

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

FULL COUNCIL SESSION

**Hutchinson Island Marriott
Stuart, FL**

June 11-12, 2009

DRAFT MINUTES

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Lt. Brian Sullivan
John Wallace
Dr. Wilson Laney

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The South Atlantic Fishery Management Council convened in the Ballroom of the Hutchinson Island Marriott, Thursday afternoon, June 11, 2009, and was called to order by Chairman Duane Harris.

Mr. Harris: I will call to order of the meeting of June 2009 meeting of the South Atlantic Fishery Management Council. As far as introductions are concerned, we have Kay Williams representing the Gulf of Mexico Fishery Management Council. Our Mid-Atlantic Council members have departed.

I want to recognize Steve Bortone, who is the executive director of the Gulf of Mexico Fishery Management Council, and Major Brent Norton, who is the vice-chairman of our Law Enforcement AP. Major Norton, thank you for being here and providing us with security this week. We didn't know whether we need it or not, but it's welcomed. Let's go ahead and have the roll call and go around the table and start with our coast guard representative.

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

Mr. Iarocci: Tony Iarocci, Florida.

Mr. Wallace: John Wallace, Georgia.

Ms. Shipman: Susan Shipman, Georgia.

Mr. Robson: Mark Robson, Florida.

Dr. Chevront: Brian Chevront, North Carolina.

Mr. Boyles: Robert Boyles, South Carolina.

Mr. Cupka: David Cupka, South Carolina.

Mr. Harris: Duane Harris, Georgia.

Mr. Mahood: Bob Mahood, council staff.

Mr. Currin: Mac Currin, North Carolina.

Mr. Swatzel: Tom Swatzel, South Carolina.

Ms. Merritt: Rita Merritt, North Carolina.

Ms. Williams: Kay Williams, Gulf Council Liaison.

Dr. Laney: Wilson Laney, U.S. Fish and Wildlife Service.

Mr. Geiger: George Geiger, Florida.

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

Dr. Ponwith: Bonnie Ponwith, NOAA Fisheries Service.

Dr. Crabtree: Roy Crabtree, NOAA Fisheries.

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

Mr. Steele: Phil Steele, NOAA Fisheries.

Mr. Harris: Thank you. You've seen the agenda; are there any additions to the agenda or do you wish to change it in any way, shape or form? Yes, David.

Mr. Cupka: Mr. Chairman, I was wondering if Roy wanted us to add under other business this issue about the smalltooth sawfish and possible impact on shrimp.

Dr. Crabtree: Yes, I think that would be a good idea for us to talk about. I was also like, Mr. Chairman, at some point to talk briefly about the National Catch Shares Task Force that has been formed.

Mr. Harris: I have added both of those items under other business. John Wallace.

Mr. Wallace: Is it possible to do them under the presentation section of the agenda?

Mr. Harris: It's possible, but we've got a couple of other things we've got to get to today, so let me just see where we get. If we can get to those today, we'll do so. Is there any objection to adopting the agenda as has been modified? Seeing none, the agenda is adopted without objection.

The next item is the approval of the March 2009 Meeting Minutes. Are there any additions or corrections to those minutes? Is there any objection to adopting those minutes? Seeing none, those minutes are adopted. At this time we have presentations.

(Whereupon, presentations were made to Mr. Tony Iarocci.)

Mr. Harris: Okay, Mark is going to talk to us about permit.

Mr. Robson: Just to let everybody know, the Florida Fish and Wildlife Commission recently sent a letter to both the South Atlantic and the Gulf Council letting them know that we were taking a look at our permit regulations to include some things that would extend our jurisdiction or our rules to include federal waters since these are not a federally managed species.

Bob and I discussed this and we thought it would be good to at least brief you on that. Anyway, this was a presentation that we have prepared for our commissioners, but I wanted to just make

you aware of what the issue is that we're dealing with. Obviously, again, this is a state-managed species. They are found in both state and federal waters.

The peak fishing season in Florida is from April to October, but it's pretty variable depending on where in the state you go. One of the things that we've identified as the potential issue is that there are these aggregations. I believe, Roy, I think you've spent a little time working on permit; didn't you? Yes, so we have an expert in the room.

Some of the concern in Florida regarding those aggregations deals with the fact that they tend to be hit pretty hard when they are aggregating, so that prompted us to look at our rules. I'm going to skip over the regulations a little bit and just let you know what the permit regulations look like. Again, permit are managed together with pompano in the state of Florida because its certain life stages or early life stages they are very difficult to tell apart from the general public.

In Florida the recreational bag limit, there is an actual slot limit from 11 to 20 inches, and permit are combined in with a six-fish bag limit with pompano, with the exception of one fish allowed over 20 inches. Typically it's the permit that is going to be the larger fish; and then when you encounter one over 20 inches it's going to be a permit.

Our rules state that you can only use hook-and-line gear. No snatching or spearing is allowed in state waters. At the commercial level you have – and there is some small, limited commercial harvest of permit in Florida. You do have to have all the regular licenses, and pretty much the same regulations apply with the exception that you can have only two fish greater than 20 inches, but you can have an unlimited amount of fish within that slot limit.

The recreational fishery is about 75 percent or more of the total landings. We don't have a lot of very good data on this particular fish. The encounters, especially with recreational landings, is very low. We don't have very reliable information. Consequently, we don't have a lot of confidence in the stock assessment.

Most of this fishery is on the Gulf coast but there is some on the Atlantic, and some of the largest permit that are caught in Florida are caught off the Atlantic coast. Again, as I mentioned, some of the possible management issues that we had encountered were that there do seem to be more folks targeting spawning aggregations or aggregations related to spawning activities somehow.

A lot of these areas are occurring in federal waters. The aggregations are known more and more to people because they can be found in the same place year after year. They are very vulnerable at that time particularly to spearfishing. There have been some reports that we received from anglers that there may even be some concerns about these aggregations getting so hard that there are fewer and fewer numbers being seen on them.

We wanted to at least consider the possibility that some sort of spawning season closure or some other action could afford greater protection to the species. But more importantly, as I mentioned, there are no regulations for permit in federal waters, so under the Magnuson-Stevens Act we are able to extend our regulations into federal waters in the absence of federal rules.

Our current language doesn't clearly specify that the limits that we have in place and the gear restrictions are clearly extended into federal waters. We would like to do that, and that's what the gist of our letter was to the two councils was to make it clear in our rules that we're extending our regulations into federal waters and hopefully provide a little bit more protection for those spawning aggregations, particularly in the gear restrictions that would be applied regarding spearfishing.

There are some other things that we've talked about, including on the commercial side some sort of a trip limit. Right now, as I mentioned, there is a slot limit which applies to both pompano and permit. Technically the way our rules are set up, there is an unlimited harvest potential of permit using that slot limit since there is a commercial harvest.

It doesn't occur very much. The potential is there to grow and so we wanted to maybe at least have the option to take a look at a commercial trip limit for permit to make sure that we don't have excessive levels or the harvest levels don't grow too much. There have been some other things that we've been hearing about from stakeholders dealing with the status of permit as a game fish or some other type of tagging program, but again the key issue is extending our regulations into federal waters to protect those aggregations in terms of the gear used.

I think that is pretty much it. We're looking at these issues, and we're going to be conducting a series of workshops through the summer and fall to consider the possibility of additional regulations, including the possible spawning season closures, extending state regulations into federal waters, which is really right now the primary thing that we're looking at as a staff, and these other issues are things that we would be taking out to public workshop and getting more input on.

The commission itself hasn't weighed in on this yet, and it's not clear how far they're willing to go with these additional recommendations beyond extending our regulations particularly dealing with gear into federal waters. I just wanted you to be aware of the issues that we're looking at for the species. That's it, Mr. Chairman.

Mr. Harris: Thank you, Mark; are there questions or comments. Tony.

Mr. Iarocci: Mark, it's about time that this has come to the table. Most of the fishermen I know in the Keys, charterboat and recreational, they do target permit, myself included. After bonefish, permit is my second therapy fish that I love to catch and release. Most of the people I do know release these fish.

If you've ever fished these fish on a spawn, when they're in that deep water, they are so vulnerable; and to see a diver go out into that and spear these things or to see these meat fishermen go out and to catch these and throw in the box, it's appalling especially during the spawn. I'm all for everything stated above there, and I hope the council and everybody in the room can help do this.

Mr. Geiger: I certainly applaud the efforts of the commission to take a look at the current permit regulations and potential regulations. Certainly, I will be here on the council to encourage the

council to support concurrent regulations into federal waters when the commission takes that action.

Dr. Crabtree: Yes, and I agree, I think protecting these spawning aggregations is critical, and I'm sure the council will work with the commission on that. I hope that you talk with the commission about the importance of protecting spawning aggregations and you'll talk about some of the parallels with grouper and what the council is trying to do in Amendment 16 to protect those spawning aggregations. I hope we can look forward to the commission working with us to make sure those protections are put in place in state waters.

Mr. Boyles: Mr. Chairman, just a question for my education, what is required aside from moral support from the council, what is required of the council to make this happen in the absence of regulations under Magnuson?

Ms. Smit-Brunello: What is it that is being asked of the council?

