've certainly covered Amendment 17A and that final rule. The only thing I would point out that I don't think we talked about is if you recall the requirement to use non-stainless circle hooks north of 28 degrees, the effective date on that will be March 3rd. We allowed some additional time on that so people could find hooks.

17B we talked about earlier, but the comment period ended November 22nd so we'll be notifying the council of our decision on that November 22nd. Black sea bass we reopened for two weeks on December 1st. There were I believe a little over 50,000 pounds left in that quota. We held a Sawfish Workshop that was sponsored by the Gulf Council and the Gulf and South Atlantic Fisheries Management Foundation on December 1st and 2nd. David attended.

A lot of experts who were there and presentations and I think a pretty good discussion on some possible things we might look at in order to reduce the mortality of sawfish in shrimp trawls. We are working on a new biological opinion which will analyze shrimp fishery impacts on smalltooth sawfish, sea turtles and Gulf sturgeon. The only other thing I guess is vermilion snapper will reopen on January 1 in the commercial fishery. Unless there are any questions, I'll conclude it at that, David.

MR. CUPKA: Questions for Roy? Roy, at some point it would probably be good to have Jennifer come and update us as they get further along with the biological opinion.

DR. CRABTREE: Yes, I agree. The next meeting might be a good time to do that and talk about the implications for the council.

MR. CUPKA: All right, thank you. All right, the Southeast Fisheries Science Center Report, Bonnie.

DR. PONWITH: Likewise, two documents were sent to you this morning. One is a powerpoint presentation that outlines the status of recreational catches of a suite of species. Those data are presented in two forms each. One is as a table, the other one is a graph and it shows how those catches are trending over time. Be forewarned, of course, that the 2010 data are preliminary and

the data are annotated with what waves are included in there and also what the fishing year breakdown is because of those fishing years are calendar years and some of them are different.

What I'll focus on in my report right now is a brief overview of what we've accomplished in the first year of the fishery-independent sampling based on the new resources we received in 2010. Our prime objectives in 2010 for the fishery-independent collections were to increase the spatial footprint of the sampling and the sample sizes of the fishery-independent sampling that were already going in South Atlantic waters.

To deploy video cameras on previously used Chevron traps basically gives us a new gear to be able to quantify species and also look at trap selectivity. To map hard bottom habitats, this is important because it enables us to build more efficient sampling designs for the surveys that we're using by knowing where hard bottom is. It helps us to stratify those sampling programs better.

The use of ROVs to assess habitat and red snapper densities in deep water and then, of course, the bottom longline sampling that we're doing which would enable us to compare age distributions of the shallow waters that are more heavily fished with those of the shelf break. In terms of results for the Chevron trapping, we got 63 days at sea aboard the Nancy Foster and the RV Savannah.

During those 63 days we deployed 482 traps and we captured 142 red snapper in those. One thing I do want to stress is that this isn't a red snapper exclusively survey. These data are going to have utility for the broad suite of reef fish that we're responsible for managing. For the trap videos we had again 468 traps outfitted with video cameras and collected more than 700 hours of video. We're right now developing the viewing protocols so that we have quantified measures for how to interpret that information.

In the ROV work we did 32 ROV dives aboard the Nancy Foster and collected from those ROV dives more than 50 hours of video that will be used for quantifying the presence and densities of fishes. Multibeam sonar mapping, we mapped 37 new areas between South Carolina and Florida for a total of just under 400 square kilometers of area.

And then for the longline survey we were able to accomplish the northern most latitudinal lines. The southern most are underway right now. In those we collected fewer red snapper than we anticipated in those northern-most bands. We collected 67 red snapper of which 65 were able to be aged. I'll report to you on the outcome of those southern-most bands as well when those data become available.

In the report that I sent to you it did include an age-structure breakdown of the red snapper from that bottom longline fishery. The interesting thing is that the patterns of the age distribution of those 67 fish very closely maps to the age distribution that was reflected in the stock assessment, not only where the peaks were but also the pattern of kind of peaks and troughs, and that actually is interesting and going to be very helpful in helping us to determine the age structure and the status of this stock in the moratorium scenario. Yes, George.

MR. GEIGER: Bonnie, the longline survey that you did; was that in conjunction with industry? I know there had been intense communication between you and industry representatives and they had offered use of their vessels and their equipment. Was this NOAA research or cooperative research?

DR. PONWITH: It was NOAA research from the standpoint that we did it via contracts, but it was cooperative research from the standpoint that the fishing industry was heavily, heavily involved in helping us design this study. We set up contracts. We used commercial fishing vessels for the collection of those data.

One of the stipulations in the call for proposals for those contracts was that they had a proven track record of using that gear for reef fish in the area because we wanted people who were technical experts in putting down that gear so that we could evaluate this question that the industry has put forward of is there a differential in the age distribution of fishes from these two spatially different areas.

MR. GEIGER: Were they as surprised as you characterized your surprise at the outcome?

DR. PONWITH: We just finished plotting up the early data. I haven't had a chance to speak one on one with many of the fishers on this yet. This is kind of hot off the press. Really, before I go to them to discuss this with them, I'm eager to have the other half of the data set. Again, I do this just kind of to demonstrate what we've gotten done as opposed to portraying this as sort of the full picture because this represents 50 percent of the effort thus far. At the next meeting I'll report back on what the other half of those longline drops look like.

The other thing that I wanted to raise is that our data entry for the headboat data this year is on track and so we're on track for an on-time release of headboat landings this year. The second thing is with respect to our staffing issues with the stock assessment group, we are on the brink of releasing another recruitment announcement aimed at getting another stock assessment scientist into the group based on this increase that we got last year.

That recruitment will go out sometime in the month of December, and the first people to get it will be the South Atlantic Council and so I hope that I can count on you to help me disseminate that far and wide and see if we can reel in a world expert in stock assessments. The two that we've hired already, one starts I believe in January and the other one starts in March. We're quite pleased to have attracted some really high-quality candidates for those positions. That's my report.

MR. CUPKA: Questions for Bonnie. Seeing none, then we'll do our agency and liaison reports. We'll start with North Carolina, Brian.

DR. CHEUVRONT: I guess I'll be the first one to start with some budget woes, but then there is also some other management issues and things. The state of North Carolina is facing some very difficult management issues just like we are here on the council. We've really been wrangling over speckled trout and we had to call a special meeting of our commission within a couple of weeks after they had just met to deal with some issues that had come up.

The decisions they're having to make are just as difficult for them to make as we're having to do here, so we're getting it from lots of different sides. We're also having to deal with protected species mitigation issues. We're handling sea turtles pretty well. I think we're doing a good job now of identifying where the hotspots are for potential interactions with sea turtles, so we're going to be able to modify this. We're working with the organization that brought suit against us and has been pretty cooperative in hammering this out.

But now with the potential listing of sturgeon we've already started looking at the kinds of mitigation things we might have to do in some of our fisheries to minimize interactions with sturgeons. We know we have a couple of places in the state where sturgeon interactions do occur. Unfortunately, they are in the places where we don't have sea turtle interactions, and so this is a whole new ball of wax we're having to deal with this.

I don't if any of you saw a local newspaper today, but yesterday the governor of North Carolina announced a major reorganization of state government. We're going from 14 departments down to 8, consolidating many actions, privatizing many administrative procedures. Things like purchasing and IT and all that is going to be taken out of state government altogether.

Things like HR departments and divisions are going to lose their ability to manage some of their own administrative things like fiscal activities and things. We don't know all the details of this yet, but this is pretty major stuff. We were all told that within the next six months or so that we had to brace for another major round of cutbacks in our state appropriations.

Our problem now is that we've cut back so many things that the Division of Marine Fisheries now is having to look at potentially eliminating programs entirely as well as positions that are filled, that we may not be able to find another way to fund some of these needed positions. It's pretty grim and we've been told to brace ourselves.

MR. CUPKA: Thank you, Brian. Questions for Brian? Seeing none, then we'll continue around. Wilson had to leave early today to attend another meeting, but he did send out a report of the e-mail, which all of you should have received, and he said if there are any questions to let him know. Doug, Georgia.

MR. HAYMANS: I can't top that with Brian, but the only thing of significance that I'll mention is that effective Wednesday Georgia DNR has a new commissioner. It is Representative Mark Williams, a two-term representative from Jessup, Georgia. This is a new world for us having an elected public official now become head of our department, but it was effective immediately on Wednesday. We get to meet him next Thursday at our office. I'll leave it at that.

MR. ROBSON: Mr. Chairman, I don't have too much, but I do want to let the council and staff know of a decision that I've made with my family to leave state service sometime midyear 2011. I'll be retiring and I am looking forward to that. We'll try to make some arrangements to have FWC staff from my division to be available for the March and the June meeting. I'll be here as well. We don't have specific plans but sometime in mid-to-late summer I'll probably be retiring from service.

MR. CUPKA: Thank you, Mark, and we're certainly going to hate to see you go, but we've got a little time left with you yet. Any questions for Mark? Seeing none, Robert.

MR. BOYLES: Gee, Mark, I'm depressed. Mr. Chairman, a couple of things of note; our staff has been working diligently using some new technology that's available to us to reassess the coverage of our state shellfish grounds and shellfish culture permit areas. That's been a major effort. As you know, in South Carolina we don't have oyster leases necessarily, but we manage exclusive use of those resources under permit and permittees have some very specific requirements under the law to maintain those.

We are rolling out a basically a reassessment of the state's shellfish resources that we're very excited about. We're continuing to track the proposed listing of Atlantic sturgeon as endangered. We have a number of concerns associated with the proposed action and we will be making our comments available to the Service as they review that proposal.

The budget continues to give us fits. We are expected to be looking at a minimum of another 15 percent reduction in appropriated funds in our budget. If the past is any prolog, that's the target and I suspect that our division will have to bear a more significant brunt that 15 percent, so just stay tuned.

A couple of notes from the election; we do have a new governor-elect, Nicky Haley was elected governor of South Carolina. It will be the first woman governor in South Carolina, and so we are looking forward to working with Governor-Elect Haley. She'll take office in early January. Also, as a result of the elections, we have a new committee chairman who will be overseeing our Authorizing Committee in the House of Representatives. Representative Nelson Hardwick from Horry County will be the new committee chairman. So some new folks with whom we'll working with, and we're looking forward to that. I'll be happy to answer any questions.

MR. CUPKA: Thank you, Robert. Questions for Robert? Seeing none, then we'll move on. Matt, do you have anything from the Coast Guard.

LTJG LAM: Mr. Chairman, so far this fiscal year the Coast Guard has devoted 1,342 hours to include aircraft, boat and cutter hours strictly to living marine resources. That included 64 boardings which has resulted has in five significant violations thus far. Significant violations for the Coast Guard are violations which result in either significant damage or impact to the resource or fisheries management plan, significant monetary advantage to the violator over his or her competitor or high regional or national interest boardings.

Some topics that my boss, Commander Lopez, who was sick this morning and couldn't join us wanted to pass on, were the Coast Guard recently had an opportunity to provide input on expanding the critical habitat for the right whale and the speed restrictions in that area. They had no reservations in doing so.

The current LANT right whale guidance supplements the existing NOAA guidance, which is essentially a hail-and-inform system of underway sea violators in the speed-restricted areas and have to physically make contact with the vessel over the radio and instruct them to slow. For

egregious violations the Coast Guard units remain on scene with the vessel as they pull into port and contact NOAA OLE in real time.

LANT also supported Coast Guard Sectors if they would like to actively monitor AIS and perform landside enforcement. To do this, they would have to follow the same guidance, hail and inform, via digital selective calling or some other similar method and that followed up with a MISSILE report, which is the Coast Guard's Boarding and Tracking System.

The next thing is the uptide GIS/VMS Integration. Originally, up in Coast District I they have developed and uptide, which is a data base that essentially develops a risk score for each fishing vessel underway. The parameters of the program can be adjusted to select vessels with either expired CF visa decals, recent violations, time since last boarding, et cetera, et cetera.

This way Coast Guard units engaged in living marine resources patrols or routine operations can make the best use of their time depending on the operational commander's preference. The data input comes from the live VMS feed which integrates past boarding history from MISSILE, our boarding and tracking system. So far this has seen successful results in Section Key West AOR and also Sector Jacksonville and Miami for targeting commercial fishing vessels in the vicinity of the Florida Keys National Marine Sanctuary and also on the Oculina Bank HAPC.

The last thing I would like to touch on is the commercial fishing vessel citizenship requirements. Large portions of our living marine resources boardings in southern Florida have fisheries or safety violations, but they also have several personnel violations with respect to citizenship. It has become very apparent to Coast Guard units that there is either a disregard for the laws by commercial fishermen or that they have not been promulgated sufficiently to the industry.

The laws being violated include the requirement to have a U.S. citizen master on documented commercial fishing vessels and the 75/25 crewing standards. Amplifying guidance on both issues have been provided to all D-7 units. The U.S. Master Rule comes from 46 U.S.C. 12102 in which permanent residents -- which includes green card holders are not U.S. citizens and are not authorized to be the master of a U.S. documented vessel.

If a documented vessel is found to be in violation, the Certificate of Documentation becomes invalid and the vessel is subject to a \$10,000 per day penalty. The 75/25 rule, which I mentioned, applies to U.S. documented vessels as well and comes from 46 U.S.C. 8103, and it requires that at least 75 percent of the crew, to include the master, to be U.S. citizens or permanent residents carrying a resident alien card.

No more than 25 percent of the crew may fall under any other alien category specified in the statute which requires an authorized work permit or a temporary resident card. That violation results in \$550 per individual. I just wanted to get that on the record to pass on to the industry. Thank you.

MR. CUPKA: Thank you, Matt. Questions for Matt? George.

MR. GEIGER: Matt, thank you for your report. Back four or five paragraph you mentioned the Oculina Bank and efforts. Could you go back and review that a little bit slower for me, what you said about the Oculina. The reason I ask is because in the report delivered to us from the Office of Law Enforcement, the Coast Guard for April, May, June and July, the last six-month period, shows a zero effort out in the Oculina on the part of the Coast Guard. I understand that because the BP Oil Spill took place and the Coast Guard was probably severely impacted, but I wanted to hear again what you said with reference in your report.

LTJG LAM: That was on the Uptide new program that came out. It's to specifically target commercial fishing vessels to make better use of our time out there. We've used it and we have the Oculina HAPC on the GIS so we can basically see who is out there and where they are located to best gauge our assets. On Oculina we did have a six-day patrol scheduled – and I realize there is a difference between scheduled operations and actual operations – and it was with the Coast Guard Cutter Zephyr, which is a WPC 179, and also Coast Guard Cutter Resolute, which is one of our medium endurance cutters, 210-foot.

The WPC 179 was subject a fleet-wide class restriction of a five-foot sea state or less, and on those days it was scheduled the sea state was six to eight feet, so they had to go back down into Sector Miami AOR. The Coast Guard Cutter Resolute I believe was diverted for Haitian freighter. I understand the difference between the planned operations and actual operations. It was unfortunate that we did not get to go into that area, but it was planned and will continue to be – especially with major cutters that transits south for windward pass operations.

MR. HAYMANS: Matt, I'm sorry I was not totally in tuned when you began your discussion on citizenship, but is there a link or something that you maybe could send around to the council so we could read up on that?

LTJG LAM: Yes, I'll send to the staff the same guidance that I've sent to all the Coast Guard units in the form of a Maritime Law Enforcement Bulletin.

MR. HAYMANS: This may become the situation in other states, but effective – well, actually it was in effect a year ago, but we just put it into effect December 1st any applicant for a public benefit in Georgia, which includes commercial licenses, has to sign an affidavit regarding citizenship or residency in the U.S., and so it really affects a lot of our deckhands and strikers and even those folks coming from North Carolina – well, non-residents in Georgia have to sign these things, too. I think that might all come into play.

LTJG LAM: Sure, I'll e-mail that to staff to send out.

MR. CUPKA: Other questions for Matt? Seeing none, Bob, do you have any words of wisdom for us from the Gulf Council?

MR. GILL: No, I think we're about worded out, but I did want to express my appreciation for all your kindness and warmth this week. It has been a pleasure. Thank you.

MR. CUPKA: As always, we enjoy having you visit with us, Bob. Otha, do you have anything?

MR. EASLEY: The council members should have received three e-mails of three enforcement reports; one, the division-wide quarterly report for the last quarter; the Oculina Report for the last two quarters, which as George has mentioned is not that impressive, but I've reached out to the Florida FWC Wildlife Commission to get a little explanation of why their activities have been reduced. They've had a boat out of commission and they've promised that activity will increase out there.

The third report that was sent out to you deals with OLE's priorities. It is pretty much an invitation for anyone, council members, the council as a whole, NGOs, citizens, fishing organizations, et cetera, to submit proposed priorities as far as what they would like the Office for Law Enforcement to concentrate. That process and some insight on how we will evaluate those submissions are in that third document that sent out to you. Yes, George.

MR. GEIGER: So it's going to be too late for us in March to make a recommendation as to what we believe our priorities are with regard to law enforcement?

MR. EASLEY: According to that schedule I sent out, it would be past that timeframe but I believe it would still be worthwhile. As you look at that process, it is almost a year before everything gets back up to – it goes up to D.C and then comes back down, so somewhere in that process there is still room to play, so I won't say that it is not worthwhile to send in a late suggestion, especially a suggestion that would carry as much weight as that coming from the council as a whole.

I also wanted to mention a few of our fines and penalties. This is coming from General Counsel, who couldn't make it. I want to go ahead and mention some of those fines and penalties that have happened recently. We have had fish without a permit, \$1,500 – that's a South Atlantic charter permit, \$1,500 permit; possess South Atlantic grouper in the Snowy Grouper Wreck MPA, that was a thousand dollar Notice of Violation and Assessment and \$500 worth of fish were seized.

Possession of South Atlantic grouper in the Snowy Grouper Wreck MPA, that received a thousand violation and \$225 worth of fish were seized. Someone exceeded the spiny lobster bag limit, it was settled for \$2,750. There was vermilion snapper possessed during the recreational seasonal closure and that person also had a second count of possessing undersized sailfish and received a \$500 NOVA for vermilion snapper and \$2,000 fine for the undersized sailfish.

Also, another individual had three counts for possession of red snapper during the closure and received \$350 fine for that; fished for and possessed gag grouper or did not maintain that grouper intact and received a \$50 fine for that; and the last for that person is a fail to maintain Warsaw grouper intact and that received a \$25 fine for that one. And last I have two counts, a Notice of Violation, vermilion snapper in excess of the bag limit, \$750 fine; and fished for and/or possessed red snapper during the closure and that received a \$75 fine from General Counsel.

That ends the enforcement-related reports as far as fines and et cetera go, but I wanted to speak a little bit candidly about enforcement in another area and that's dealing with VMS. There have

been quite a few additions as far as restrictions we're – I'll use that "we" loosely – putting on the industry, closed areas, trip limits, just to name a couple.

But enforcement itself has not been able to keep up with these, and part of the reason is beyond all of us. That's dealing with budget, not enough money, not enough people. As we heard from public comment yesterday, some members of the industry themselves aren't willing to help us out either, but I think the council can implement some enforcement enhancement such as putting into effect some of the tools that we do have; one of those being VMS.

Knowing when fishermen are coming in with their trip limits, regardless of closed areas or not, knowing when they're coming in and whether it's equipped with VMS – and I'm talking about commercial and/or recreational for-hire – or a declaration system – and a declaration system would be obligating Roy to – you know, his resources and I won't go down that path, but VMS I can work with. We have a significant pot of money for VMS units right now in enforcement. That money can be shared or will be shared with other councils who are more advanced than we are when it comes to implementing VMS. I don't want that money to run out.

If we go down that path, I know that we have VMS proposed in a few of our amendments, but if we can push those forward, that would help out enforcement with these trip limits and et cetera. I know we're in an area of uncertainty dealing with – if we don't have to have that closed area for the snapper grouper anymore, but we're going to rely on trip limits, so I feel that there is a need to stress enforcement of those trip limits even greater than might have been previously required. I just wanted to throw that out there. That concludes my report.

MR. CUPKA: Hal, do you want to add to that?

MR. ROBBINS: Yes, just briefly. I wanted to talk a little bit more about that priority setting. George, you had a question about the timeline. The timeline has actually changed now. The date of submissions is January 7th. It doesn't need to be real sophisticated. What is the priority that you view we should take and some rationale for that.

For example, if it's an endangered species, if it's a species that is undergoing overfishing or overfished, those would be some of the justifications we want you to include. Given the fact that someone above us is going to make these decisions and they're going to have to be ranked in some way, but they should be submitted to me personally, if you would, and it can be as little as e-mail, just e-mail would suffice.

Unless anybody has any questions about our enforcement report – oh, I would like to say with North Carolina, maybe now with the legislative changes it would be a nice time to entertain joining the rest of the coastal states and all the territories in the Joint Enforcement Agreements that we have and perhaps we can share some money with the state of North Carolina.

MS. SMIT-BRUNELLO: I don't remember this being mentioned, but NOAA General Counsel is undergoing a review of the current penalty schedule and I don't think that has gone out like a notice in the Federal Register. I'm not quite sure how they're handling all the comments, but I believe the comment period is open until December 20th. I haven't heard whether they're going

to extend it or not, but you can find that information on the NOAA Website. I think it's pretty prominent when you go on there. I'm not sure when the last revision has been, but if any of you have any comment on that, you could weigh in.

MR. CURRIN: Well, a couple of things; believe me, Hal, we're way ahead of you. We've already recognized that potential open door. Although there are some stumbling blocks perhaps with having that initiated through our division, there are some efforts underway, I hope, to try to get that done directly in the legislature, recognizing the potential with the legislative change.

I have a question for Otha regarding the VMS. What is your maximum monitoring capability now, Otha, for VMS boats because in the past there was some limitation I thought with the capabilities you guys had to monitor them. Is it at a level now that it would be feasible to consider requiring VMS for all the snapper grouper boats, for example? That wouldn't cause you guys any heartache or problems?

MR. EASLEY: No, we would be able to handle it. Even though our FTEs are full-time employees, the number of those might be limited, we have been expanding by hiring folks under contract, so that won't be a limiting factor.

MR. GEIGER: Ironically, Otha, on the 15th of December I'm going to have an opportunity to get with the whole northeast region of Florida Law Enforcement. They invited me to their Christmas party and we're going to talk about red snapper among other issues. I do have a question for you concerning your report. Under hours, you've got JEA and personnel; the personnel, is that state?

MR. EASLEY: The JEA Section of the report?

MR. GEIGER: Yes, like for Florida it says hours on left, JEA and personnel.

MR. EASLEY: I have to pull up that report.

MR. GEIGER: If you look at that; David, what are we going to do about this prioritization of South Atlantic issues for law enforcement? Do we want to do that at the March meeting? We're told it's not too late if we do it at March although Hal has indicated that the cutoff date is the 7th of January.

Do we want to pick some elemental type priorities; how about focusing on red snapper enforcement and the shallow water groupers during the closed period from January to May? Last year we had significant violations and a number of council members requested – as a matter of fact at our Law Enforcement AP meeting we requested specific information with regard to activities each of the states were taking toward enforcing red snapper regulations.

MR. CUPKA: Well, it's not too late to do something in March, we could ask maybe staff to put something together that we could consider and maybe you could work with them. I know you've been involved in this.

DR. GEIGER: Well, would that be too late, Hal, or would we trust the chairman and staff to put together and identify red snapper and shallow water grouper closures as primary emphasis for enforcement in the southeast?

MR. ROBBINS: Well, quite frankly, this is way above my pay grade. The secretary and Dr. Lubchenco mandated these things as a result of the OIG Report, and the timeline and all was approved by them. I can certainly see whether or not there can be some additional input. I believe given all the individuals that are supposedly going to review this and make a decision on what we're to do – and in my division there will actually be three lists of priorities because we've got three councils – I can't imagine that they wouldn't consider some mandates or some suggestions for priorities from the council even if it was as late as March, but that's just my personal view.

MR. CURRIN: I'm in agreement with George, I think if we can meet that deadline for comments it would be better, and I'm willing to let you handle it, Mr. Chairman, along with the staff with input from the council members. I also agree with George, I think those closed areas ought to be a specific priority and perhaps there are others and closed seasons.

MR. CUPKA: Okay, we can work with staff on that and maybe solicit input from any of you. Just send in your comments to the council office and we'll try and put those together and get them in before the deadline.

MR. GEIGER: Yes, and I think it's important for us if enforcement is going to be our chief concern because if you read the report – and it's a great report – it focuses very heavily on this new period of outreach and contact and touchy-feely stuff with the public, and there is not a lot of focus now on enforcement, and I think that's probably as a result of activities in the IG Report that occurred.

If we support enforcement in our region, which we always have in the past, I think we need to step up and let them know that. It's important because at that Law Enforcement Summit they talked an awful lot about developing the priorities for law enforcement and input from the public and the councils and everybody with regard to developing those priorities. I think it's important.

MR. CUPKA: I agree. Mac.

MR. CURRIN: Along those lines I would encourage the other council members to individually submit comments. I think it's important and I think they need to hear from council members and members of the public that believe that law enforcement is an effective deterrent and needs to be increased or treated – whatever comments you have, but I would encourage everyone to submit individual comments in addition to a letter from the council.

MR. GEIGER: If I may, Mr. Chairman, Otha – and, thank you, Mac, that's right on – those JEA and personnel hours, what they are?

MR. EASLEY: Right, the JEA hours represent actual activities – the hours of actually doing either inspections or on the waters. The personnel hours are the manhours to make that happen.

For instance, an at-sea patrol will have two or three personnel on it so you add those hours up. The purpose of these reports, it deals with money; so knowing the personnel hours and how much to pay Florida or hopefully in the future North Carolina for their activities is counted in this report.

MR. BOYLES: Mr. Chairman, I would just encourage all of us to keep mind – I mean, we certainly are aware of very high-profile issues that have been reported in the press with respect to perceived shortcomings in law enforcement, but Otha referenced in the discussion about the number of hours and the manhours that we get, and I think we shouldn't lose sight of the fact that though there may be problems, that enforcement does continue to be a very effective use of resources as we seek to encourage voluntary compliance. Let's not lose of the fact that there has been a lot of good work that has been done over the years. Thanks.

MR. CUPKA: All right. So as I understand it, individually we will submit comments, if you have any, and that the information that you provided has the date and the contact information for you, Hal, and they can send it directly to you; and then in addition to that, we'll submit something from the council, under the council umbrella.

MR. ROBBINS: Absolutely; that would work very well. If any individual council member wanted to submit a priority, again I would just ask that you include some rationale so we can give it a preliminary ranking and then forward it up to the secretary's office through Dr. Lubchenco. Ultimately it will come back down. We may get a mandate or we'll have an opportunity to address some of these things. I'm not exactly sure how that's going to work.

I do want to point out, since it was mentioned earlier about law enforcement, there has been recently a letter by Dr. Lubchenco where she pointed out that a vast majority of the cases that are filed throughout the country have gone through without any problems at all. In fact, the ones that were pointed out by the OIG that they felt there were some problems with, there were 27 cases at they mentioned within their report – 26 of those are in the Northeast Division.