Mr. Robson: Well, the letter we sent actually was just letting both councils know that this is what we were looking at doing. That's a good question, though. I think it would be nice to know. There is no potential – I don't think there is any action that really needs to be done.

Dr. Crabtree: I think the only thing was if the council had any intent of taking over regulation of permit in federal water. That would be the only issue, and I'm not aware of any interest among any of the council members or at least I've never heard anyone express any of doing that. I don't think there is any action the council would have to take.

Mr. Robson: Our desire, in sending the letter, was to let both councils know ahead of time what we were looking at as far as regulations; and that if you had any concerns as a council, we'd certainly want to hear from you.

Mr. Mahood: Mark, I can't remember if it's in the letter or talking Bill Sharp, but I think there was a request that councils write to the commission indicated we did not have any interest and no intent to manage permit. Even though it would probably make good Snapper Grouper Amendment 20, I'm not sure we have time right now. As I recall, that's what we would do is provide you with a letter saying we have no intent.

Mr. Geiger: I make a motion that we write a letter to the Florida Fish and Wildlife Conservation Commission indicating the intent of this council to not take permit under consideration for management into the future.

Mr. Iarocci: Second.

Mr. Harris: There is a motion and a second; discussion on the motion? Monica, did you have anything else?

Ms. Smit-Brunello: No, just that it's clear and no, Mark, the council doesn't have to do anything. Since there's no FMP, you can regulate Florida vessels in the EEZ.

Mr. Harris: But that's Florida vessels. What if there are vessels from other states that would be doing that?

Ms. Smit-Brunello: That's a different issue under the Magnuson Act and Florida cannot regulate them.

Mr. Robson: I don't expect that we'd have an awful lot of out-of-state boats.

Mr. Harris: So that's a question for the future, I guess. Further discussion on the motion? Is there any objection to the motion? Then that motions carries without objection. Thanks, Mark. Our next presentation is Andy Herndon is going to give us an Atlantic Sea Turtle Strategy Update; and then after that, Roy, we're going to go ahead and go to the Smalltooth Sawfish Report, if you don't mind, so that Richard Vendetti can hear that before he has to leave today. Then it will be my intention to go to the Ecosystem Management Committee Report and then recess for the day following that report.

Mr. Herndon: My name is Andy Herndon. I'm with the National Marine Fisheries Service Protected Resources Division in St. Pete. I'm here today to provide you guys an update on the Atlantic Sea Turtle Strategy and some upcoming trawl rulemaking that will be occurring likely as a result of it.

In the interest of time here is an overview. We're going to go over some of the status for sea turtles, but I'm going to kind of go through that quickly to try and save some time. Then we'll discuss some conservation measures protecting sea turtles; this new strategy that we've implemented, its purpose and its approach; the trawl phases of the strategy. We'll review some of the regulatory measures under that strategy and then go over an upcoming EIS.

Okay, just real quickly, there are currently six sea turtle species listed under the Endangered Species Act. Three are listed as endangered and three are listed as threatened. They're listed because of their status range-wise, so that's basically everywhere that they're found. The Olive Ridley is actually considered pretty rare here in the South Atlantic, so you guys may be more familiar with the other five species listed there.

In 2007 NMFS and the Fish and Wildlife Service reviewed the status of all the sea turtles and recommended that their listing statuses not be changed, so, in other words, the ones that were listed as threatened should stay that way and the ones listed as endangered should also stay with that listing.

In the same year we received a petition a look at species of the loggerhead species and try and decide whether or not the northwestern Atlantic population basically of the loggerhead species should be considered it's own distinct population segment is what it is called under the Endangered Species Act, but it's basically whether or not we should be evaluating loggerheads in the northwestern Atlantic in a different way than throughout their entire range.

Part of the reason behind that, you can see here this is an annual total nest count for loggerheads in Florida on their beaches that they do their nesting counts annually, and you can see since

about 1998 there has been a pretty precipitous decline in the number of total nests noted on these beaches, and that's part of the reason that we've been asked to look and decide whether or not the northwestern Atlantic distinct population segment should be officially listed.

Here are some current examples of conservation measures that are out there to protect species. As you can see, they vary between region and between fisheries. Part of the reason or the main reason this has occurred is because of the federal regulations are currently established under the Endangered Species Act consultations for federal fisheries. It is done on a fisheries-by-fisheries basis or FMP-by-FMP basis.

What this has led to is basically kind of not sort of piecemeal but you've got different conservation management efforts that are very specific to the specific fishery regardless of whether or not a similar gear type is used in state waters nearby or even if it's the same gear type used under a different FMP.

What we've tried to do and a big part of this is that through this federal process we oftentimes miss state and recreational fisheries that may be having sea turtle bycatch. To try and address this, NOAA Fisheries has come up with a new strategy, we've called it, and its purpose is to conserve and recover sea turtles consistent with the ESA, but the approach is what is different.

The approach is to try and address sea turtle bycatch across similar gear types regardless of where they occur; so regardless in jurisdiction we were trying to address actual gear types as opposed fisheries. Instead of a fisheries-by-fisheries basis, we're talking about looking at gill net gears or trawl gears or hook-and-line gears, so on and so forth.

Some of the key elements of this strategy over the last several years have been, first, trying to characterize all fisheries, state and federal, all on the Atlantic coast the Gulf coast and Mexico. The characterizations are actually finished. The Atlantic States Marine Fisheries Commission characterized all the fisheries along the Atlantic coast and they have a report that's out, and it's available online if anybody wants to look at it.

After the characterization, NOAA Fisheries sat down and tried to decide which gear types needed to be addressed, first and foremost. You can see here this is the list that they have established. It's trawl gears, gill net gears, traps and pots and then hook-and-line gears. These priorities came about basically as a result of what we know about the level of sea turtle bycatch that occurs in these different types of fisheries, but also because of what we know about it in terms of the technologies that are available for reducing bycatch in these fisheries.

Some of the other elements of the strategy have obviously been analyzed and what regulations are there currently to reduce sea turtle bycatch, looking at sea turtle distribution and fishing effort and how those overlap, as well as some of the conditions that have to led to bycatch, both oceanographic as well as fisheries, so where, when, why, how are these bycatch experiences occurring and can we find similar situations that seem to lead to a higher level of bycatch.

Another thing, obviously, is the development and the testing of gear modifications to reduce sea turtle bycatch, trying to enhance bycatch monitoring and then obviously developing and

implementing solutions to ultimately reduce the sea turtle bycatch. Some recent data has shown – and this is part of the reason that’s kind of pushing the impetus to try and address trawl gears first – is that in fisheries, especially fisheries that don’t currently have turtle excluder devices or TEDs in use, we’ve found or recent studies have shown that there is a high level of sea turtle bycatch. These are annual numbers and these are for the loggerhead species specifically.

What is happened is since NOAA Fisheries has decided that trawl gears need to be addressed first, they kind of broke it into three phases. Phase 1 you can see here is summer flounder, Atlantic sea scallop, whelk, calico scallop and then the flynet fisheries for croaker and weakfish. These are the fisheries that we’re trying to address first.

Once they’ve been addressed through this upcoming rule that we’re going to try and put through – or actually it’s just in the EIS state now, but we’ll be addressing these Phase 2 and Phase 3 fisheries after that. The Phase 2 and Phase 3 fisheries may shift between phases. The phases are more of kind of what we know about the fishery now, what we know about different gear types that may be effective in reducing sea turtle bycatch.

As more information about the fisheries becomes available and there is more information on gear types to reduce sea turtle bycatch comes out, some of these Phase 1 or Phase 2 fisheries may shift. Real quickly to where we’re kind of up to now, on February 15th we published an advanced notice of proposed rulemaking and that again kind of discussed the situation.

It’s talking about trying to implement or basically looking at the fisheries that were listed there in Phase 1 or actually down here as well are ones that either have TED requirements currently or we believe TEDs will be effective if they can be implemented in those fisheries. Now on the 8th, just recently, we published a notice of intent to develop an EIS.

The EIS is going to be looking at the trawl rule implementation specifically of TEDS in certain fisheries. You can see here this is a list of some of the alternatives that are going to be discussed in the EIS. The dates of the scoping meetings for this EIS, as I mentioned, it was published May 9th, so there will still be meetings that currently have been in place or have been taking place, rather.

Two have already have occurred. One of note to folks here today obviously is that there is one coming up June 15th in Brunswick, Georgia, if anybody wants to attend that. There will also be another one June 20th in North Carolina and finally on the 23rd. That’s it for here. Any questions?

Mr. Boyles: Thanks, Andy, I appreciate it, it was a great presentation. Just one thing that you all may or may not have thought about with the whelk fishery, for instance, that operates in South Carolina via permit, one of things that we have always taken into consideration in making those permit decisions was in fact sea turtle interactions.

Have you considered the fact that if a TED is required – you know, our fall-back position is if there is a TED required and TED has been shown to be effective, then you may end up with us

not having the rationale for denying some permits and may in fact increase the interaction there as a result of these gear requirements.

Mr. Herndon: That is a good question. I can't speak to the actual rationale that went into this issue, but for TEDs to be implemented my understanding is that they have to be at least 97 percent effective in excluding turtles, basically. I guess you could argue that even if interactions went up, if they're still 97 percent effective, then it's still not a concern.