They weren't in the southeast. One case was from the Southeast Division. It occurred in 1998. Quite frankly, I believe that it's going to be unfounded. Now is not the time to discuss that. I would tell you that since 2000 NOAA issued about 3,700 Notices of Violation. In other words, exhaustive work by OIG to look at all these reports resulted in some one-quarter of one percent of the cases investigated.

You would not know that by reading the media and listening to the public hearings or the releases by the politicians, but the fact of the matter is that only one-quarter of one percent of the cases were pointed out as possibly having some problems by the OIG. I would just like you to keep that in mind. My folks have done an excellent job in the southeast in both the South Atlantic, the Gulf and the Caribbean given the resources that we have, and we continue to want to do that. Thank you.

MR. CUPKA: Thank you for that perspective, Hal. George, is that approach all right with you?

MR. GEIGER: Yes, but I would encourage any council member that has input, do it by Wednesday of next week, please, and give it to Myra because we've got to get this thing done. The 7th of January is right around the corner.

MR. CUPKA: All right, Monica, did you have anything you wanted to bring up?

MS. SMIT-BRUNELLO: No, other than I forwarded to Mike and Mike sent you all the most recent complaint filed in the Amendment 17A Final Rule. I will keep you posted on that and let you know what happens.

MR. CUPKA: All right, that brings us down to upcoming meetings, Bob.

MR. MAHOOD: The information on upcoming meetings is behind Attachment 4. Our next council meeting is the week of March 7 of 2011, which will be here shortly. We will be meeting at Sea Palms on St. Simons Island. I think we've met there a couple of times and I think everybody knows where that is. It should be another jam-packed meeting.

I guess the things we have going on now will be in January and February, our public hearings and public scopings. I think Mike and Cindy have arranged for like five rooms per meeting site, so we have a lot of different things that the public will be there to hear about. It should be very interesting. We will bring all that back to you in March. That's it, Mr. Chairman.

MR. GEIGER: Bob, I guess I have a general request. For the last several meetings we've been starting like half a day on Monday, and we've gone very late on a couple of nights. Much to the credit of the people who sit here and we do that, I'm not sure of the quality overall and the real due diligence that is done as you get later and later and later into the night.

We also have moved our public hearing process into the council meeting period during the day. I would make a plea to really look at the schedule as we move forward so we try and avoid these periods that we wind up going late. If they're unavoidable, that's fine, and I don't have any problem working all night, but I'd sure like to entertain and have some type of a break there to refresh and rejuvenate to be able to come back and attack the problem if necessary. We've got a half a day on Monday and a half a day on Friday that could be added to the schedule very easily to accommodate those overruns, in my opinion.

MR. MAHOOD: Yes, and that's certainly not a problem for us. The staff was here on Sunday and we could have started Monday morning. The problem I think was other people getting in here, and, of course, we're giving them half a day to get into New Bern that morning. We're certainly going to have to look at that.

Our sister council up in the North Pacific is scheduled this week also, but they're meeting for eight days and not just five days. Maybe we need to look at stretching it out a little bit. As far as having the public comment period during the council meeting, that was at the request of a certain council member when he was chairman.

MR. CUPKA: Your concerns are noted, George. Is there any other business to come before the council? If not, I really want to thank everyone for all their hard work this week. We had a really full agenda and a lot to cover, and we aren't that much over. I want to wish everybody a happy holiday and a safe trip home.

(Whereupon, the meeting was adjourned at 12:50 o'clock, December 10, 2010.)

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INDEX OF MOTIONS – COMMITTEE OF THE WHOLE

AMENDMENT 18A MOTIONS

PAGE 42: Motion to create an alternative that looks at whether vessels should be limited to just one endorsement or the other. Motion carried on Page 42.

PAGE 42: Motion to add language or an action as necessary based on previous amendments to specify an appeals process for golden tilefish endorsements. Motion carried on Page 42.

PAGE 43: Motion to select Alternative 2 as the preferred alternative. Motion failed on Page 46.

PAGE 46: Motion to select Alternative 3, allocate the golden tilefish commercial quota based on 85 percent longline and 15 percent hook and line, as the preferred alternative. Motion failed on Page 46.

PAGE 46: Motion to select Alternative 4, allocate the golden tilefish commercial quota based on 90 percent longline and 10 percent hook and line, as the preferred alternative. Motion carried on Page 46.

PAGE 47: Motion to select Alternative 4 as the preferred alternative; hook-and-line golden tilefish endorsements can be transferred between any two individuals or entities that hold valid commercial unlimited snapper grouper permits. Motion carried on Page 47.

PAGE 48: Motion to choose Option 1 as the preferred under Action 3, Alternative 4. Motion carried on Page 49.

PAGE 49: Motion to choose Option 1 and Alternative 3 as preferred under Action 3. Motion carried on Page 49.

PAGE 49: Move Alternative 1, no action, retain the existing January 1st start date for the golden tilefish fishing year. Motion carried on Page 49.

PAGE 50: Move under 2.6, Alternative 1, no action, do not establish trip limits for golden tilefish hook-and-line fishery for commercial fishermen who do not receive an endorsement in the commercial golden tilefish hook-and-line fishery. Motion failed on Page 51.

PAGE 51: Motion to select Alternative 2 as the preferred under Action 6. Motion carried on Page 51.

PAGE 52: Motion to remove Alternatives 2 and 5 under Action 3 to the considered but rejected appendix. Motion carried on Page 52.

PAGE 52: Motion to change the preferred to Alternative 4, limit tag distribution to black sea bass pot fishermen with valid commercial snapper grouper permits that landed at least one pound of black sea bass caught with pot gear by the date of 12-31-09. Motion withdrawn on Page 53.

PAGE 55: Motion is to choose under Action 7, Alternative 2B (1,000 pounds) with Subalternative 1, which is an average over that time period as the preferred instead of Alternative 2. Motion carried on Page 57.

PAGE 59: Motion is revise the language in Action 7 to indicate that all the qualifiers are for an endorsement that then allows you to receive black sea bass tags; add another alternative to allow transferability along with the snapper grouper permit and transferability separate from the snapper grouper permit; transferability attached to the snapper grouper permit and no transferability. Motion carried on Page 62.

PAGE 64: Motion to send a letter to the science center endorsing 100 percent electronic dealer reporting. Motion carried on Page 67.

PAGE 67: Motion to modify Action 10, Alternative 4, to apply only to dealers and not fishermen and to change the statement so it says “using the SAFIS or NOAA Software Systems”. Motion carried on Page 67.

PAGE 72: Motion to select Alternative 1, no action, as the preferred. Motion carried on Page 72.

PAGE 73: Motion to reconsider the motion to set Alternative 1 as the preferred alternative. Motion carried on Page 73.

PAGE 73: Motion that Alternative 1 not be the preferred alternative. Motion carried on Page 73.

PAGE 74: Motion to select Alternative 6 as a preferred alternative under this multifaceted action item. Motion failed on Page 76.

PAGE 77: Motion to make Alternative 11 the preferred alternative. Motion carried on Page 77.

PAGE 79: Motion to select Subalternative 12C as a preferred. Motion failed on page 79.

PAGE 80: Motion to select Alternative 1 as the preferred. Motion failed on Page 82.

PAGE 82: Motion to add a subalternative under Alternative 3 that would reduce the trip limit to 500 pounds when 75 percent of the commercial ACL is projected to be met. Motion carried on Page 83.

PAGE 83: Motion to add an alternative that would establish trip limits only for the states of North Carolina and Florida. Motion failed on Page 84.

PAGE 85: Motion to make Alternative 3, establish a 1,500 pound commercial trip limit, as a preferred alternative and also add the subalternative that would reduce the trip limit to 500 pounds when 75 percent of the commercial ACL is projected to be met. Motion carried on Page 85.

PAGE 85: Motion to move the AP's recommendation which is a 1,000 pound trip limit for gag with a season starting on May 1 and to reduce the trip limit to 100 pounds gutted weight when 90 percent of the quota is met. Motion carried on Page 86.

PAGE 87: Motion to make Alternative 2 the preferred alternative. Motion carried on Page 88.

PAGE 88: Motion to select Alternative 4 as the preferred alternative under Action 4.

PAGE 88: Substitute motion to move Alternative 3 and 4 to the considered but rejected. Motion carried on Page 89.

PAGE 89: Motion that Alternative 2B be the preferred alternative. Motion carried on Page 89.

PAGE 89: Motion to approve Regulatory Amendment 9 for public hearings. Motion carried on Page 89.

REGULATORY AMENDMENT 10 MOTIONS

PAGE 91: Motion to select Alternative 11 as the preferred for Regulatory Amendment 10. Motion carried on Page 91.

PAGE 91: Motion to add discussion in the document that the Southeast Fisheries Science Center provide an interim update on the status of red snapper in early 2012 and that it be reviewed by the SSC. Motion carried on Page 91.

PAGE 91: Motion to remove Alternatives 12, 13 and 14 and Action 2, the sunset provisions, and put them in the appendix. Motion carried on Page 91.

PAGE 91: Motion that Regulatory Amendment 10 be approved for submission to the Secretary of Commerce. Motion carried on Page 92.

PAGE 92: Motion to provide staff editorial license to make changes to the document and ready for submission to the Secretary of Commerce. Motion carried on Page 92.

PAGE 92: Motion to deem regulations as necessary and appropriate; and if there are any changes, that the chairman be given the authority to redeem them. Motion carried on Page 93.

COMPREHENSIVE ACL AMENDMENT MOTIONS

PAGE 94: Under Action 1, motion to approve Motion numbers one, two and three. Motion carried on Page 94.

The following motions under Action 1 were approved by the council:

Motion 1: Add alternatives that would remove species from the FMU based on 10,000 pounds and 20,000 pounds landings.

Motion 2: Make the 20,000 pound alternative a preferred under Action 1 with the exception of cubera snapper, Warsaw grouper and lesser amberjack.

Motion 3: In Action 1, add speckled hind to the list of species that are excluded from consideration for elimination.

PAGE 94: Motion under Action 2, change the preferred to Alternative 1. Motion carried on Page 94.

PAGE 94: Under Action 3, motion to approve motion numbers five and 6. Motion carried on Page 94.

The following motions under Action 1 were approved by the council:

Motion 5: Separate Scamp and black grouper in Action 3.

Motion 6: Select Option 2 under the new species groupings approach as preferred.

PAGE 94: Under Action 4, motion to approve Motion Numbers 7, 8 and 9.

The following motions under Action 4 were approved by the council:

Motion 7: Move Alternative 4 to the appendix.

Motion 8: Add an alternative to use the Gulf Council's Control Rule to establish ABCs for unassessed or data-poor stocks.

Motion 9: Combine Actions 4 and 5 under a single action.

PAGE 98: Motion to add a Subalternative 3d that sets ABC equal to 100 percent of either OFL when known or median landings from 1999-2008. Motion modified on Page 99.

PAGE 100: Above motion modified to add Subalternative 3D for ABC equals 95 percent of median landings of 1999-2008. Motion carried on Page 100.

PAGE 100: Motion to move Alternative 6 to the considered but rejected? Motion carried on Page 100.

PAGE 100: Motion to use the 1999-2008 timeframe for Alternative 7. Motion carried on Page 100.

PAGE 101: Motion to approve Motions 10 and 11, Action 7. Motion carried on Page 101. The following motions under Action 7 were approved by the council:

Motion 10: When establishing ACLs for the sectors, divide the ACL not the ABC.

Motion 11: Make Alternative 2 the preferred alternative.

PAGE 101: Motion to remove subalternatives from Alternatives 2, 3 and 4 and put them in Appendix A. Motion carried on Page 101.

PAGE 100: Motion to approve Motions 12, 13, 14 and 15. Motion carried on Page 100. The following motions under Action 8 were approved by the council:

Motion 12: Replace Subalternative 2A; do not establish a commercial sector ACT.

Motion 13: Select Alternatives 3 and 4 as preferred.

Motion 14: Combine Alternative 6 and Alternative 8 so that the trigger for AMs is incorporated into Subalternatives 8A and 8B.

Motion 15: Select new Alternative 8B as the preferred.

PAGE 101: Motion to select Alternative 2 and Subalternative 2A as the preferred for ACT. Motion carried on Page 101.

PAGE 101: Motion to select Alternative 3 under Action 9 as the preferred. Motion carried on Page 101.

PAGE 101: Motion to remove subalternatives under Alternatives 2, 3 and 4, Action 10, to the appendix. Motion carried on Page 101.

PAGE 101: Under Action 11, motion to approve Motions, 18, 19 and 20. Motion carried on Page 10. The following motions under Action 11 were approved by the council:

Motion 18: Move Subalternative 2C to the appendix.

Motion 19: Move Alternative 2 to the appendix.

Motion 20: Select Subalternatives 4A and 4B as preferred.

PAGE 101: Motion to approve Motions 21, 22, 23, 24 and 25. Motion carried on Page 102. The following motions under Action 12 were approved by the council.

Motion 21: Move Alternative 2 under Action 12 to the appendix.

Motion 22: Select Alternative 4 under Action 12 as preferred.

Motion 23: Exempt the recreational sector from having to have commercial permits (snapper grouper and wreckfish), wreckfish shares and coupons to land wreckfish.

Motion 24: Add two alternatives for recreational season; July-August, May-June.

Motion 25: Make the July-August recreational season the preferred.

PAGE 102: Motion to approve Motions 26 and 27. Motion carried on Page 102. The following motions under Action 15 were approved by the council:

Motion 26: Remove Subalternatives 2, 3 and 4 under Action 15.

Motion 27: Select Alternative 2 as preferred; ACL equals ABC.

PAGE 102: Motion to approve Motions 28, 29, 30, 31 and 32. Motion carried on Page 102. The following motions under Action 16 were approved by the council:

Motion 28: Modify language in Alternative 2A to not establish a commercial sector ACT and make that the preferred.

Motion 29: Remove the preferred status of Alternative 7.
Motion 30: Combine Alternative 6 with Alternative 8.
Motion 31: Select Subalternative 8B as an additional preferred.
Motion 32: Select Alternative 5C as preferred.

PAGE 102: Motion to approve Motions 33, 34 and 35. Motion carried on Page 102. The following motions under Action 17 were approved by the council:

Motion 33: Modify Alternative 3 to read “adopt the SAFMC SSC Control Rule and set ABC equal to a percentage of the OFL.
Motion 34: Move Alternative 4 to the considered but rejected appendix.
Motion 35: Add an alternative to consider the Gulf Council’s SSC Control Rule for dolphin.

PAGE 102: Motion to approve Motions 36 and 37. Motion carried on Page 102. The following motions under Action 19 were approved by the council:

Motion 36: Keep Alternative 2 as the preferred.
Motion 37: Move subalternatives in Alternatives 2-5 to rejected appendix.

PAGE 102: Motion to approve Motions 38, 39, 40, 41, 42, 43 and 44. Motion carried on Page 102. The following motions under Action 20 were approved by the council:

Motion 38: Add Subalternative 2A and adopt as preferred.
Motion 39: Add Alternative 4 as a preferred alternative.
Motion 40: Reconsider previous motion.
Motion 41: Remove preferred designation from Alternative 4.
Motion 42: Use the 3-year average PSE for dolphin.
Motion 43: Authorize the RA to make in-season adjustments for AMs based on data available.
Motion 44: Combine Alternative 6 with Alternative 8 and remove “for in-season”.

PAGE 103: Motion to select as preferred a management measure of a bag limit of 9 per person under Action 21. Motion carried on Page 103.

PAGE 104: Motion to remove or de-select as a preferred the 9-fish bag limit for dolphin. Motion carried on Page 104.

PAGE 104: Under Action 21, motion to set a 20-inch minimum size limit for dolphin from Florida through New England Council’s Area. Motion carried on Page 105.

PAGE 105: Motion to approve Motions 46, 47 and 48. Motion carried on Page 105. The following motions under Action 22 were approved by the council:

Motion 46: Reword Alternative 3 to adopt the SAFMC SSC Control Rule and set ABC to a percentage of OFL.
Motion 47: Move Alternative 4 to the rejected appendix.
Motion 48: Add an alternative with the Gulf Council’s SSC Control Rule.

PAGE 105: Motion to use 1999 as the initial year for allocations in Alternatives 3 and 4 under Action 23. Motion carried on Page 105.

PAGE 105: Motion to approved Motions 50 and 51. Motion carried on Page 105. The following motions under Action 24 were approved by the council:

Motion 50: Adopt Alternative 2 as the preferred.

Motion 51: Remove subalternatives from Alternatives 2-5 to considered by rejected appendix.

PAGE 105: Motion to approve Motions 52, 53, 54, 55, 56 and 57. Motion carried on Page 105. The following motions under Action 25 were approved by the council:

Motion 52: Replace Subalternative 2A with new wording and select as the preferred.

Motion 53: Move existing Subalternative 2A to rejected appendix.

Motion 54: Remove “or ACT” if specified from Alternatives 3 and 4.

Motion 55: Combine Alternative 6 with each of the subalternatives in Alternative 8 and remove “in-season” from Alternative 6.

Motion 56: Allow the RA to reduce the bag limit of wahoo to one fish and reduce the season as necessary to achieve the reduction; make this the new preferred.

Motion 57: Remove “or ACT” if specified from Alternatives 7 and 8.

PAGE 105: Motion to approve Motions 58 and 59. Motion carried on Page 105. The following motions under Action 26 were approved by the council:

Motion 58: Establish a recreational boat limit of 2 wahoo per boat/vessel per day.

Motion 59: Select the new alternative as the preferred.

PAGE 105: Motion to move Action 27 to the appendix. Motion carried on Page 105.

PAGE 105: Motion to move Action 28 to the appendix. Motion carried on Page 105.

PAGE 105: Motion adopt the IPT’s recommendation to modify wording of no action alternative. Motion carried on Page 105.

PAGE 105: Motion to remove Action 31 to the appendix; undertake changes to framework procedures in a future amendment. Motion carried on Page 105.

PAGE 105: Motion to approve the Comprehensive ACL Amendment for public hearings. Motion carried on Page 105.

AMENDMENT 24 MOTIONS

PAGE 106: Motion to add an alternative to consider an eight-year rebuilding schedule for red grouper. Motion carried on Page 106.

PAGE 107: Motion to request that the science center provide us with an estimate of the minimum stock size at which rebuilding to the MSY level would be expected to occur within ten years if the stock is exploited at the MFMT level and the result of that be added as an alternative. Motion carried on Page 107.

PAGE 109: Motion to set a three-year series of ACLs. Motion carried on Page 109.

PAGE 109: Motion to move Alternative 3 to the considered but rejected bin. Motion carried on Page 109.

PAGE 112: Motion to approve Amendment 24 for public scoping. Motion carried on Page 112.

AMENDMENT 21 MOTIONS

PAGE 118: Motion to include the new action for the catch share participation part of Amendment 21. Motion carried on Page 118.

PAGE 119: Motion to approve Amendment 21 for scoping. Motion carried on Page 119.

AMENDMENT 22 MOTIONS

PAGE 120: Motion to approve Amendment 22 for public scoping. Motion carried on Page 121.

MOTIONS UNDER OTHER BUSINESS

PAGE 122: Motion to ask the Secretary of Commerce to disapprove Amendment 17B and send it back to the council for reconsideration of the deepwater closure. Motion withdrawn on Page 122.

PAGE 128: Motion to request that an emergency rule be put into place to delay the deepwater closure in 17B and take action through framework to modify the deepwater closure. Motion carried on Page 129.

MOTIONS MADE IN FULL COUNCIL SESSION

SPINY LOBSTER COMMITTEE MOTIONS

PAGE 131: Motion to adopt Options A-D in Alternative 4 as the council's preferred alternatives. Motion carried on Page 131.

PAGE 131: Motion to adopt Alternative 3 as the preferred alternative for maximum sustained yield and include discussion in the document about the range of landings as an interim proxy for maximum sustained yield. Motion carried on Page 131.

PAGE 131: Motion to accept the IPT recommendations on optimum yield. Motion carried on Page 131.

PAGE 131: Motion to adopt Alternative 3 for the maximum fishing mortality threshold. Motion carried on Page 131.

PAGE 131: Motion to add a new Alternative 4 that would use the annual catch limit as the overfishing threshold. Motion carried on Page 131.

PAGE 131: Motion to adopt Alternative 2 as the preferred alternative for the overfished threshold. Motion carried on Page 131.

PAGE 132: Motion to add two new alternatives using Boyle's Law of 50 percent the last ten years and 50 percent the last three years; and also the entire time series to allocate spiny lobster annual catch limits. Motion carried on Page 132.

PAGE 132: Motion to make Alternative 6 the preferred alternative. Motion carried on Page 132.

PAGE 132: Motion to move Alternatives 4 and 5 to Appendix A, the alternatives considered but rejected. Motion carried on Page 132.

PAGE 132: Motion to add ABC Alternatives 6-8. Motion carried on Page 132.

PAGE 132: Motion to adopt ACL Alternative 3A as the preferred alternative. Motion carried on Page 132.

PAGE 132: Motion to set the annual catch target, Alternative 1, as the preferred alternative. Motion carried on Page 132.

PAGE 132: Motion to adopt the IPT wording for Alternative 2A and make it the preferred alternative. Motion carried on Page 132.

PAGE 132: Motion to remove the phrase "or ACT" from Alternative 2. Motion carried on Page 133.

PAGE 133: Motion to adopt Alternatives 2 and Alternative 4, Option 1 as the preferred alternative. Motion carried on Page 133.

PAGE 133: Motion to adopt Alternative 3B as the preferred alternative. Motion carried on Page 133.

PAGE 133: Motion to accept the IPT recommendation for wording of Action 9. Motion carried on Page 133.

PAGE 133: Motion to accept the IPT recommendation for Alternatives 2-4. Motion carried on Page 133.

PAGE 133: Motion 19 is to make Alternatives 2 and 4 the preferred alternatives for the areas. Motion failed on Page 134.

PAGE 135: Motion to make Alternative 3 and 4 the preferred alternatives. Motion carried on Page 135.

PAGE 135: Motion to adopt the IPT recommendation approved by the committee regarding gear markings. Motion carried on Page 135.

PAGE 135: Motion to adopt wording for Action 11 and alternatives from the IPT. Motion carried on Page 135.

PAGE 135: Motion to adopt Alternative 6 of the alternatives above regarding trap marking and removal as the preferred alternative. Motion carried on Page 135.

PAGE 135: Motion to approve Spiny Lobster Amendment 10 for public hearing and DEIS review and approve any additional alternatives and modifications suggested by the Gulf Council. Motion carried on Page 135.

PAGE 135: Motion to approve Spiny Lobster Amendment 10 public hearing locations and dates with the understanding that they will be coordinated with the Gulf Council and schedule a South Atlantic Spiny Lobster AP meeting on April 20th in Key West. Motion carried on Page 135.

PAGE 135: Motion to adopt the timing and task, Items 1-6. Motion carried on page 135.

PAGE 136: Motion to reconsider the motion making Alternative 3 and 4 the preferred alternative. Motion carried on Page 137.

PAGE 137: Motion to make Alternative 3, Option A the preferred alternative. Motion carried on Page 137.

PAGE 137: Motion to reconsider the motion requesting the secretary institute an emergency rule on the deepwater closure. Motion carried on Page 138.

PAGE 138: Substitute motion to remove the emergency request and begin a framework action to reconsider the closure in Amendment 17B. Motion carried on Page 139.

MACKEREL COMMITTEE MOTIONS

PAGE 139: Motion to add subalternatives listing in each of the species under Alternatives 2-4 and develop ACL alternatives for full council. Motion carried on Page 140.

PAGE 140: Motion to include and analyze alternatives concerning little tunny under this action. Motion carried on Page 141.

PAGE 141: Motion to include the Methot method to calculate ACLs for little tunny. Motion carried on Page 141.

PAGE 141: Motion to adopt Alternative 3, Option 2 as the preferred alternative. Motion carried on Page 141.

PAGE 141: Motion to adopt Alternative 3 as the preferred alternative. Motion carried on Page 141.

PAGE 141: Motion to adopt Alternative 2 as the preferred alternative with ABC equal to 10.46 million pounds. Motion carried on Page 141.

PAGE 141: Motion to move Alternative 5 to the considered but rejected appendix. Motion carried on Page 141.

PAGE 141: Motion to accept the IPT recommendation to fold the optimum yield into the ACL action. Motion carried on Page 141.

PAGE 142: Motion to adopt Alternative 2 as the preferred alternative. Motion carried on Page 142.

PAGE 142: Motion to adopt Alternative 1 as the preferred alternative and move Alternative 2 to the considered but rejected appendix. Motion carried on Page 142.

PAGE 142: Motion to adopt Alternative 4 as the preferred alternative. Motion carried on Page 142.

PAGE 142: Motion to adopt Alternative 2 as modified as the preferred alternative. Motion carried on Page 142.

PAGE 142: Motion to adopt Alternatives 3A and 4A as the preferred alternatives. Motion carried on Page 142.

PAGE 142: Motion to move Alternative 5 from the accountability measures to the considered but rejected appendix. Motion carried on Page 142.

PAGE 142: Motion to adopt Alternative 2 as the preferred alternative.

PAGE 143: Substitute motion to adopt the South Atlantic Council SSC's recommended ABC Control Rule using the most recent landings. Motion carried on Page 143.

PAGE 143: Motion to move Alternatives 3-5 to the considered but rejected appendix. Motion carried on Page 143.

PAGE 143: Motion to accept the IPT recommendation to fold OY into the ACL action. Motion carried on Page 143.

PAGE 143: Motion to adopt Alternative 2 as the preferred alternative.

PAGE 143: Substitute motion to read that the ACL is equal to the OY is equal to the ABC, which is equal to that value calculated using the most recent landings. Motion carried on Page 143.

PAGE 143: Motion to adopt Alternative 1 as the preferred and move Alternative 2 to the considered but rejected appendix. Motion carried on Page 144.

PAGE 144: Motion to adopt Alternative 4 as the preferred. Motion carried on Page 144.

PAGE 144: Motion to adopt Alternative 2 as the preferred and track the king mackerel wording to adjust the bag limit the following fishing year. Motion carried on Page 144.

PAGE 144: Motion to adopt Subalternatives 3A and 4A as preferred alternatives. Motion carried on Page 144.

PAGE 144: Motion to adopt Alternative 5 as the preferred. Motion carried on Page 144.

PAGE 144: Motion to add alternatives to set the ABC equal to the mean of landings plus 1.5 times the standard deviation; ask the SSC to evaluate the Gulf Council Control Rule for ABC/ACL and ask why that approach can't be used for Spanish mackerel or cobia. Motion carried on Page 144.

PAGE 145: Motion to accept the IPT recommendation to fold OY into the ACL actions for Atlantic Migratory Group Cobia. Motion carried on Page 145.