Mr. Wallace: Going on what Robert was saying, we have a TED that the state approved, and I was going to defer to Susan, is it approved federally or was this just a state approval method? Okay, so if this is just a state are going to have to go through a certification period with these state-approved TEDs?

Mr. Herndon: This is discussed in the EIS, but it's my understanding that they basically want to use that similar type TED and just extend it to use in the federal waters.

Ms. Shipman: I think ours was the Virginia TED, Andy. I can't remember, but understanding –

Mr. Wallace: It was a modification.

Mr. Shipman: Yes, you're right, it was a modification to that, and we had encouraged the feds to extend that into federal waters for some time. We're happy to work with you and I'm sure Mark Dodd – you are probably in contact on that – but we would hope to be able to continue to use that.

Mr. Herndon: Yes, certainly.

Ms. Williams: I was reading your notice in the Federal Register, and it does say these gear types include but are not limited, and it says gill net, longline, trap, pot and trawl gear. I just saw hook and line on the screen, and, of course, our bandit gear as well as our recreational gear in the Gulf is considered hook-and-line gear.

Because you did not have hook and line in your Federal Register Notice, you may perhaps get more comments if you indeed do intend to look at hook and line. I also noticed where you're having your public hearings; and in light of the recent interactions with turtles and longline gear in the Gulf, I would think that perhaps you would consider holding one in the Gulf area.

Mr. Herndon: Yes, and I should make this clear. The prioritization of the gear types, basically what we know is that trawl gears are extremely effective in taking sea turtles, whether it's or research or incidental in fisheries, so during the characterization they really focused on trawl gears first and foremost.

While we do want to try and address these other gears, the focus right now is really on the trawl gears. They're going through first this Phase 1 and then Phase 2 and Phase 3. Trying to address these gears in the future is something that we want to do, but at this time we're definitely focused on just the trawl gears.

Dr. Laney: Andy, will it still be possible to apply for an exemption for research purposes?

Mr. Herndon: Yes, I would imagine so. It would be the same process that's currently in place.

Mr. Wallace: Do you foresee any effect that this is going to have on our trinets? Right now we're under a 12-foot requirement before we can pull –

Mr. Herndon: I'm sorry, I didn't hear that. Can you repeat that; I didn't get all that.

Mr. Wallace: Do you anticipate any changes in the 12-foot requirement in the shrimp industry of our trinets? You know, we're required to pull a 12-foot trinet. Anything over 12 feet requires a TED, but 12 feet and under does not. Do you anticipate any changes?

Mr. Herndon: I can't speak to that right now. I can take a quick look, my understanding is that in these fisheries here that are listed, even in places where TEDs have been found either to be not effective or just can't be used because of the way the fishery operates, then there will be other things put in place, perhaps tow times, that sort of thing, area closures and that kind of thing. I'm not suggesting that's what is going to be happening in your case, but my understanding is if a TED can't be put in place, they would find some other way, probably a tow time or something to that effect to try and limit any impact to sea turtles.

Mr. Wallace: And to that, just the nature of that trinet it is based on tow times; I mean, very short tow times.

Mr. Harris: Further questions of Andy? Seeing none, Andy, thanks very much for being here. I appreciate the information. Roy, do you want to give us an update on the smalltooth sawfish at this time?

Dr. Crabtree: Sure. Just as some background, we wrote a biological opinion on sawfish in early 2005 and looked at the South Atlantic Shrimp Fishery. At that time we had one record of a take of a sawfish in a shrimp trawler that occurred on July 26th of 2008 and was presumed to be lethal. The biological opinion estimated an incidental take of one mortality per year for the South Atlantic Fishery based on that.

On a shrimp trip that took place in March, which we had an observer on board, there were three sawfish takes recorded. Two occurred on March 5th and one on March 9th. The approximate location was 24 degrees 24 minutes and 82 degrees 23 minutes. It was to the west of Key West but to the east of the Tortugas and just a little bit south of Key West.

It was not far from the dividing line between the Gulf and South Atlantic Council, but it was in the South Atlantic's jurisdiction. One of the sawfish was estimated to be 12 feet in length. It was snagged on the inside of the mouth of the net and fell out when the net was pulled out of the water and was observed to swim away.

Another sawfish was caught inside the net before the TED. It also slid out of the net into the water, but its fate was considered unknown. I guess they didn't see any signs of movement out

of it. Then another sawfish had its saw entangled on the outside of the net. It also fell out of the trawl and was observed to swim away.

It appears that two of them at least were alive when they went back into the water and one was an unknown. At any rate, we're reinitiating a consultation on the shrimp fishery, which means we're going to write a biological opinion on the smalltooth sawfish, which is listed as endangered. We will be looking at specifying a new level of incidental take. I guess the issue and the thing to think about as the council – and, you know, sawfish, the real area of abundance for these animals is Southwest Florida.

The 10,000 Islands Area, Everglades type area, that's really where they are. I think there is evidence that the population is expanding. I think the Florida gill net ban probably had impact on that, but as this stock recovers it's likely that we'll continue to see more interactions with the shrimp fishery.

The one thing that we did get out of this, we had earlier believed that most interactions with the shrimp fishery would probably in mortalities, but this tends to indicate that may not quite be the case. I really just want to let you know that this is going on. I don't know whether we're going to need to come in and look at some closure in that area to trawling at some point or not.

We have asked for additional information. I believe this was a pink shrimp trip, but it was south of the big Tortugas pink shrimp grounds that are in the Gulf. I have asked folks to try and give me some idea of the importance of this area to the shrimp fishery. Again, if sawfish are out there and we've got shrimpers operating, we're going to have takes. That's really about it for right now.

Mr. Harris: Thanks, Roy. Are there questions for Roy regarding that issue? Okay, seeing none, we're going to move on. We were supposed to have had an update on the National Marine Protected Area Program by Dr. Joe Uravitch, but he has hurt his back and is unable to be with us. I'm going to move on to the Ecosystem-Based Management Committee Report. Brian.

Dr. Chevront: The Ecosystem-Based Management Committee met the morning of Wednesday, June 10, 2009. The committee received reports from staff on changes to the Comprehensive Ecosystem-Based Amendment 1 to address NEPA concerns raised by the Southeast Regional Office. Staff also summarized comments from NOAA General Council.

A discussion took place to address concerns raised by NOAA GC and the NOAA Office of Law Enforcement regarding the number of waypoints that defined the boundary of the proposed Stetson-Miami Terrace Coral HAPC. SERO staff presented alternatives to define the coral HAPC boundary with a significant smaller number of way points.

The committee then received a presentation of options included in the developing Comprehensive Ecosystem-Based Amendment 2 and guidance was provided to staff on actions and alternatives. Presentations were given on the Governors' South Atlantic Alliance and Ecosystem Coordination Activities by Robert Boyles and Roger Pugliese, respectively.

The following motions were approved by the committee regarding Comprehensive Ecosystem-Based Amendment 1. **The first motion: amend the language in Action 1, Preferred Alternative 2 to include the language below. Preferred Alternative 2: establish Deepwater Coral HAPCs in one or more of the areas described in Subalternative 2A to 2E. Within the Coral HAPCs possession of coral species and use of all bottom-damaging gear would be prohibited, including bottom longline; trawl, bottom and mid-water; dredge, pot or trap; or the use of an anchor, anchor and chain, or grapple and chain by all fishing vessels. On behalf of the committee, I so move. Is there any discussion? Is there any opposition to the motion? Seeing none, the motion carries.**

Motion Number 2: Move forward with the identified waypoints for the Western Boundary of Deepwater Coral HAPC; that we substitute the reference to the already-established EEZ waypoints for Eastern Boundary; and that Law Enforcement and the affected fisheries APs, Habitat AP, Coral AP and Environmental NGOs work together to examine the feasibility of reducing the number of waypoints for the Western Boundary in the next or subsequent amendment to the Comprehensive Ecosystem-Based Plan. On behalf of the committee, I so move. Is there any discussion on the motion? John.

Mr. Wallace: I'm going to vote no on moving forward with this based on the box within the box area of the golden crab. With limited enforcement capabilities that you're going to have with the box within the boxes is just an issue that I just ethically cannot support having that. I mean, it appears more that it should be an open access for the golden crab fishermen in order to not cause any problems for the crabbers or the law enforcement.

Dr. Chevront: Are there any other comments? **All in favor of the motion; in opposition to the motion. One opposed the motion carries.**

Regarding the Comprehensive Ecosystem-Based Amendment 2, Motion Number 3 is to change Action 4 to modify the Coral FMP to permit harvest of the invasive orange cup coral. On behalf of the committee, I so move. Is there any discussion on the motion? Is there any objection to the motion? Seeing none, the motion carries.

The final motion is to send a letter to EPA regarding the PCS Project in North Carolina. You should have received a copy of that letter. I believe Mike sent it out earlier. Wilson, would you like to address very quickly what the intent of this letter is so that folks just know what we're talking about here.

Dr. Laney: The intent, which I think we covered already, but I'll reiterate it just for the record. The intent is to let EPA know the position of the council relative to the permit that has already been issued by the Corps of Engineers. It's our understanding that EPA is currently within the ten-day window in which they have to make a decision with regard to whether to veto the permit or not. Hopefully, the letter would influence that decision.