PAGE 145: Motion to move Alternative 4 to the considered but rejected appendix. Motion carried on Page 145.

PAGE 145: Motion to adopt Alternative 2 as the preferred. Motion carried on Page 145.

PAGE 145: Motion to adopt Alternative 1 as the preferred and move Alternative 2 to the considered but rejected appendix. Motion carried on Page 145.

PAGE 145: Motion to adopt Alternative 4 as the preferred. Motion carried on Page 145.

PAGE 145: Motion to adopt Alternatives 3, 4A and 5A as the preferred. Motion carried on Page 145.

PAGE 145: Motion to add alternatives to consider one cobia per boat per day and an alternative that looks at a closed season for recreational fishing. Motion carried on Page 145.

PAGE 145: Motion to approve Mackerel Amendment 18 for public hearings and give editorial license to staff to incorporate changes from the Gulf Council at their February 2011 meeting. Motion carried on Page 146.

PAGE 147: Motion to approve Mackerel Amendment 18 for public hearing locations and dates with the understanding that they will be coordinated with the Gulf Council. Motion carried on Page 147.

PAGE 147: Motion to approve scheduling a Mackerel AP meeting during May in Charleston pending the Executive/Finance deliberations. Motion carried on Page 147.

PAGE 147: Motion for direction to staff covering seven action items. Motion carried on Page 147.

PAGE 147: Motion to begin work on Mackerel Amendment 19 to address bag limit sales. Motion carried on Page 147.

ECOSYSTEM-BASED MANAGEMENT COMMITTEE MOTIONS

PAGE 147: Motion to adopt Alternative 1 as the preferred. Motion carried on Page 147.

PAGE 147: Motion to delete the following language from Action 1, Alternative 3, which is remove octocorals from the fishery management unit. Motion carried on Page 147.

PAGE 147: Motion to move Action 1, Alternative 3 to the considered but rejected appendix. Motion carried on Page 147.

PAGE 147: Motion to adopt Alternative 2 in Action 2 as the preferred alternative. Motion carried on Page 147.

PAGE 147: Motion to accept the IPT recommended changes to wording for Alternatives 1 and 2 and adopt Alternative 2 as the preferred. Motion carried on Page 147.

PAGE 147: Motion to not accept the IPT recommendation and keep Alternative 4 as a separate alternative and choose Alternatives 2 and 3 as the preferred alternatives. Motion carried on Page 147.

PAGE 148: Motion to replace Alternatives 2 and 3 with new Alternative 7. Motion carried on Page 148.

PAGE 148: Motion to remove Action 6 addressing the Shrimp Fishery Management Plan and move to the rejected appendix. Motion carried on Page 148.

PAGE 148: Motion to adopt Alternative 3 as the preferred. Motion carried on Page 148.

PAGE 148: Motion to remove old Action 7 to the considered but rejected appendix. Motion carried on Page 148.

PAGE 148: Motion to approve the Coastal Ecosystem-Based Amendment Number 2 for public hearings. Motion carried on Page 148.

GOLDEN CRAB COMMITTEE MOTIONS

PAGE 148: Motion to establish a control date of December 7, 2010, for golden crab. Motion carried on Page 148.

PAGE 149: Motion to approve Golden Crab Amendment 5 for scoping. Motion carried on Page 149.

SEDAR COMMITTEE MOTIONS

PAGE 149: Motion to swap the scheduling of gray triggerfish and white grunt assessments. Motion carried on Page 149.

PAGE 149: Motion to swap the scheduling for vermilion snapper and red porgy assessment scheduling. Motion carried on Page 150.

PAGE 150: Motion to support the rest of the South Atlantic proposed SEDAR Schedule as revised and to assess blueline tilefish along with Warsaw grouper and speckled hind in 2013. Motion carried on Page 152.

PAGE 152: Motion to approve the SEDAR 25 Terms of Reference. Motion carried on Page 152.

PAGE 152: Motion to approve the schedule for SEDAR 25 with flexibility to shift the assessment workshop and review workshop if feasible. Motion carried on Page 152.

PAGE 152: Motion that Tony Austin, Chris Long, Joey Klosterman, Chad Lee, Robert DeVincinitis, Nikolai Klibansky and Paul Ruderhausen be appointed to the SEDAR Pool. Motion carried on Page 152.

PAGE 152: Motion to appoint those listed in the state and agency representatives to the SEDAR 25 Workshops. Motion carried on Page 152.

PAGE 152: Motion to appoint those listed as SSC representatives to the SEDAR 25 Workshops. Motion carried on Page 152.

PAGE 153: Motion to appoint Jimmy Hull to the SEDAR 25 Data Workshop. Motion carried on Page 153.

PAGE 153: Motion to appoint Kenny Fex, Bobby Cardin, Chad Lee, Joey Klosterman and Tony Austin to the SEDAR 25 Data Workshop. Motion carried on Page 153.

PAGE 153: Motion to appoint Kenny Fex, Bobby Cardin, Chad Lee, Joey Klosterman and Tony Austin to the SEDAR 25 Assessment Workshop. Motion carried on Page 153.

PAGE 153: Motion to appoint Anne Lange to chair the SEDAR 25 Review Workshop. Motion carried on Page 153.

PAGE 153: Motion to appoint Anne Lange and George Sedberry to the SEDAR MPA Procedural Workshop and to appoint Marcel Reichert as a replacement if needed. Motion carried on Page 153.

PAGE 153: Motion to appoint Ben Hartig and Tom Burgess to the SEDAR 25 Data, Assessment and Review Workshops. Motion carried on Page 153.

PAGE 153: Motion that those interested in serving on a SEDAR workshop as a constituent representative submit to the council a written request for appointment within two months of the council meeting at which appointments will be considered. The request should include the following information: full current contact information (name, phone number, address, e-mail; the SEDAR Project and workshops for which appoint is desired; and a summary of experience and knowledge of the stocks and fisheries involved. Motion carried on Page 153.

JOINT EXECUTIVE/FINANCE COMMITTEE MOTIONS

PAGE 153: Motion to modify the retirement plan to allow for employees to receive up to an additional 4 percent in their 401(k) account based on an employee's matching contribution to the account up to 4 percent. Motion carried on Page 153.

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FULL COUNCIL - ROLL CALL VOTE

Date: December 6-10, 2009

Meeting Location: New Bern, NC

Issue: REG AMENDMENT 10

	YES	NO	ABSTAIN
CUPKA	✓		
CHEUVRONT	✓		
BOYLES	✓		
BURGESS	✓		
CRABTREE	✓		
CURRIN	✓		
GEIGER	✓		
HARRIS	✓		
HARTIG	✓		
HAYMANS	✓		
PHILLIPS	✓		
ROBSON	✓		
SWATZEL	✓		

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.

Snapper Grouper Committee Meeting December 9, 2010 New Bern, NC

<u>NAME & ORGANIZATION</u>	<u>AREA CODE & PHONE NUMBER</u>	<u>P.O. BOX/STREET CITY, STATE & ZIP</u>
Doug Vaughan	728-8761	Beaufort, NC NOAA LAB
Ken Brennan		
Amy Schueller		↓
Robert Green	843-450-2728	Murrells Inlet SC
Mike Burton	252-728-8756	Beaufort NC
JO-Ann R	252-342-5322	MC NC
WARREN MITCHELL	252-728-8755	Beaufort, NC
CHRISTOPHER CONKLIN	843 543 3833	Murrells Inlet, SC
John Barber	407-587-9860	Florida

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

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Snapper Grouper Committee Meeting December 9, 2010 New Bern, NC

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

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

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PLEASE SIGN IN

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Snapper Grouper Committee Meeting December 9, 2010 New Bern, NC

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

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

Michelle Owen EDF

919-923-0774

Sarasota FL

Eileen Dougherty

Charleston, SC

Mike A. Shute Jr

(252) 726-7081

Carteret County NEWS-TIMES

Christina Schobernd

252-728-8725

Beaufort, NC

Zeb Schobernd

252-728-8736

Beaufort, NC

David Berragne

252-838-0824

Beaufort, NC

Ken Haddad

850-491-5172

PO Box 35
Lloyd FL 32337

Jennifer Potts

252-728-8715

Beaufort NC

Daniel Carr

252-728-2717

Beaufort NC

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

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.

**Full Council
December 10, 2010
New Bern, NC**

<u>NAME & ORGANIZATION</u>	<u>AREA CODE & PHONE NUMBER</u>	<u>P.O. BOX/STREET CITY, STATE & ZIP</u>
Robert Johnson	904-794-2628	804 Shore Dr St Augustine FL 32086
Holly Binns	850-322-7845	2107 Mulberry Blvd, Tallahassee, FL 32303
Sera Drevenak	910-685-5705	Wilmington, NC
Rusty Offman EDF	386-239-0948	Jayfone Bch, FL 32120-9351
Mike A. Shurtak	252-720-7081	Currier County News-Time
Michelle Owsa EDF	919-923-0774	Sarasota FL
Eileen Dougherty	EDF	Charleston, SC
David McKinney	Coxte Consulting	Texas
Robert Cardin	772 370 4163	Fort Pierce

**South Atlantic Fishery Management Council
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Full Council
December 10, 2010
New Bern, NC

**NAME &
ORGANIZATION**

**AREA CODE &
PHONE NUMBER**

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

Christina Schobernd

252-728-8725

Beaufort, NC

David Bernare

252-838-0824

Beaufort, NC

Zeb Schobernd

252-728-8736

Beaufort, NC

KATIE LATANICH

252 504 7642

BEAUFORT NC

Robert Cardin

772-370-4163

St. Pierre FL.

South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
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Snapper Grouper Committee Meeting December 9, 2010 New Bern, NC

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

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

Sue Beck

252 635 5665

SunJournal of New Bern

804 Shore Dr
St Augustine FL

Robert Johnson

904-794-2628

Sara Drevenak (PEG)

910-685-5705

Wilmington, NC

Leda Dunmore PEC

305-393-0934

Key Largo FL

Rusty Hudson ASF

386-239-0948

32120-9351

David McKinney

512-289-1969 -

-

Libby Felherston

DC-FL

Dick Bram

CEA

Robert CARDIW

Ft. Pierce FL

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



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

PUBLIC COMMENT ATTENDANCE RECORD

Public Comment - Agenda Items

LOCATION OF MEETING (CITY & STATE) New Bern, NC		DATE OF MEETING December 9, 2010
YOUR NAME (PLEASE PRINT) David Tucker		TELEPHONE NUMBER (& AREA CODE)
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) 2010 Bridges St. Morehead City, NC 28557		
EMAIL ADDRESS (IF APPLICABLE)		BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) Blue Ocean Market
PLEASE INDICATE THE AGENDA ITEM(S) YOU WISH TO ADDRESS: Black Bass, Sale of Recreational Fish, Extending the gag season		
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)		
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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New Bern, NC

DATE OF MEETING

December 9, 2010

YOUR NAME (PLEASE PRINT)

CHRISTOPHER CONKLIN

TELEPHONE NUMBER (& AREA CODE)

843-543-3833

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

548 Mary Ln AVE

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

CTC Seaford & South Atlantic Fishermen Assoc

PLEASE INDICATE THE AGENDA ITEM(S) YOU WISH TO ADDRESS:

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



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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New Bern, NC

DATE OF MEETING

December 9, 2010

YOUR NAME (PLEASE PRINT)

Robert Green

TELEPHONE NUMBER (& AREA CODE)

843 450 2728

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

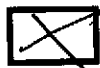
EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

South Atlantic Fishermen Assoc

PLEASE INDICATE THE AGENDA ITEM(S) YOU WISH TO ADDRESS:

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



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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LOCATION OF MEETING (CITY & STATE) New Bern, NC		DATE OF MEETING December 9, 2010
YOUR NAME (PLEASE PRINT) Capt. Robert Thompson		TELEPHONE NUMBER (& AREA CODE) (843) 602-0910
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) 5241 Hwy 17 Bus. MISC 29576		
EMAIL ADDRESS (IF APPLICABLE) capt.thompson@gmail.com		BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)
PLEASE INDICATE THE AGENDA ITEM(S) YOU WISH TO ADDRESS:		
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)		
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

New Bern, NC

DATE OF MEETING

December 9, 2010

YOUR NAME (PLEASE PRINT)

Libby Felherston

TELEPHONE NUMBER (& AREA CODE)

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

449 Central Suite 200 St Pete, FL 33701

EMAIL ADDRESS (IF APPLICABLE)

ofelherston@oceanconservancy.org

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

OCEAN CONSERVANCY

PLEASE INDICATE THE AGENDA ITEM(S) YOU WISH TO ADDRESS:

ACL Amendment / A12A

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



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

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DATE OF MEETING

December 9, 2010

YOUR NAME (PLEASE PRINT)

KELLY SCHOBLCRAFT

TELEPHONE NUMBER (& AREA CODE)

252-995-4029

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

Box 242 FAISCO, NC 27936

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

PLEASE INDICATE THE AGENDA ITEM(S) YOU WISH TO ADDRESS:

KING MACKEREL ISSUES

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



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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LOCATION OF MEETING (CITY & STATE)

New Bern, NC

DATE OF MEETING

December 9, 2010

YOUR NAME (PLEASE PRINT)

Renny Fel

TELEPHONE NUMBER (& AREA CODE)

910-620-5847

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

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

PLEASE INDICATE THE AGENDA ITEM(S) YOU WISH TO ADDRESS:

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



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE) New Bern, NC		DATE OF MEETING December 9, 2010
YOUR NAME (PLEASE PRINT) Ken Haddad		TELEPHONE NUMBER (& AREA CODE)
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) PO Box 35 Lloyd FL 32337		
EMAIL ADDRESS (IF APPLICABLE) Kenhaddad50@gmail.com		BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)
PLEASE INDICATE THE AGENDA ITEM(S) YOU WISH TO ADDRESS: ACLs		
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)		
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE) New Bern, NC	DATE OF MEETING December 9, 2010
YOUR NAME (PLEASE PRINT) BILL KELLY	TELEPHONE NUMBER (& AREA CODE)
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) PO Box 501404 MARATHON FL 33050	
EMAIL ADDRESS (IF APPLICABLE) FKLFA1@HOTMAIL.COM	BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) FL KEYS COMM. FISHERMEN
PLEASE INDICATE THE AGENDA ITEM(S) YOU WISH TO ADDRESS: SPINY LOBSTER - KING MACKEREL	
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

New Bern, NC

DATE OF MEETING

December 9, 2010

YOUR NAME (PLEASE PRINT)

Robert Johnson

TELEPHONE NUMBER (& AREA CODE)

(904) 794-2628

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

804 Shore Dr St Augustine FL

EMAIL ADDRESS (IF APPLICABLE)

jdashing@bell-south.net

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

PLEASE INDICATE THE AGENDA ITEM(S) YOU WISH TO ADDRESS:

Catch Shares and other Items

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



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

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YOUR NAME (PLEASE PRINT)

JACK COX

TELEPHONE NUMBER (& AREA CODE)

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

EMAIL ADDRESS (IF APPLICABLE)

dayboat@ec.rr.com

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

PLEASE INDICATE THE AGENDA ITEM(S) YOU WISH TO ADDRESS:

BASS / catch Shares

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

☒

YES

☐

NO

from Jack Cox

November 15, 2010

Congressman Walter Jones
2333 Rayburn House Office Building
Washington DC 20515

Dear Congressman Jones:

As a professional North Carolina fisherman I was disappointed to read your recent letter to Dr. Jane Lubchenco, Administrator of the National Oceanic and Atmospheric Administration (NOAA), opposing NOAA's recently announced National Catch Share Policy.