Dr. Chevront: Thank you. **On the behalf of the committee, I so move. Is there any discussion on the motion? Any opposition to the motion? Seeing none, the motion carries.**

The following guidance and recommendations on CE-BA 2 were provided to staff: include alternatives to reduce the octocoral quota; consider Gulf of Mexico Fishery Management Council's involvement when considering separation of the octocoral quota; consider the need to develop ACLs for harvested coral species; include action to establish ACLs for octocorals in CE-BA 2 and remove from the Comprehensive ACL Amendment; include intermediate alternatives to reduce the quota in Action 2; recommendation to include alternative to prohibit harvest in Action 1; develop alternatives under Action 3 to specify level of harvest for proposed species; consider alternatives to allow harvest of one of the two proposed species in Action 3; and to conduct an evaluation of habitat impacts from deep-dropping and gear use in the wreckfish fishery and then consider if management action is needed. That ends my report. Thank you.

Mr. Harris: Thank you, Brian. Are there questions for Brian. Monica.

Ms. Smit-Brunello: Not a question so much as I described to the committee, I'm working with staff to make a few revisions to the DEIS for the Comprehensive Ecosystem Amendment 1, and we anticipate getting that done very soon and then sending the notice of availability of the DEIS out to be filed soon.

I am assuming we have the council's approval to give some latitude to change the document a little bit. It's just in terms of as Gregg said they're not substantive changes. It is just addressing some areas that need really to have more record support in the discussion.

Mr. Harris: I don't see any desire to question Monica's desire to make some minor changes to the document so we can get it filed. All right, anything else for the Ecosystem-Based Management Committee? Seeing none, let's recess for the day and come back in a 8:30 in the morning and complete the business of the council.

The South Atlantic Fishery Management Council reconvened in the Sewell Room of the Hutchinson Island Marriott, Friday morning, June 12, 2009, and was called to order by Chairman Duane Harris.

Mr. Harris: Good morning, everyone. Let's come back to order. The next item on the agenda is the report of the Snapper Grouper Committee. Mac, are you ready?

Mr. Currin: Thank you, Mr. Chairman, and I believe I'm ready. The Snapper Grouper Committee met Wednesday and Thursday of this week and received a couple of updates on Oculina Outreach as well as the research update from Myra. In addition, we provided Dr. Frank Hester an opportunity to speak to our committee and the council about a paper that he had put together regarding SEDAR 15 and some potential problems that he saw there.

His main concern involved the flattop versus dome-shaped selectivity used for the recreational red snapper landings. John Carmichael from the staff provided the staff's assessment of that review. There is a study underway currently by the Southeast Fishery Science Center investigating the effects of those different selectivities on the assessment results.

Early indications are that they don't provide any significant difference regardless of the one that use. We got an update on the red snapper interim rule. That rule has been sent to Headquarters and that's where it sits now. Rick DeVictor ran us through 17. In preparation for that we received a couple of presentations on the economic analysis from the commercial industry by Jim Waters and from Andy Strelcheck on the economic effects on the recreational side. The committee provided directions to staff in terms of Amendment 17, and all the details of that are in the motions that I will get to at the end of my report.

Kate ran us through Amendment 18. We reviewed all of the alternatives and provided some direction to the staff in terms of 18, and, again, the details of that will be in the motion. We did provide directions to the staff on golden tilefish and asked to expand the endorsement and eligibility requirements regarding black sea bass.

We asked the staff to look into other requirements that might be needed or impacted by rules protecting marine mammals. Regarding gag we asked that they change the language in the comparison section in Chapter 2 to reflect the changes resulting from Amendment 16; and to specified regions, previously it was just broadly defined as regions in that document, and we defined those regions as Georgia and Florida and South Carolina and North Carolina lumped together.

Regarding data reporting we asked to review Amendment 15B to make sure that Amendment 18 alternatives don't overlap with those that are already explored in Amendment 15 and to find out if the recreational options have been explored already by the MRIP efforts and if there are problems with their use or how they can be coordinated.

Regarding wreckfish we asked the staff to get together and bring back options on review and changes to the Wreckfish ITQ for the September meeting. We took a look at the Comprehensive ACL Amendment. Rick led us through that. We reviewed the list of actions in the Comprehensive ACL Amendment.

Staff will begin investigating the possibility of either removing species from the management unit or designating species as ecosystem components by looking at National Standard 3 and the final rule to the National Standard 1 Guidelines regarding the ecosystem components. Mr. Chairman, a number of motions from the Snapper Grouper Committee, and I will present these on behalf of the committee.

The first motion is to change Alternative 3 by eliminating golden tilefish. There was a substitute motion to remove golden tilefish from Alternative 3; eliminate Alternative 4; remove reference to the allowable harvest areas for golden tilefish in Alternative 5; and remove VMS requirements from Subalternative 5A. The substitute motion was approved by the committee and it became the main motion and it was also approved. On behalf of the committee, I so move. Is there discussion of that motion? Is there objection to that motion? I see none; that motion is approved.

The second motion I will provide on behalf of the committee was to modify Alternative 2 to set up a recreational ACL along the lines of the way Alternative 2 is structured for snowy

grouper. Is there discussion of that motion? Is there objection to that motion? I see none; that motion is approved.

The third motion was to make the new Alternative 2 for golden tilefish our preferred alternative. Is there discussion of that motion? Any objection to that motion? I see none; that motion is approved.

Regarding red snapper a motion that the MSY Alternative 2 be our preferred alternative. Is there discussion of that motion? Any objection to that motion? The motion is approved with 2 objections.

Another motion that the OY Alternative 2B, which is based on 75 percent Fmsy, be our preferred alternative. Is there discussion of that motion? Any objection to that motion? I see none; that motion is approved.

Regarding the rebuilding schedule, a motion that the preferred alternative be Alternative 4, which is the rebuilding timeframe of 35 years, the longest allowable time to rebuild. Is there discussion of that motion? Any objection to that motion? I see none and that motion is approved.

Another motion to select Alternative 4 as our preferred, and this was regarding the rebuilding strategy for red snapper. Is there discussion of that motion? Any objection to that motion? I see none and that motion is approved.

Another motion to add a new alternative; one, that the ACL is equal to zero landed catch; and, two, that the accountability measures and monitoring regarding those, that the Southeast Fishery Science Center implement expanded fishery-independent monitoring and track increasing CPUE abundance over time. The accountability measure would be based on the CPUE increasing at an acceptable rate. Is there discussion of that motion? Any objection to that motion? I see none and that motion is approved.

Another motion to add a new alternative that meets the rebuilding timeframe of 35 years at 75 percent Fmsy. Is there discussion of that motion? Any objection to that motion? I see none; that motion is approved.

Regarding the Red Snapper Management Measures, a motion to move Alternative 7 to the appendix along with the analysis so that might be reviewed by the public. Is there discussion of that motion? Any objection to that motion? I see none; that motion is approved.

Regarding black grouper, gag, et cetera, to replace the language in the current preferred alternative with the following: Alternative 2B, retain the current commercial ACL for gag of 353,940 pounds gutted weight and the commercial accountability measures to prohibit commercial harvest of shallow water groupers when met. Further, to retain the current recreational ACL of gag at 340,060 pounds gutted weight. In addition, to establish an ACL for gag, black grouper and red grouper of 662,403 pounds gutted weight for commercial

and 648,663 pounds gutted weight for recreational. These values are equivalent to the expected catch resulting from the implementation of management measures for red grouper and black grouper in Amendment 16 and the gag ACL specified in Amendment 16. Also, to prohibit the commercial possession of shallow water groupers when either the gag or the gag, black grouper or red grouper ACL is met. Is there discussion of that motion? Is there objection to that motion? I see none; that motion is approved.

Another motion from the committee to adopt Alternative 5B as our preferred. Alternative 5 states that if a species is overfished and the sector ACL is projected to be met, that we would prohibit the harvest and retention of species or species groups. If the ACL is extended, the Regional Administrator shall publish a notice to reduce the sector ACL in the following year by the amount of the overage. Is there discussion of that motion? Any objection to that motion? I see none; that motion is approved.

Regarding the framework, there was a motion to adopt Alternative 2 for framework as our preferred. Alternative 2 states that we would update the framework procedure for specification of total allowable catch for the Snapper Grouper Fishery Management Plan to incorporate ACLs, ACTs and AMs and such modifications would be based upon new scientific information indicating such modifications are prudent. Is there discussion of that motion? Is there any objection to that motion? I see none; that motion is approved.

Another motion from the committee to split Amendment 17 into two amendments, Amendment 17A dealing with all the red snapper issues and 17B including all the overfished species. Is there discussion of that motion? Is there any objection to that motion? I see none; that motion is approved.

Another motion to split the review and modification of the Wreckfish ITQ Program out of Amendment 18 into a separate Snapper Grouper Amendment perhaps to be called Amendment 19. Is there discussion of that motion? Any objection to that motion? I see none; that motion is approved.

I believe the last motion was our timing and task for the staff. Mr. Chairman, may I just present that as the timing and task motion – you all have the specifications there – or would it be best to run through those particular items?

Mr. Harris: Just make a motion to approve the timing and tasks.

Mr. Currin: I would ask that everyone look closely to that and make sure it includes everything that you think should be there. **I would make a motion on behalf of the committee to approve the timing and task for the staff. Is there discussion of that motion? Any objection to that motion? I see none; that motion is approved.** Mr. Chairman, unless there any questions or comments – my report is not over yet. Dr. Crabtree.

Dr. Crabtree: One of the things that I think we need to do. We moved the Wreckfish Program into Amendment 19. I think we need to move specifying ACLs for wreckfish also into Amendment 19 because we need to address the IFQ and the ACLs at the same time. If we have

to significantly reduce the ACLs below the current TAC and we do that before we address the IFQ, we're going to have a lot of problems. **I would move that we move the ACLs for wreckfish out of the Comprehensive ACL Amendment and into Amendment 19.**

Mr. Currin: Motion by Dr. Crabtree to move the Wreckfish ACLs from the Comprehensive ACL Amendment into the new Wreckfish Amendment. Second by Mr. Harris. Is there discussion? Rita.

Ms. Merritt: It seems to me that trying to set ACLs on wreckfish is going to be very complicated because we have landings we can't look at and the effort is down due to such a variety of reasons, and there hasn't been an assessment in like 11 years. Is this something that we have to do? What is our timing on setting ACLs for an ITQ Program where there is really this point no evidence of overfishing?

Mr. Currin: Well, Rita, the timing is going to track the same timing as the other species that are not undergoing overfishing so that's 2011 as per the reauthorization.

Ms. Merritt: Well, I guess the whole timing thing, we'll have to just I guess talk with staff about that, because I just think trying to set them with the limited information we have is going to be very time consuming.

Ms. Smit-Brunello: I think there are a couple of places in the Magnuson Act in which it loosens the confidentiality to view confidential data when it's under an IFQ Program already and managed. I think, Rita, that we can around that potential problem, and so you should be able to view landings and other information like that.

Mr. Currin: Thank you, Monica, and keep in mind, Rita, this motion that Dr. Crabtree made doesn't affect any of that. It's just moving where we've got to deal with, and it makes perfect, logical sense to me to deal with it in the context of the whole wreckfish point.

Mr. Robson: I apologize to all my council members. I was trying to get my Briefing Book up on the computer and I missed a point. I voted against selecting the preferred alternative for the msy proxy until the September meeting and we get further analysis, and I failed to vote against that motion.

Mr. Waugh: Mark, would you get closer to the mike.

Mr. Robson: At committee I voted against selecting a preferred alternative at this time for the msy proxy. I apologize to the council. I was trying to get booted up here. My intention would have been to be consistent and vote against it at full council. I just wanted to make that clear.

Mr. Currin: I think we can note that and make sure that the record reflects your negative vote on that motion. **Any further discussion of this motion before us? Is there objection to that motion from Dr. Crabtree? I see none, that motion is approved.** Any further discussion on snapper grouper issues? Duane.

Mr. Harris: I should have brought this up during the Snapper Grouper Committee meeting. We were talking with Paul Nelson, one of the fishermen, the other night that has attended most of this meeting. He raised the issue on the amberjack daily commercial 1,000 pound trip limit. That's a species that's not overfished or undergoing overfishing, and I don't believe it has ever reached its quota.

He asked that we consider removing that 1,000 pound limit or increasing it or doing something with it. I'm not going to make a motion at this meeting. I just want to make you aware of that. I'd like for us to consider that in the future because it made a lot of sense to us sitting there talking with him the other night. Let's look at that in the near future, if we can.

Mr. Currin: Any further discussion of the Snapper Grouper Committee? If not, Mr. Chairman, that will end my report.

Mr. Harris: Thank you, Mac, great work as usual. LAPP Committee, Rita, are you ready?

Ms. Merritt: The LAP Program Committee met on Monday, June 8, 2009, in Hutchinson Island, Florida. The committee received the following presentations and conducted the following discussions. The Council Vice-Chair provided the committee with information contained in a presentation made by Dr. Jane Lubchenco in the May meeting of the CCC regarding catch shares or LAPs.

Council staff provided the LAP Program Committee with an overview of the Golden Crab AP and Wreckfish AP meetings and the motions made. Council staff provided the committee with an outline of how the Comprehensive LAP Amendment could be structured and why this might be desired as well as how a Snapper Grouper LAP could be structured.

Council staff provided information on time availability for working on a Comprehensive LAP Amendment. Committee members suggested methods to deal with incorporating changes to the Wreckfish ITQ into an amendment. NMFS staff and council agreed to hold a meeting to develop subalternatives to include under the Wreckfish ITQ changes action with the intention of bringing those staff recommendations to the council at the September meeting.

This should provide the council with guidance on how to proceed with regard to making changes to the Wreckfish ITQ Program. Council staff informed the committee that several commercial snapper grouper fishermen have written and signed a letter in support of analysis of an LAP Program in an amendment for the South Atlantic Snapper Grouper Fishery. The committee made no motions. That is the end of our report. Thank you, Mr. Chairman.

Mr. Harris: Any questions for Rita? Thank you, Rita. The Golden Crab Committee, John Wallace.

Mr. Wallace: The Golden Crab Committee met on June 8, 2009. The committee received an overview of the Golden Crab Biological/Life History and Data for assessments from the council staff. The same overview was presented to the SSC/AP Workshop on Sunday. Council staff then reviewed options for MSY, OFL and ABC.

Under other business the committee discussed how the proposed Coral HAPCs are defined but deferred taking action until the presentations during the Ecosystem Committee. The committee also discussed a possible control date for the Golden Crab Fishery. Staff pointed out that control dates are usually used before the limited entry program is established and given that the golden crab is under the limited entry program, a control date may not necessary.

The committee did not approve a motion regarding the control date. The committee approved the following motions: For maximum sustainable yield, a motion to recommend the following range of alternatives for analysis: Option 1, no action. There was no msy specified for golden crab, and this is a requirement of MSA. Amendment 3 proposed an msy range – okay, the boss says we don't have to read all these options.

Okay, the motion is to recommend the following range of alternatives for analysis. On behalf of the committee I so move. Any discussion to the motion? Any objections to the motion? Seeing none, the motion approved.

On overfishing, the motion would recommend approving the following range of alternatives for analysis. On behalf of the committee I so move. Any discussion to the motion? Any objections to the motion? Motion approved.

On the allowable biological catch the motion was to recommend the following five options for analysis. On behalf of the committee I so move. Any discussion to the motion? Any objection to the motion? Motion approved.

On the annual catch limit, the motion was to recommend approving the following range of alternatives for analysis. On behalf of the committee I so move. Any discussion to the motion? Any objection to the motion. Motion approved.

Timing and task motion, motion was to direct staff to develop the analysis for the alternatives described for MSY, ABC, OFL and ACL for presentation to the committee in September. On behalf of the committee I so move. Any discussion to the motion? Any objection to the motion? Motion approved.

Another thing that did come up after the committee meeting had taken place was the golden crab was requesting a control date for their limited entry program. I checked and since there was none set at the beginning of their program, I kind of want to ask Monica and Gregg for guidance as to how to handle this request.

Ms. Smit-Brunello: How to handle the request of setting a –

Mr. Wallace: Of setting a control date because there was never a control date set.

Ms. Smit-Brunello: Well, in a way it's kind of – well, there is not a control date, but it's limited entry fishery and there are only a handful of people in it. Other people can get in it by buying those particular permits and then fishing. I'm not sure that a control date would be all that useful.

I think if you're looking at further limiting entry, which I think would be kind of strange since there are so few people already, you could look at different eligibility criteria like landings during a certain time period or how long you've had the permit. I mean, there are several things we could look at. I don't think that's the way that the council is going on further limiting entry except that maybe there is some discussion about potential IFQ actions that could be dealt with in this fishery.

All in all, I don't think that a control date is that helpful, but if the council would like to set one that's fine. We could set one. You know, all a control date does is let people know that at this point in time if you're a new entrant into the fishery, your participation could further constrained down the road by actions the council could take, but that could happen even without a control date, so it's up to you all.

Mr. Wallace: Okay, and what we did here from the AP members was that there was a possibility of what has been historically a latent permit now may come back into play, and they were trying to further limit the entry. David.

Mr. Cupka: They talked to me, also, and I'm sure they talked to everyone, but what they really want to look at or would like the council to look at I think is not so much how many people are in there but on qualifications to get into the fishery. I don't think you need to set a control date to look at eligibility criteria for somebody to be in the fishery. I think there are other ways to handle that without setting a control date. Is that wrong, Monica?

Ms. Smit-Brunello: I agree with what you said; I think you're right.

Mr. Wallace: Okay, then, that concludes the Golden Crab Committee Report.

Mr. Iarocci: One short comment; on behalf of the golden crab fishermen I want to thank the full council and the NGO community and staff on taking the extra time needed to deal with these guys in this fishery. It was a little complex at times and it is a small fishery, but I think it's a model of the way the council has operated in the past of taking the concerns of different industry representation and bring it to the table and working together. I think this is a win-win not only for the industry, the habitat, but I also think the council should be applauded for taking this and moving forward with it. Thank you.

Mr. Harris: Thank you, John. Thank you, Tony, point well taken. The council has worked very closely with the golden crab fishing community.