I and other fishermen in my area respectfully request that you either withdraw your opposition to funding new catch share programs or explain how the current management system of overfishing, closures and reduced fishing days that have hurt our local economy is a better option for commercial fishermen. We believe investments in catch shares are critical to getting fishermen in our state back on the water so we can keep our jobs and provide for our families. By blocking catch shares, you are making it more difficult for us to run profitable businesses.

I, along with many other fishermen in North Carolina, support catch shares because they lessen the number of fishing regulations and let fishermen run their businesses without government interference. Catch shares were supported by the George W. Bush Administration because they make economic and conservation sense, and have continued in the current Administration because they are proven to work.

Fishermen in the Gulf of Mexico have used catch shares for nearly four years and their lives have been transformed. North Carolina fishermen deserve the same benefits that Gulf fishermen have seen under catch shares:

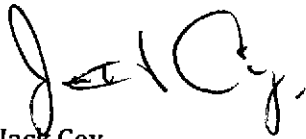
- There are more stable, full time jobs
- There is a year-round fishing season
- Business operating costs are down by at least 50%
- Prices earned for fish at the docks are up 40%
- Overfishing has ended
- Because fishermen pay to operate the program, the government doesn't have to

We would appreciate the opportunity to hear what alternatives you believe are available for improving fisheries management.

The current system is not working, and at the end of the day we want the same things you want: effective, commonsense government that returns power and control back to the people. I've done my homework and believe catch shares are the best way to a better future.

Thank you for your attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Cox". The signature is fluid and cursive, with the first name "Jack" and the last name "Cox" clearly distinguishable.

Jack Cox
Morehead City, NC



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

New Bern, NC

DATE OF MEETING

December 9, 2010

YOUR NAME (PLEASE PRINT)

Sherybanne McCoy

TELEPHONE NUMBER (& AREA CODE)

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

715 N. Tropical Trail Merritt Island, FL. 32983

EMAIL ADDRESS (IF APPLICABLE)

sherr.m@wildoceanmarket.com

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Cape Canaveral

PLEASE INDICATE THE AGENDA ITEM(S) YOU WISH TO ADDRESS:

~~the~~ goldentile

Shrimp @

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



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

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December 9, 2010

YOUR NAME (PLEASE PRINT)

Holly Bionis

TELEPHONE NUMBER (& AREA CODE)

850-322-7845

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

2107 Mulberry Blvd, Tallahassee, FL 32303

EMAIL ADDRESS (IF APPLICABLE)

hbionis@pewtrusts.org

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

PLEASE INDICATE THE AGENDA ITEM(S) YOU WISH TO ADDRESS:

~~Reg. Amend.~~ To Comp ACL Amend

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

☒ YES

☐ NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

New Bern, NC

DATE OF MEETING

December 9, 2010

YOUR NAME (PLEASE PRINT)

Ernie Foster

TELEPHONE NUMBER (& AREA CODE)

(252) 986 2515

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

Box 120 Hatteras NC 27943

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

NCWU

PLEASE INDICATE THE AGENDA ITEM(S) YOU WISH TO ADDRESS:

21- Catch Shares

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

☒ YES

☐ NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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LOCATION OF MEETING (CITY & STATE)

New Bern, NC

DATE OF MEETING

December 9, 2010

YOUR NAME (PLEASE PRINT)

John Barber

TELEPHONE NUMBER (& AREA CODE)

407-587-9860

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

1331 Boyer St Longwood FL

EMAIL ADDRESS (IF APPLICABLE)

JohnB@RevCmpSys.com

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

CFDA, FSFA, HSFA, SISA, DBS

PLEASE INDICATE THE AGENDA ITEM(S) YOU WISH TO ADDRESS:

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



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

New Bern, NC

DATE OF MEETING

December 9, 2010

YOUR NAME (PLEASE PRINT)

Rusty Anderson

TELEPHONE NUMBER (& AREA CODE)

386-239-0948

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

PO Box 9351

EMAIL ADDRESS (IF APPLICABLE)

DSF2009@aol.com

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Directed Sustainable Fisheries, Inc

PLEASE INDICATE THE AGENDA ITEM(S) YOU WISH TO ADDRESS:

SEDAR 24, SEDAR 25, RA 10, RA 9, Amend. 18A

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



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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LOCATION OF MEETING (CITY & STATE) New Bern, NC		DATE OF MEETING December 9, 2010
YOUR NAME (PLEASE PRINT) Randy McKinley		TELEPHONE NUMBER (& AREA CODE) 910-270-4578
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) 114 Friendly Lane Hampstead, N.C.		
EMAIL ADDRESS (IF APPLICABLE) EMcKinley32@aol.com		BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) McKinley Fisheries
PLEASE INDICATE THE AGENDA ITEM(S) YOU WISH TO ADDRESS: Trip Limits, FFD		
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)		
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

New Bern, NC

DATE OF MEETING

December 9, 2010

YOUR NAME (PLEASE PRINT)

Jeff Olsen

TELEPHONE NUMBER (& AREA CODE)

252 986 2575

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

EMAIL ADDRESS (IF APPLICABLE)

~~Stash.Cobb@H&B-7401.com~~

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Stash.Cobb@H&B-7401.com

PLEASE INDICATE THE AGENDA ITEM(S) YOU WISH TO ADDRESS:

18A - 21

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

☒ YES

☐ NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

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DATE OF MEETING

December 9, 2010

YOUR NAME (PLEASE PRINT)

CHRIS MCCABITY

TELEPHONE NUMBER (& AREA CODE)

252-246-1205

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

110 S. 10th ST. Morehead NC 28557

EMAIL ADDRESS (IF APPLICABLE)

Free15527@hotmail.com

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

PLEASE INDICATE THE AGENDA ITEM(S) YOU WISH TO ADDRESS:

THE BY CATCH REDUCTION AND FISHermen's SURVIVAL PLAN

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



YES



NO

The By Catch Reduction and Fishermen's Survival Plan.

Thank you for the chance to present this plan. It is no secret that we do not see eye to eye on some issues. I do think we have a common goal of healthy fisheries that can be responsibly harvested. We should all be able to agree that it is not in the best interest of the fish or fishermen to have regulatory discards. I will offer ideas based on my experience as a fisherman to limit by catch, make efficient use of the resource, and promote our safety at sea. Please consider these suggestions with an open heart and mind.

The first thing that should be done is Trip Poundage Limits (TPLs) to manage the Annual Catch Limits (ACLs). The council has used TPLs and split seasons with some success. This plan incorporates some of those good ideas. It goes like this: every fish with an ACL should have the fishing year split into two six month seasons. The TPLs should be set high for the first 75% of the six month quota and adjusted to a level that would fill the quota without any long closures for the remaining 25%. This is an example for Vermilion Snapper that should replace the current derby fishery. Keep the six month seasons. Set the TPL at 1,500 pounds for the first 75% of the quota. Adjust the TPL for the remaining 25% to 300 pounds if there are several months left in that six month season. Set the TPL at 2,000 pounds if there is only one month left. Any poundage that is left should be carried over to the next six month season. Any poundage over the quota could be deducted from the next season. We can target Vermilion Snapper when the TPL is high. We could target other species when the TPL is low. This would allow fishermen to keep the Vermilion Snapper by catch and give the consumer a dependable supply of them throughout the year. It would help fishermen make efficient use of the resource and earn enough money to survive the rebuilding process in a safer way. The council could also use TPLs instead of four month closures on Silver Snapper and shallow water grouper. Set the TPL at 200 pounds on both Silver Snapper and grouper. This would be low enough that fishermen would not make trips targeting them but would allow for by catch. This plan would also give scientist a more accurate and dependable way to collect data. We should try to make efficient use of our resources and avoid wasting them.

Size limits sound good in theory but have unintended consequences. They force us to target the larger breeding stock of fish while discarding the small fish that can be replaced quickly. Many of those discarded illegal fish die slowly from stress, infection, and decompression damage. The size limits should be abolished. The small fish should be counted against the ACLs instead of being wasted. We should have a goal of a zero by catch fishery and make efficient use of everything we catch. We need a law that would allow us to sell other by catch like sharks. We accidentally catch Black Tips, Sand Bar Sharks, Makos, and smooth dog sharks. These are all sharks that are good to eat and legal to sell in state waters. We should be allowed to sell 500 pounds of sharks per trip. We should not target sharks but we cannot avoid catching some of them. We can have a responsible harvest of almost any fish. It is a matter of realizing we cannot avoid catching some species and managing the fishery accordingly.

Artificial Reefs (ARs) could be the perfect union of aquaculture and commercially caught wild fish. We should try to enhance the fishery instead of restricting access to it. I believe we could greatly increase the total bio-mass the U.S. South Atlantic could support with an aggressive AR program. I have heard some arguments against ARs and would welcome a debate on the issue. This should also be part of the marine spatial planning discussion. We need to look at the big picture and show other Nations by example how to manage their fisheries in a way that helps the fish, fishermen, economies, and the marine environment.

We have suffered severe financial hardships since the closures started last September. I propose that part of the NMFS budget be allocated to reducing the size of the snapper/grouper fishery through a voluntary buyout of inactive permits and elderly fishermen with illnesses that would like to retire. The market for our businesses has been destroyed by the economy and regulation. Those aging fishermen need a way out other than bankruptcy or death. I would also like to see the SAFMC, NMFS, and NOAA work with the Small Business Administration to help fishermen get low interest long term loans to consolidate our debt. This would take the pressure off of fishermen to risk life and limb to avoid bankruptcy. The buyout and debt consolidation loans would also take some of the pressure off of the fishery and allow stocks to rebuild faster.

Fishermen are not just numbers in management equations. We are real people with families that depend on our income and worry about our safety. We deserve to be treated like you and your loved ones would like to be treated if the roles were reversed. The solutions I presented are based on a love of the sea, decades of on the water experience, and the mandates in the MSA. It breaks my heart to be forced to discard GOD's good creations to die slowly. I do not believe that any of you on this council really want to waste our resources. This is an unintended consequence that is obvious to those of us that discard by catch. TPLs should be addressed immediately to put an end to this waste of fish and income.

I know catch shares are a management measure that the SAFMC, NMFS, and NOAA are looking at and many environmental groups support. I would like to offer this compromise to everyone that wants catch shares. We agree to put TPLs in place to stabilize the fishery in the short term. We can then discuss and debate catch shares as well as buyouts, small business loans, and Artificial Reefs. We also need to look at getting rid of some old regulations like size limits that helped to create the problems. It looks like NOAA will have 54 million dollars in next year's budget to set up catch share programs. I propose that some of that funding be allocated to paying fishermen to take the time necessary to be part of the process. Commercial fishermen have centuries of collective on the water experience to bring to the discussion. We love the sea and want to protect it.

Thank you for giving me the chance to present this plan. I welcome any questions and look forward to working together towards a healthy and sustainable fishery that can be responsibly harvested forever. We should try to manage the fishery in a way that rebuilds stocks while providing the public with a dependable supply of safe American seafood. We should also do what we can to help fishermen and their families survive the rebuilding process. We could achieve these goals if we work together using sound science, common sense, and follow the Golden Rule.

Sincerely,

Chris McCaffity



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

PUBLIC COMMENT ATTENDANCE RECORD

Public Comment - Reg Amendment 10

LOCATION OF MEETING (CITY & STATE)

New Bern, NC

DATE OF MEETING

December 9, 2010

YOUR NAME (PLEASE PRINT)

Joshua McCoy

TELEPHONE NUMBER (& AREA CODE)

321 960-4885

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

807 Hampton Way Merritt Island FL 32953

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Cape Canaveral Shrimp Co.