Mr. Iarocci: I have to say this, this council has to take credit when credit is due. You get it on the chin all the time and this is one time I think that it was done right.

Mr. Harris: SSC Selection Committee Report, Dr. Crabtree.

Dr. Crabtree: Okay, the SSC Selection Committee met Tuesday, June the 9th, and we addressed the following items. SSC membership; the committee entered closed session to consider

reappointment of SSC members, assign terms ending in 2009, and appointment of new members to fill several recent vacancies.

Existing members Carolyn Belcher, Andrew Cooper, Sherry Larkin and John Whitehead were reappointed to three-year terms by the committee. New applicants Chip Collier and John Boreman were appointed to three-year terms while Applicant Matt Cieri was appointed to a two year terms. Differing appointment times for new applicants is to prevent a large turnover in any single year.

We also discussed appointments to the newly created Socio-Economic Panel and the committee approved appointment of Scott Crosson, Sherry Larkin, and John Whitehead who currently serve on the SSC along with Chris Dumas and Curt Kurt Schnier. The committee agreed that the SEP should be chaired by a member who also serves on the SSC and directed staff to consult with the individuals present to identify a chair for consideration at full council on Thursday. Now, John, have you come up with something on that? We will come back to that at the end of the report.

On SSC stipends, the committee continued in closed session to discuss payments of SSC stipends in accordance with the Reauthorized Magnuson-Stevens Act and agreed to pay stipends of \$250 per day to eligible members effective as of the SSC meeting of June 7 through 9, 2009. Eligible activities and payment procedures will be handled similar to the current process for payment to eligible council members.

The committee discussed several potential modifications to the SOPPs relative to SSC operations. It was recommended that language from the proposed rule describing SSC eligibility be included in the SOPPs and that an additional statement specifying three-year terms for SSC members be added.

No changes to the SOPPs were recommended regarding the timing of SSC meetings. The committee recommended adding language to address the need for SSC members to provide financial disclosure forms. No changes to the SOPPs addressing the naming of technical committees and fishery advisory panels are recommended at this time.

The committee noted that name changes in the proposed rule remain unclear and appear different from the naming conventions used on many councils; therefore, the committee decided to hold action on this item until the final rule is available. The committee received an update from John Carmichael on implementation of the consensus process in developing SSC positions in lieu of motions and voting.

The SSC was encouraged to use a consensus at this meeting and successfully did so over the last two days. SSC members expressed little opposition to using consensus. The committee discussed a request from the SSC for greater influence over their agenda, especially with regard to presentations of materials submitted for consideration.

The committee reiterated that the SSC is intended to serve as the peer-review body for all scientific issues submitted to the council and that fulfilling such a role would at time require late agenda additions to accommodate the necessary review within the council's timing of actions.

The committee agreed to involve the SSC Chair and Vice-Chair on determining whether a presentation to the SSC is desired in support of submitted documents. Before I go through and make the committee motions, John, do you want to advise us?

Mr. Carmichael: Yes, I talked to those guys about being chair. It was kind of last minute and they, well, oh, okay, but none of them volunteered to do it at this time, but I think one the three is likely interested in doing it. Part of it was John Whitehead had to leave a little bit early. He was actually on his way out the door when I returned from the meeting.

I think it would probably be best to just leave it to say one of the SSC members who serves on that committee should be chair, and we can have them decide who that is when they have their first meeting.

Dr. Crabtree: All right, so we'll just leave that open at this point. The other thing I would like to talk briefly about before we get into the motions, we went through and talked about the SSC serving as the peer review body for scientific issues submitted to the council; yet this week when we had a scientific report that was submitted to the council come before the SSC and a presentation made, the SSC provided us with essentially nothing on that topic.

It seems to me we have some issues between the council and the SSC in terms of how they see their responsibilities, and they seem to be different from how the council sees their responsibilities. I would like some discussion among the council as to whether we need to have a meeting with the SSC members to discuss responsibilities and do we want to hold off on reappointing anyone until we've cleared that up?

Mr. Mahood: Roy, I think that we can clarify this pretty quick. One of the things we may want to consider is holding in conjunction either with the next SSC meeting or a special meeting to sit down and go over with the SSC very clearly what their responsibilities are and what the council expects. I thought it was pretty clear what we expected.

It was in the roadmap laid out in black and white, but quite obviously they didn't feel like they had to follow that. I think we've made that clear on a number of occasions, John, that they've got to follow that roadmap. I mean, that's what we have it for going into their meeting. Those are our expectations.

I think they're going to have to come to realize that what they're doing is now a public process. It always has been, but, of course, there hasn't been many people who wanted to come and sit through SSC meetings, but now because of the role they've been given under the new reauthorization of the Magnuson Act they're going to play a much more public role.

The public is going to want to know what they're doing. The e-mails that I've been exchanging with members of the fishing community are realizing that these guys are the first line of how their lives are going to be affected. We've got good people. I don't fault our people; we've got good people on our SSC.

We've got a good system for appointing them. I think we just need to sit down, the staff and maybe the chairman and vice-chairman and maybe you, Roy, as the chairman of the SSC Selection, sit down and talk to them and say, "Look, guys, this is our expectation. The public is going to be there. If there is a camera turned on, that shouldn't in any way stop the discussion." That was the problem and that hit them kind of cold.

I think at least from what I heard from staff from that point on, the mouths stayed shut and nobody said anything. I used to actually be a scientist. I used to be on the SSC, and obviously scientists aren't used to the public scrutiny of their discussions with each other. I think a lot of people sitting in this room were scientists and they know what I'm talking about.

I think, Roy, it's just a matter of sitting down and making it very clear what our expectations are. I think we ought to move ahead with the appointments and maintain this. I think we can take care of it.

Mr. Boyles: Roy, I think I would benefit from seeing something written from the SSC in terms of the presentation that Dr. Hester made both to the SSC and to the council, and I would like to see if the rest of the council would support getting some written comment or analysis of that.

Ms. Shipman: Yes, and I think maybe to provide staff's assessment – you know, we do have the written staff assessment which I found to be very useful and helpful, and perhaps we could provide the staff assessment to the SSC, get their response to that, either their validation or their comments, pro, con or indifferent. To me that would be a working document for them to at least to begin with or something like that.

I agree totally with Bob; it's a new role for them and I don't think they've gotten comfortable with it. I'm still not sure they totally understand what that role is. I think the meeting you suggest with Roy participating, if possible, I think that would be an excellent way to go.

Dr. Crabtree: And I think that's fine and I do think our record would be stronger if we had SSC comments or at least SSC endorsement of the comments by John. I hope the SSC members understand the appearance of all of this this week and how bad that looked. You know, we had a chance I think to come off with some positive things out of this by really taking seriously these comments and looking at them.

To me we let that slip away from us, and then we ended up spending quite a bit of the Snapper Grouper Committee's time dealing with that. I think it really made an unfortunate appearance at a time when we are suffering so severely in terms of the credibility of our science in the eyes of the public, and to me we need to do everything we can to try and repair that. Things like this just set you back so much, and it's so difficult to overcome those kinds of things.

Mr. Swatzel: I'm certainly agreeing with what you're saying. I'm curious, when Dr. Belcher gave her report, the written report that we got, it talked about from a procedural standpoint effectively the SSC did not want to deal with kind of reopening the issue of a stock assessment because of the formal process that it went through. I'm wondering is that kind of the rationale that they didn't want to deal with Dr. Hester's report?

Mr. Carmichael: In talking with them afterwards, to some extent that was part of it. There were some who felt we've dealt with this assessment, this comes in, we're not going to reopen in, it should go forward to the next time the stock is assessed and be discussed then. Well, we had extensive discussions early in the meeting and discussed on the agenda at the SSC about why this was asked of them, why this was coming to them when it was, and the fact that they didn't actually get forwarded every comment that comes across the staff regarding an assessment, and that in this case there were issues that we wanted addressed.

There were some members who still kind of felt, well, there is nothing we're going to necessarily do. In their personal opinion they weren't going to change their opinion on the assessment so, you know, sort of why get into a public debating match with Dr. Hester over those issues. That's sort of the reasoning I think behind considering a special meeting with members of the SSC Selection Committee and the full SSC because the situation has kind of grown where Carolyn and I, she as chair and me as staff, have been sort of stuck between them.

And while the council expects this, this is what your role is, well, we don't necessarily see that's our role to do that, we don't see the SSC's role as being to say maybe take this on. Well, the council disagrees and that's why we sort of told them it's like I think we need to get together with the council and all of you face to face across the table, and those of you who feel that you're being asked to do things that you don't think are appropriate need to hear it straight from the council itself and see exactly what is expected; and then if some don't feel that they want to do things of this nature or they don't want to deal with things that come up late in the process maybe need to consider if the SSC is the appropriate place for them.

That's the kind of discussions that we had early on during the meeting and thought it was pretty clear what needed to be done with this report; and even if they didn't want to overrule the assessment or they didn't think Hester raised any valid concerns, they needed to say that for the benefit of the council.

Dr. Crabtree: And that's fine, but the key there is they're there to serve the council essentially; and if some of them have fundamental disagreements with what the council expects, then we need to know and we need to take that into consideration. This isn't an unusual situation. It may not have happened very often in the South Atlantic, but I can tell you in the Gulf we've had these kinds of consultant's reports come in.