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



YES



NO



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

PUBLIC COMMENT ATTENDANCE RECORD

Public Comment - Agenda Items

LOCATION OF MEETING (CITY & STATE)

New Bern, NC

DATE OF MEETING

December 9, 2010

YOUR NAME (PLEASE PRINT)

Quay McAfferty

TELEPHONE NUMBER (& AREA CODE)

(252) 240 1205

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

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cindymcrafferty@hotmail.com

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

PLEASE INDICATE THE AGENDA ITEM(S) YOU WISH TO ADDRESS:

Fishery management goals & general management issues

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

☐

YES

☐

NO



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

PUBLIC COMMENT ATTENDANCE RECORD

Public Comment - Agenda Items

LOCATION OF MEETING (CITY & STATE)

New Bern, NC

DATE OF MEETING

December 9, 2010

YOUR NAME (PLEASE PRINT)

Patrick Brannan

TELEPHONE NUMBER (& AREA CODE)

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

EMAIL ADDRESS (IF APPLICABLE)

Patrick - Brannan@hagan.senate.gov

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Sen. Kay Hagan

PLEASE INDICATE THE AGENDA ITEM(S) YOU WISH TO ADDRESS:

Catch Shares

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



YES



NO



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4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD

Public Comment - Agenda Items

LOCATION OF MEETING (CITY & STATE) New Bern, NC		DATE OF MEETING December 9, 2010
YOUR NAME (PLEASE PRINT) Robert Cardin		TELEPHONE NUMBER (& AREA CODE) 772-370-4163
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) H. Prince		
EMAIL ADDRESS (IF APPLICABLE)		BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)
PLEASE INDICATE THE AGENDA ITEM(S) YOU WISH TO ADDRESS:		
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)		
<input type="checkbox"/> YES <i>Maybe</i> <input type="checkbox"/> NO		

species groupings as follows: 1) deep water grouper species grouping; 2) and an almaco greater amberjack, and banded rudderfish species grouping; 3) and a yelloweye, vermillion and queen snapper species grouping. For the species groupings, individual species ACLs should be combined for a total grouping ACL.

We need catch shares as the preferred alternative to amendment 17B or we will be out of business.

Please develop a catch share amendment quickly.
PLEASE include ALL fish so no fishermen are left out.

Thank you for your time,

Peter Boehm & Scott

Vaeth

-

Dec 8, 2010

South Atlantic Council,

I support catch shares and recently received a South Atlantic update which stated Snowy's weren't on the amendment; this is unbelievable! After a life time of fishing I'll have no history because most of my landings are deep water fish, mainly Snowy groupers.

I want to see the species included up front expanded to include; all shallow water grouper, snowy grouper, golden tilefish, greater amberjack, red porgy, black seabass, gag grouper, vermilion snapper, red snapper, scamp grouper, red grouper, blueline tilefish, black grouper, yelloweye snapper, yellowedge grouper, misty grouper, and queen snapper with

<https://mail.google.com/mail/?ui=2&ik=5be0c21ba3&view=pt&search=inbox&msg=12cc...> 12/9/2010



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

PUBLIC COMMENT ATTENDANCE RECORD

Public Comment - Reg Amendment 10

LOCATION OF MEETING (CITY & STATE)

New Bern, NC

DATE OF MEETING

December 9, 2010

YOUR NAME (PLEASE PRINT)

Libby Tetherston

TELEPHONE NUMBER (& AREA CODE)

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etetherston@oceanconservancy.org

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Ocean Conservancy

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



YES



NO



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

PUBLIC COMMENT ATTENDANCE RECORD

Public Comment - Reg Amendment 10

LOCATION OF MEETING (CITY & STATE)

New Bern, NC

DATE OF MEETING

December 9, 2010

YOUR NAME (PLEASE PRINT)

John Barber

TELEPHONE NUMBER (& AREA CODE)

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JohnB@RevCmpSys.com

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

CFOA, FSFA, HSFA, SISA, DBS

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



YES



NO

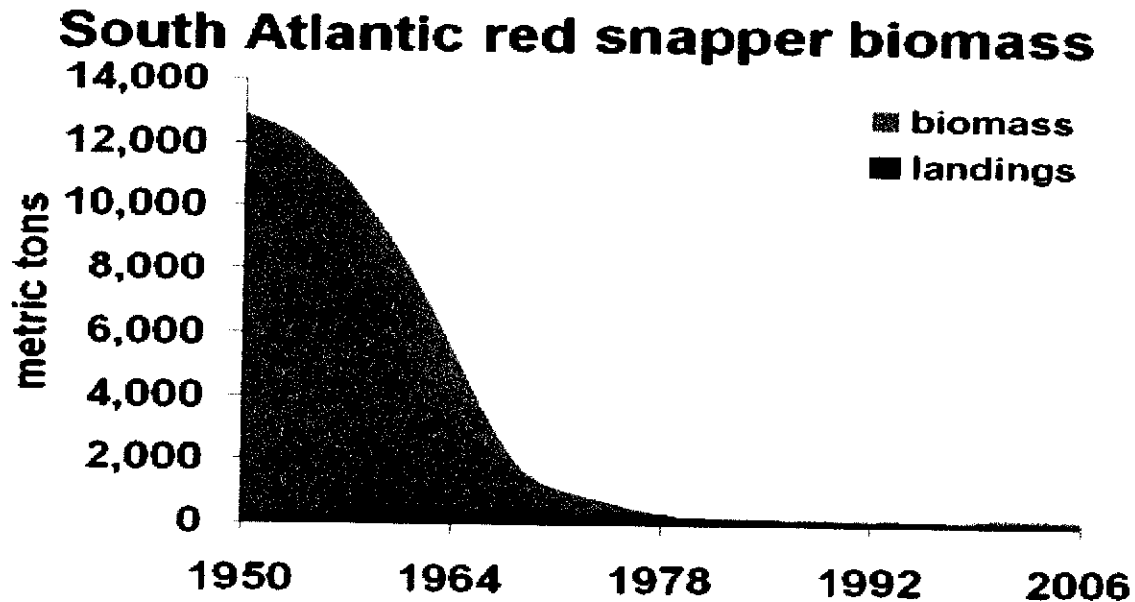
Public Comments on Snapper Grouper Regulatory Amendment 10

The following comments are being submitted on behalf of the Florida Sport Fishing Association, Halifax Sport Fishing club, the Central Florida Offshore Anglers, Sebastian Inlet Sportfishing Association, the Deep-Blue-Sea.org fishing community, and the tens of thousands of anglers in Florida who are opposed to the continued closures of Red Snapper and the proposed area closures in Amendment 10, 17A, 17B, or any other amendment. Our opposition is based on the following:

- **The closure of Red Snapper is unnecessary.** The previous regulation of 2 fish per person, 20" or more has lead to a steady and of late explosive growth in the Red Snapper population. Recent sampling has shown at least two huge recruitment classes. 1000's of recreational anglers have stated in petitions and public hearings that Red Snapper stocks are healthy, and that closures are not currently warranted. These comments have been ignored by NMFS scientists and managers even though they represent ten's of thousands of years of first hand observations. The SAFMC had to invent the term "stably collapsed" to bridge the apparent abundance of fish with their 3%, now move to 7% MSY estimate. The strongest voices supporting these closures are the professional K-Street lobbyist who have the least amount of firsthand experience but have the financial means and attentive ears of NOAA to implement an agenda of reducing public access to public resources. The best available science, which is the people with the most first knowledge and experience, has been ignored.
- **The quality and quantity of science and data used by NOAA/NMFS to enact such historic and devastating closures is not acceptable.** This system has failed independent peer reviews which described it as "fatally flawed" and lead to a congressional mandate in MSRA to fix the system before enacting aggressive measures to end overfishing. NOAA/NMFS has chosen to actively pursue a path of draconian closures while failing to meet the congressional mandate to address severe deficiencies in its science and data collection. The cornerstone of any fisheries management system is accurate, timely data collection and sound science. NOAA/NFMS has failed to lay this cornerstone,

and the stake holders in this fishery demand both accountability of those who manage these systems, and actions to remedy the deficiencies clearly laid out by the National Research Council review. In addition to the items identified in the NRC review, we would encourage the following science/data actions:

- **Genetic truncation/diversity studies** - If the Red Snapper biomass is down to such critical levels, there should be an accompanying level of genetic truncation. Genetic diversity indices could help fill the large gaps in data measurements and give an unbiased leap, and another view into understanding population dynamics. With modest training, recreational and commercial stakeholders could help provide this type of data with minimal mortality.
- **Tagging and recapture program** – There has not been any large scale tagging and recapture programs of Red Snapper. The fishing clubs on the East Coast of Florida have made numerous offers to fund and facilitate tagging programs. This would provide accurate release mortality, migration, growth rates, population trends, and angler interaction data which are all poorly understood.
- **The target biomass is incorrect.** In addition to the “fatally flawed” actual measured science and data NOAA/NMFS used in determining current Red Snapper biomass, NOAA/NMFS has created data where none exists by picking and choosing historical records to extrapolate a mythical biomass model that did not exist before 1980. It would be hard to imagine an agency that can’t measure and model current data having the ability to accurately extrapolate historical data where little or no actual data exist. The NOAA chart below shows that landings have been constant, but biomass plunged between 1945 and 1972.



(source: NOAA Fishwatch January 2010)

This collapse coincides with the usage of extrapolated data previous to 1972. Curiously enough, there is NO catch at age data before 1972. In addition, it would be hard to explain how landings have stayed constant during that period if biomass decreased the reported 97%. Finally, if one were to add up all the landings, cumulatively, they would not even be 10% of the decrease in the biomass. If all these fish actually existed, where did they go? A 9th grade biology student could see that there is something fishy in these numbers. We demand that the reference data be moved from 1945 to 1980, when actual catch at age data collection began. Even though this system is flawed, a bias factor could be attributed to the data, and evenly applied across all years from 1980 till present. To use the 1945 reference point is scientifically and academically irresponsible.

- **Fishing pressure has collapsed in the last 4 years.** It is hard to describe the magnitude of the collapse of the recreational fishing in Florida. More than half the boat manufactures in Florida have ceased boat production, or have closed their doors for good. More than half of the tournaments that brought anglers to our coast have been cancelled. At least half of the charter fishing fleet has gone out of business. Many bait and tackle shops, marinas, gas docks, repair

shops and the like have gone out of business. Institutions like Conchy Joe's in Key West have shut their doors. There was a gradual decline in recreational angling that started with the 4 hurricanes that hit Florida in 2004. This was accelerated by high fuel cost, and finally, the great recession of 2009 has devastated Florida economically. Fishing pressure offshore is 25% of what it was pre 2004. Anglers have not stopped fishing for Red Snapper because your studies indicate there are none, they are not fishing because they cannot financially participate in offshore fishing. We have pleaded for NOAA/NMFS to survey marinas, gas docks, and bait stores to get a rough measure of this decline in fishing pressure, but have not seen any fishing pressure indices noted in any of these amendments. If people are not buying boats, gas, bait, charters, and tackle, they are not fishing.

- **NOAA/NMFS has been remiss in calculating economic impacts of this closure.** NOAA/NMFS failed to conduct any comprehensive economic studies or assessment to determine the economic impact on the South Atlantic area communities from the proposed closures. The basis of the economic impact study that was presented for the interim closure rule was based on 2 charter operations in the panhandle of Florida. This is completely unacceptable and is in violation of National Standard 8.
- **NOAA/NMFS has unfairly penalized Florida by proposing closures that primarily affect Florida waters.** This is in direct violation of national standard 4 which creates a situation that is NOT fair or equitable to all such fishermen. The logic and process by which this has come about are troubling. The demarcation lines of the closure align closely with home ports of council members, and created gerrymandering needed to gather votes which is a new low even for the SAFMC.
- **Diver access to closed areas.** Although sport diving offers access to targeted species with minimal by-catch, in the event that area closures are implemented, it is strongly recommended that both commercial and recreational divers be constrained to some type of slot limit to protect juvenile fish in the snapper/grouper complex, and more importantly, the highly valued larger/older fish. The entire Red Snapper stock assessment controversy

revolves around age truncation, and it would be poor management policy to allow other snapper/grouper species to come to the same end of age truncation based on an under thought management policy. In addition, there should be some thought to protecting large fish that become vulnerable during well documented cold water upwellings in the summer months. Once again, it would be unwise to orchestrate an age truncation through poorly thought out management measures. The 20" Red Snapper minimum length has probably contributed to age truncation, if in fact it actually exist.

- **By-catch considerations.** If Red Snapper are actually down to 3% MSY, it would be irresponsible to allow continued deep trawling of nets. We would oppose any net dragging outside of state waters. By catch mortality of Red Snapper by shrimp/rock shrimp trawling is not well understood in the Atlantic. What is understood is the huge by catch of forage fish Red Snapper may use as a food source, and the habitat destruction caused by this type of gear. Continuing to allow habitat destruction and by catch is in violation of National Standard 9.

Final Recommendations. NOAA currently has two paths it can choose between.

One path is to continue with draconian closures based on flawed incomplete data, poorly implemented science, and little support by the actual stakeholders in the fishery. This has, and will continue to lead to an adversarial relationship based on distrust and lack of confidence in NOAA's ability to measure or manage fisheries. This will spill over into the other 70+ species and over 4000 sq miles of water. Once NOAA loses the voluntary compliance and support of recreational anglers, it will be impossible to manage these fisheries. This is a long way from the MSA stated purpose, "to promote domestic commercial and recreational fishing under sound conservation and management principles". The reason given for the existence of the regional councils is "to exercise sound judgment in the stewardship of fishery resources". The MSA has given NOAA/NMFS the responsibility to be stewards of the public's natural resources. It is ironic that MSA was set up to protect our natural resources from foreign interest, and now we have to rely

on Congress and the Federal courts to protect our fisheries from NOAA and the K-Street lobbyist. It should not be this way.