Almost every controversial assessment we get one, and the standard procedure is refer it to the SSC for discussion and provide comments back to the council. We talked about our own policy at this council. That's the way to do it. We can't ignore those reports; we have to deal with them. We have to build a record, and I think the SSC has got to understand that. If they're not willing to do that, then they need to let us know, and so I think that's what we need to get to when we talk with them.

Mr. Swatzel: Just to followup and just in agreement, I think the SSC's position on this is really untenable. With so many people's lives being affected by these issues, if you have a serious report coming forward that needs analysis, we've got to have that.

Mr. Iarocci: Roy, Bob and your comments, and Tom's also are most of what I wanted to say, but I do want the full council to know I think everybody is aware what a serious issue that did become and how fast, because it was videotaped and the e-mails that flew – I mean, I'll tell you the calls I got and how fast that attacked the full council process and not just the SSC.

I hope the SSC is made aware of how seriously that was taken and how fast that moved on it. Pretty much everything else was covered, but this is something that has to definitely be acknowledged and changed in the future.

Dr. Crabtree: And I think that needs to be part of any discussion with the SSC.

Mr. Cupka: I agree with Bob's approach and I think we need to sit down with the SSC probably at the next meeting that they have, and at least the Council Chair and Vice-Chair with the Chairman of the SSC Selection Committee and maybe the appropriate staff and just spell out what it is we expect of them and give them an opportunity to tell us if they've got any problems with that. I would suggest at their next meeting, which is this fall, is that correct, that we follow up and have such a meeting with them at that time.

Mr. Boyles: Roy, just a very practical questions, do we have a date? I mean, we've been talking communicating with the SSC for probably the better part of a year in terms of appointments or reappointments. I'm just curious to know do we have a date scheduled.

Mr. Carmichael: I'd like to look at scheduling something perhaps in August when the council has a number of AP meetings going on. We're going to have some new members and we need to get them in for an orientation and maybe something will work in there in coordination with some other meetings. It will give some of them a chance to see some of that.

I will say I think there were a number of the SSC members who, say, 15 or 30 minutes after kind of the meeting ended and the whole room cleared out when they didn't say anything and they were sort of left there, there was quite a bit of discussion off the record about what did we just do and was this right?

I think there is a fair amount of remorse on behalf of a number of individuals who just felt like, you know, we probably really should have made some comments on this and dealt with this issue and it would have been a lot easier and it really did deserve the dignity of a reply. For those that were in the room, it was kind of a strange situation there as it kind of concluded and no one commented on anything, and then they just moved into the next agenda item.

I almost think if the meeting had had another four or five items and went on for another two hours they might have come back and said, "Yes, let's talk about that some more." It was a strange situation and we cannot let it happen again.

Dr. Crabtree: Well, at any rate we are where we are so we're going to work on a meeting; and, Duane, if you want to have the final word and then I'm going to cut this off and go ahead and make the motions for the committee.

Mr. Harris: You know, I guess they were as miffed as I was, the SSC, with the late submission of this report. We have been dealing with this issue for a long time. The stock assessment has been completed for a long time, but when the council or a council chair makes a request of the SSC, we expect that request to be honored. I mean, that's just bottom line.

We will meet with them and we'll make sure that – if they have their own opinions about things, that's fine, they can keep them to themselves, but when we make a request we expect them to honor that request.

Dr. Crabtree: Well, I agree, and look at what we're doing here. We hear all the time you're going to put us out of business. A lot of times I hear that and I don't think it's the case. This is an instance where I think it is true; we're going to put people out of business, it appears to me. What do you expect from these people; how do you think they're going to react?

No one could have foreseen going into SEDAR that we might close down half of the South Atlantic. It's not unreasonable that people are scrambling at the minute and they're worried, they're worried, and they're panicked, and these are good people. You can't blame them for having questions, you can't blame them for wanting to look under every rock.

I want to look under every rock. I want to make sure there is nothing that we haven't looked at and considered. And the fact or the matter is there is an issue raised in that report with the selectivities that we hadn't looked at before very thoroughly, and I think we're in a stronger position having looked at that. I think that's what we've got to get across to the SSC.

All right, I'm going to go through the motions now. **The committee moves that we reappoint Andy Cooper, Carolyn Belcher, Sherry Larkin and John Whitehead to the SSC. Is there any discussion of the motion? Is there any objection to the motion? Seeing none, the motion is approved.**

The committee moves that we appoint John Boreman to the SSC for a three-year term. Is there any discussion of the motion? Is there any objection to the motion? Seeing none the motion is approved.

The committee moves that we appoint Matt Cieri to the SSC for a two-year term. Any discussion of the motion? Any objection to the motion? Seeing none, the motion carries.

The committee moves that we appoint Chip Collier to the SSC for a three-year term. Is there any discussion of the motion? Is there any objection to the motion? Seeing none, the motion carries.

The committee moves that we appoint Chris Dumas, Scott Crosson, Sherry Larkin, John Whitehead and Kurt Schnier to the Socio-Economic Panel. Is there any discussion of the motion? Is there any objection to the motion? Seeing none, the motion carries.

The committee moves that we recommend stipend payments of \$250.00 per day to eligible SSC members with payment frequency and eligible activities addressed in accordance with the policies applicable to council member payments. Any discussion of the motion? Brian.

Dr. Chevront. I'm looking at my notes from the discussion. This also includes the SSC members' participation with SEDAR; correct?

Dr. Crabtree: Yes, I believe that's correct. Any other discussion? Any objection to the motion? Seeing none, the motion carries.

Let me just run down the tasks for consideration. I don't know if we need a motion to this, but we directed staff to forward recommended changes in the SOPPs to the SOPPs Committee; send letters of appointment to SSC/SEP appointees; provide stipends to the SSC effective at the June 2009 meeting; hold an orientation meeting for new SSC appointees and the SEP; convene a joint meeting of the SSC and SSC Selection Committee to clarify the council's expectations for the SSC.

I guess we're going to have the Council Chair and some other folks at that as well. If there is no other discussion, Mr. Chairman, that concludes my report.

Mr. Harris: Thank you, Roy, good discussion. I appreciate what you said at the end. I couldn't agree with you more. This is the most serious matter that we have discussed as a council and that's potentially closing down a fishery. I agree that people are scrambling to figure out if there is anything that they can do to stop that action from happening. Joint Executive/Finance Committee, David.

Mr. Cupka: The Executive and Finance Committees met in joint session the morning of June 9, 2009, at Stuart, Florida. The minutes from the March 2009 Joint Executive/Finance Committees were approved. The committee received presentations on the following agenda items: Number 1, Calendar Year 2009 Activities Schedule and Budget. Bob Mahood presented the Calendar Year 2009 Activities Schedule to the council indicating it was the same schedule tentatively approved at the last meeting.

Bob then led the council through the proposed budget, comparing the 2009 budget and the funding sources to our 2008 budget. Overall council funding increased \$273,639 this year primarily as the result of an increase to the Regional Fishery Management Councils Line Items in the congressional budget and the addition of ACL and SSC stipend funds.

He explained how the eight councils allocated new funds provided by congress and the National Marine Fisheries Service. During discussions of the budget, there was strong support from the committee members for the proposed increase in the liaison funding for the states. It was recognized that the council receives a much greater benefit from the states' participation than the funding provided. The committee approved the proposed 2009 budget as provided in the briefing materials.

Second, we looked at the status of the 2009 council budget. Bob briefed us on that. What we saw were expenditures for the year below what would be expected. This is primarily because of the length of time the continuing budget resolution was in place and the uncertainty in the level of the 2009 budget, which necessitated the council limiting activities and expenditures during the first part of the year.

The council also received more funding than was anticipated when the congressional budget was passed. Bob indicated the council is good shape financially and should have adequate funding to accomplish the activities specified in our 2009 Activities Schedule. There was a brief discussion on the status of next year's president's budget. The president's budget for 2010 is out and calls for an increase in funding for the eight councils of approximately \$4.7 million.

This would equate to about a \$500,000 increase for the South Atlantic Council. If the funding levels in the president's budget are maintained in the congressional budget, we should be in good shape in 2010.

The executive director made a couple of recommendations. The first dealt with hiring a fisheries' cultural anthropologist social scientist to fill the vacant position on the council staff. The pros and cons of filling the position were discussed. There was some concern expressed about future funding in 2010 and whether hiring for this position was still a priority based on all of the other pressing needs facing the council.

There was a consensus that the greatest need was for more social data as opposed to someone to work on FMPs and amendments. Bob provided another option to the committee of contracting with an outside source with expertise in fisheries' cultural anthropology/social science to obtain specific information needed to improve the council's documents. After discussing this option, the committee's preference was going with contracting for social data at this time with the intent to consider filling a full-time position sometime in the future.

The executive director's second recommendation addressed providing the states with additional funding based directly on the number of man or woman days state personnel participate on the Council's SSC. The amount a state would receive for their personnel's participation would be equal to the compensation rate for SSC members eligible for the daily stipend of \$250.00. These funds would be included in each state's liaison contract. The committee supported this recommendation.