A better path would be to inform congress that the task of rearchitecting the science and data systems used by NOAA/NMFS is larger than first thought, and that NOAA/NMFS is aggressively pursuing a plan to rebuild these systems. If NOAA/NMFS were to submit a rebuilding plan, with milestones, stakeholder oversight, and independent peer review, the angling public would be much more willing to work with NOAA/NMFS on issues of education, compliance, data collection while it gets its science and data house in order. SEDAR 15 exemplified the deficiencies in the SEDAR process and has destroyed the reputation of NOAA to measure or manage public resources in the South Atlantic. If SEDAR 15 was the best available science, than we are very suspect of any of the other species stock assessments.

The choice is between facing litigation by the well funded, well connected, K-Street environmental mafia, or facing litigation by the stakeholders in the South Atlantic and the contempt of congress for not following their instructions. If NOAA/NMFS does not have the willingness or ability to fix itself, congress and the courts will.

The issue has never been opposition to closure of the Red Snapper. The issue is NOAA/NMFS unwillingness or inability to fix its science and data systems before enacting any more Fishery Management Plans as directed by congress in the MSRA.



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

PUBLIC COMMENT ATTENDANCE RECORD

Public Comment - Reg Amendment 10

LOCATION OF MEETING (CITY & STATE) New Bern, NC	DATE OF MEETING December 9, 2010
YOUR NAME (PLEASE PRINT) Ken Haddad	TELEPHONE NUMBER (& AREA CODE) 850 491 5172
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EMAIL ADDRESS (IF APPLICABLE) kenhaddad50@gmail.com	
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) American Sportfishing Association	
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE) <input type="checkbox"/> YES <input type="checkbox"/> NO	



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

PUBLIC COMMENT ATTENDANCE RECORD

Public Comment - Reg Amendment 10

LOCATION OF MEETING (CITY & STATE)

New Bern, NC

DATE OF MEETING

December 9, 2010

YOUR NAME (PLEASE PRINT)

Holly Binns

TELEPHONE NUMBER (& AREA CODE)

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hbinns@pewtrusts.org

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

PEG

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



YES



NO



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

PUBLIC COMMENT ATTENDANCE RECORD

Public Comment - Reg Amendment 10

LOCATION OF MEETING (CITY & STATE)

New Bern, NC

DATE OF MEETING

December 9, 2010

YOUR NAME (PLEASE PRINT)

CHRIS MCCAFFEY

TELEPHONE NUMBER (& AREA CODE)

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

110 SHELTON ST. MOREHEAD NC 28557

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

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



YES



NO

Written Comments about Regulatory Amendment 10

My name is Chris McCaffity. This council should have never rushed through Amendment 17A based on an old stock assessment when you knew an updated assessment was coming. The environmental groups like PEW and EDF that threaten to sue if you do not meet the hard deadlines they demanded in the reauthorized MSA are causing this council to pass one bad amendment after another. This council claims to have mismanaged the Red Snapper fishery and others to the point that you need take the American people's freedom to recreationally and commercially bottom fish on the majority of our U.S. South Atlantic seafloor. You have not done as bad a job as your scientist claim.

I propose that Regulatory Amendment 10 abolish the area closures in Amendment 17A. I ask that RA 10 allow fishermen to fill the quota by keeping one Red Snapper per person per day. That would allow fishermen to use these fish the way GOD intended. The fish would feed people and give you a way to collect data. Ask fishermen to record the water temperature, depths, and other information related to when and where they caught the Red Snapper. We are not all liars and many fishermen are willing to collect data to help the fishery we love. It is wrong on every level to force us to discard every Red Snapper we catch and fill the quota by guessing how many have died slowly from stress, infection, and decompression damage. What a waste of our resources and a squandered chance to collect data.

RA 10 should take out the part of 17A that gives you the power to take "unspecified drastic action" against American citizens and our GOD given freedoms. It seems like it should be painfully obvious to any American how bad this part of the law is. No bureaucracy should be able to give itself unchecked and unlimited power like that. Please give back that power before it unleashes even more "evils of bureaucracy" than what already plagues our fishery and Country.

RA 10 should take out the mandate to use circle hooks. Those hooks break a fishes jaw if they are not removed properly. Many of the fish released wrong slowly starve to death. There is no need to release all of these fish if you allowed for by catch and removed size limits. We need to make efficient use of our resources. Slowly killing fish from starvation, stress, infection, and decompression damage does not help anything. It is cruel and wrong. If you really want to force fishermen to waste GOD's good creations, then give us a way to get out of the fishery. The regulatory discards offend me so much that I never want to fish again if this is what I am forced to do. The fish and fishermen deserve to be treated with respect. Neither one should be tortured to death. What this council is doing to our fishery is sentencing some fish and fishermen to slow painful deaths. Please think about what you are doing.

Amendment 17A should have never become law. I hope some of you supported it because you knew the updated stock assessment was coming and you would be able to make changes to 17A based on that assessment. Now is your chance to make those changes. We can rebuild the Red Snapper population without all of the unintended consequences that wastes our resources, cuts our income, compromises our safety, and takes our freedom. Please have mercy on the fish and fishermen.

Thank you,

Chris McCaffity

November 2, 2010

David Cupka, Chair
South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405

Dear Mr. Cupka,

We want to thank the Council for recognizing the problems we face - a downed economy, shortened seasons, area closures, and uncertainty facing our industry – and taking the first necessary step toward fixing them, by developing Amendment 22. Fleshing out how each alternative would work for our businesses is a good start. We need management that keeps us fishing and improves data collection. Better data will lead to flexibility and move us beyond management that relies on shortened seasons and closing important fishing grounds. We urge you to continue working to keep fishermen on the water, so that our industry and the region's fishing heritage has a chance to survive.

As the Council moves ahead, please consider this information from the for-hire industry:

- **Protect access to important snapper grouper species**
Our businesses are based on fishing for multiple snapper grouper species – not just red snapper. We want to establish a durable long-term management plan that provides a year-round harvest of all the snapper grouper species.
- **Consider all management options and incorporate constituent input**
As professional businessmen, we want to see a variety of new long-term management options for the charter and headboat fleet considered by the Council, including trip limits, tags, catch shares, and/or a combination of these. A greater number of management options will increase the odds of finding a solution that will produce a profitable and enduring for-hire sector. For our part, we are committed to working with the Council to provide input on all management options considered.
- **Make long-term management for the charter and headboat fleet a priority**
The entire for-hire industry, millions of anglers, coastal communities and their economies across the region depend on the Council to help protect healthy fisheries and the public's access to fishing. Many offshore anglers are dependent on for-hire vessels to access the fisheries in the South Atlantic. Continued focus on long-term management for our sector, will help to ensure we stay in business while sustainably fishing.

Current management is a failure, and Amendment 22 could be our life preserver. We urge the Council to continue to focus on this amendment to see red snapper rebound while keeping the charter and headboat fleet on the water.

Thank you for your consideration.

Continue working on Amendment 22 to develop multiple management options that provide the for-hire sector stability, flexibility and better data collection.

Printed Name & Signature

Role in the fishery

Address, City, State

Chris Cutler *Ch C* Deckhand COCOA BEACH, FL.

TONY ADAMS OWNER MISS CAPE CANAVERAL 670 GLEN CHEEK DR CAPE CANAVERAL OR

William Gade CAPTAIN MISS CAPE CANAVERAL 670 GLEN CHEEK DR CAPE CANAVERAL

Todd Meadows 745 Belaire Ave Deckhand Merritt Is. FL.

Brenta Di *Brenta Di* Deckhand Miss Cape Canaveral 2811 MICH. AVE DADID

GOLDING *GOLDING* Deckhand KCAPT COCOA, FL 32926 670 GLEN CHEEK DR

Tom Adams B-Owner Miss Cape Canaveral Cape Canaveral, Fla.

FRANCISCO V. SERRANO CAPT. COM. 670 GLEN CHEEK DR CAPE CANAVERAL

FRANK PAWELA *Frank Pawela* owner + capt. Blue Heron Charters 510 ALABAMA AVE Merritt Island FL 32953

DAVID *David* Deckhand 121 HARRISON AVE CAPE CANAVERAL FL 32920

DETT *DETT* Deckhand Cape Canaveral FL 650 GLEN CHEEK DR

Charles Shaffer Owner/Operator Cape Canaveral FL 32920

Christine Carr Captain 650 GLEN CHEEK DR CAPE CANAVERAL FL 32920

Jeff Carr Captain 650 GLEN CHEEK CAPE CANAVERAL FL 32920

Continue working on Amendment 22 to develop multiple management options that provide the for-hire sector stability, flexibility and better data collection.

Printed Name & Signature

Role in the fishery

Address, City, State

[Signature]

Charter mate

Key West FL

[Signature]

Charter Captain

Key West FL

[Signature]

Charter Captain

Key Largo

[Signature]

Fishing Mate

Key Largo

[Signature]

Captain

Oyster Sh

[Signature]

Captain

Behrman Ft Lauderdale

[Signature]

Capt

Ft Lauderdale FL

[Signature] (Capt owner)

Hollywood, FLA.

[Signature]

owner

Ft Lauderdale Fla

[Signature]

Captain

Ft Lauderdale, FL

[Signature]

Mate

Ft Lauderdale, FL

JB SINGARY

Captain

FLA, FL

[Signature]

Mate

FLA, FL

Continue working on Amendment 22 to develop multiple management options that provide the for-hire sector stability, flexibility and better data collection.

Printed Name & Signature	Role in the fishery	Address, City, State
Barry Burden	Deck Hand	Cape Cod
Capt Charles Shaffer III	Captain	2195 Reynard Pl. MI 32952
Matt Murray	Deckhand	1255 John Circle MI 32952
Damon Tant	Deckhand	223 Harrison Ave 32920
Brian Faulkner	Captain	1426 Glenn Haven Dr. MI 32952
Craig Shaffer	Captain	2195 Reynard Pl. MI 32952
Jessie Cravey	Cook/Deckhand	223 Harrison Ave Cape Cod Mass 02512
James Lindsay	Cook/Deckhand	20669 Mallard Pkwy Orlando, FL 32833
Gregory Rapp	Captain	Port Canaveral, FL
Chris Fives	Charter Office	2010 Mammock Rd. Titusville, 32796
Capt. Robert Thompson	Captain	5241 Hwy 17 N. S. MI 49576

* Could not attend public comment. Submitted written comment in person 12/8/10



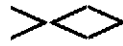
SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD

Public Comment - Reg Amendment 10

LOCATION OF MEETING (CITY & STATE) New Bern, NC	DATE OF MEETING December 9, 2010
YOUR NAME (PLEASE PRINT) Colbert & Kathy Morris	TELEPHONE NUMBER (& AREA CODE) 252-726-7485
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) 5120 Medway Ave, Morehead City, NC 28557	
EMAIL ADDRESS (IF APPLICABLE)	
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) D/O Atlantic Renner	
DO YOU WISH TO MAKE A STATEMENT? (PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)	
* <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

*Capt. Gilbert and
Kathy Mathis*



F/V ATLANTIC RUNNER
5120 Midyette Avenue
Morehead City, NC 28557
252-726-7485 kmathis3@ec.rr.com

12/08/2010

South Atlantic Fishery Management Council Meeting
100 Middle Street
New Bern, NC 28560

Re: Public / Written Comments on Amendment 17B. *& Amendment 10*

My husband, Captain Gilbert Mathis could not be here today but wanted me to deliver some ideas at this Public Comment Meeting. We also submitted written comments by the deadlines in November.

We as well as most fishermen feel that the proposed area closure is unneeded and unwarranted due to several reasons: the speckled hind and warsaw grouper are already on the ACL of -O-, and the 9 species said to be overfished are already regulated with seasonal closures, quota closures and complete closures.

What we and many other fishermen feel could be the answer to several of your strategies are *Trip Limits* and *By Catch Allowances*. These 2 efforts used together could put an end to closures and to discards. They could sustain the fishery and the fishermen at the same time. And discontinuing closures would stabilize the wholesale markets.

Trip Limits and *By Catch Allowances* could also do away with the supposed need for *Catch Shares*.

There is no need or desire to have a socialized fishery, where the government owns our right to fish and we have to buy shares to do so. The majority does not want socialized medicine in this country and we do not want socialized fishing in our world.

The very definition of Socialism is: an economic system in which the production & distribution of goods are controlled by the government rather than private enterprise! Also it is defined that Socialism is the stage following Capitalism in the transaction of a society to Communism!

Not that we really have a say in a government takeover; which is why many fishermen have stopped coming to meetings. But we are here and must say that we do not want our fishery much less our government to go in that direction.

Buyouts also sound like a great option for veterans who have good catch histories when they are looking down the barrel of Catch Shares. And the funds are there.....

Please consider these common sense approaches to stabilizing a fishery and its communities of harvesters and processors:

TRIP LIMITS

BY CATCH ALLOWANCES

1500#	BL	150#
-0-	ARS	5 fish
1500#	PS	150#
1500#	BG	150#
1500#	RG	150# when a quota is implemented
1500#	SNOWY GR	5 fish
1500#	BASS	150#
1500#	TRIGGER	150# when a quota is implemented
1500#	KM	150# when a quota is implemented
1500#	TILEFISH	150# when a quota is implemented
-0-	SPECKLED HIND	-0-
-0-	WARSAW	-0-

Kathy and Capt. Gilbert Mathis