Last, we had a briefing on the grants' workshop. Bob reported that it went well. Direction was received from the NOAA Grants Office on how to proceed with the development of the next five-year grant. The executive directors are coordinating their efforts in developing the five-year grants, and this process should be completed by this September.

There were three motions that were made by committee. Motion Number 1: **On behalf of the committee I move the Calendar Year 2009 Budget be approved as presented in the briefing material. Is there any discussion on the motion? Any objection? Seeing none, that motion is approved.**

Motion 2: On behalf of the committee I move that the staff pursue contracting with an outside source with expertise in fisheries' cultural anthropology/social science to obtain specific information needed by the council. Is there any discussion on the motion? Any objection? Seeing none, this motion is approved.

Motion 3: On behalf of the committee I move that the states receive compensation for their personnel's participation on the SSC equal to the compensation rate for SSC members eligible for the daily stipend. Any discussion on the motion? Brian.

Dr. Chevront: I'm just assuming that – I mean, right now the way that the states are compensated is through a contract. I'm not sure how we're going to work out the negotiations for something like this because it will make a difference to some states in terms of planning financial aid and things like that.

Mr. Mahood: Brian, Mike has actually done a rough estimate of what participation we would expect from the states this year based on the number of meetings we've projected and this type of thing. We would come up with a number that would be included in the amendment to your liaison contract and we would talk to you about it. Basically, we will decide what it is based on our –

Dr. Chevront: I understand.

Mr. Mahood: You said "negotiation"; I wasn't sure what you meant by "negotiation". We'll be fair.

Dr. Chevront: And that brings up a question, though, with somebody like Matt Cieri who works for the state of Maine. I mean the way the motion is, is that it doesn't say for South Atlantic states. We don't have any kind of an arrangement with Maine. I'm just trying clarify what it is that we're trying to do. I'm not trying to be funny or beg for money or anything like that.

Mr. Mahood: Well, Brian, that's why we've got smart guys like you here. I think it would be good if in this motion it was clear that – I think we need to make it clear that it's for the four South Atlantic states.

Ms. Shipman: I would move to amend it to say that the four South Atlantic states receive compensation for their personnel's participation on the SSC equal to the compensation rate for SSC members eligible for the daily stipend.

Mr. Cupka: A motion by Ms. Shipman and a second by Mr. Boyles. Discussion on the motion? Is there any objection to the motion? Without objection, that motion is approved. That concludes my report, Mr. Chairman, unless there are any other questions.

Mr. Harris: Any other questions for David? Seeing none, we'll move on to the Dolphin-Wahoo Committee Report.

Mr. Swatzel: The committee reviewed motions from the March meeting and received a staff overview of options for MSY, OFL, ABC and ACL for dolphin and wahoo. During the discussion of dolphin, concern was expressed about the recent level of commercial trips and landings particularly off North Carolina. Staff was directed to compile the most recent data for the next committee meeting.

The committee approved the following motions concerning dolphin: Recommend that Options 1 through 5 be analyzed for maximum sustainable yield. On behalf of the committee I so move. Any discussion? Any opposition? That motion is approved.

Concerning the overfishing level, the committee moved to recommend Options 1 through 4 as presented be analyzed. On behalf of the committee I so move. Any discussion? Any opposition? That motion is approved.

Concerning the allowable biological catch, the committee recommended Options 1 through 4 be analyzed. On behalf of the committee I so move. Any discussion? Any opposition? That motion is approved.

Concerning annual catch limits, the committee recommended that Options 1 through 6 be analyzed. On behalf of the committee I so move. Any discussion? Any opposition? That motion is approved.

Concerning wahoo maximum sustainable yield, the committee recommended that Options 1 through 4 be analyzed. On behalf of the committee I so move. Any discussion? Any opposition? That motion is approved.

Concerning the overfishing level for wahoo, the committee recommended that Options 1 through 3 be analyzed. On behalf of the committee I so move. Any discussion? Any opposition? That motion is approved.

Concerning allowable biological catch, the committee recommended that Options 1 through 4 be analyzed. On behalf of the committee I so move. Any discussion? Any opposition? That motion is approved.

Concerning the annual catch limits, the committee recommended that Options 1 through 6 be analyzed. On behalf of the committee I so move. Any discussion? Any opposition? That motion is approved.

Finally, Motion Number 9, the committee moved to direct staff to prepare a detailed options paper including the guidance provided at this meeting. That was approved by the committee. On behalf of the committee I so move. Any discussion? Any opposition? That motion is approved. That concludes our report.

Mr. Harris: Thank you, Tom, good report. You all did a lot of good work at that committee meeting. Yes, Roy.

Dr. Crabtree: I apologize, but I would like to go back just a second to the Executive/Finance and the motion that the states receive compensation for personnel's participation in the SSC. We're talking increasing the states' grants to do that. Where would that extra money come from, Bob?

Mr. Mahood: From our administrative budget.

Dr. Crabtree: Okay, I just want to make everything clear it can't come from the Science –

Mr. Mahood: It's not coming from the Southeast Science Center.

Mr. Harris: Okay, now that we have clarified that, Spiny Lobster, Tony.

Mr. Iarocci: The Spiny Lobster Committee received a status report from Mark Robson on the state of Florida's activity on the Trap Certificate Program, the Commercial Dive Endorsement and work on addressing concerns about stag and elkhorn corals. We all know at this meeting and outside this meeting the importance of what is happening with the Endangered Species Act and elkhorn and staghorn coral.

I brought this up to the committee, but I just want to see what the followup is with this meeting. We are scheduling, with this new workgroup, a meeting within two weeks, and we're going to have Andy Herndon from the National Marine Fisheries Service there and members of the NGO community in this room, and we're working very closely with Sea Grant on this issue.

It's something that needs to be done and it's something we're working closely with everybody to address this for the concerns of the people involved. Staff briefed the committee on coordination work with the Gulf Council. The Gulf Council staff will take the administrative staff lead on Mackerel Amendment 18 and the South Atlantic staff will take the administrative staff lead on Spiny Lobster Amendment 9.

The committee reviewed and approved the Gulf Council's Scoping Document with guidance and allocation alternatives that should be developed for the following sectors; recreational, commercial trapping, commercial diving and commercial buoy netting. The committee also provided guidance to staff on the range of alternatives to be analyzed.

We've been going through these issues for a while, and I don't think I need to read these into the record. **The committee approved the following motions, and on behalf of the committee I so move to approve the Gulf Council Spiny Lobster Scoping Document for scoping. Any discussion on this motion? Any objection to this motion? The motion is approved.**

The second motion is to direct staff to work on the options paper, to incorporate the directions given during this meeting, include Gulf scoping comments and bring the revised options paper to the September council meeting. On behalf of the committee I so move. Any discussion on this motion? Any objection to this motion? The motion is approved. With that, that concludes my last committee report.

Mr. Harris: I wouldn't so quick to say last committee report, the last committee report at this meeting, perhaps.

Mr. Iarocci: At this meeting, for the record, please.

Mr. Harris: Thank you, Tony. Mackerel Committee, George Geiger.

Mr. Geiger: The staff briefed the committee on the coordination work with the Gulf Council. The Gulf Council staff will take the administrative staff lead on Mackerel Amendment 18 and the South Atlantic Council staff will take the administrative staff lead on Spiny Lobster Amendment 9.

The committee reviewed and approved the Gulf Council's scoping document with the following modifications; the first one, Section 3.3.7, add little tunney to Option 3; and in Section 3.3.9 change "bag" to "bag/size" in the wording of the action. The committee reviewed the South Atlantic Council's Decision Document and provided guidance to staff on the range of alternatives to be analyzed for Amendment 18.

They are (a) the Atlantic Migratory Group King Mackerel, add an alternative to prohibit recreational sale; (b), Atlantic Migratory Group Spanish Mackerel, add alternatives for the total allowable catch/annual catch limits of 8 and 9 million pounds; add alternatives for reducing the recreational bag limit from 15 to 10 Spanish mackerel; and, third, Atlantic Migratory Group Cobia, add an alternative for spawning closures in specific areas.

The committee also directed staff to publicize the scoping process, yet to be accomplished, and notify the public of the opportunities to provide additional scoping comments. The committee approved the following motions:

Motion Number 1: Approve the Gulf Scoping Document for scoping with the addition of little tunney to the FMU and adding size limits for the new species. On behalf of the committee I so move. Is there any discussion? Seeing none, is there any objection? That motion is approved.

Motion 2: For Mackerel Amendment 18 to include annual catch limits and accountability measures for Spanish and king mackerel and cobia; and further, as soon as practicable staff being another amendment to address the additional issues not included in Amendment 18. On behalf of the committee I so move. Any discussion? Dr. Chevront.

Dr. Chevront: I think one of the things that I'd like to do is let's go ahead and amend the motion to include modifications to the framework as well. I think that's probably necessary.

Mr. Geiger: Excellent suggestion; that's why we have smart people here.

Mr. Currin: Second.

Mr. Geiger: We have a motion by Dr. Chevront and a second by Mr. Currin, a friendly amendment to include modification to the framework to Motion Number 2 as it's currently written. Is there any discussion? Seeing none, is there any objection to that motion? Seeing none, that motion is approved. Mr. Chairman, that completes my Mackerel Committee report.

Mr. Harris: Thank you, George. Advisory Panel Selection Committee, Mark.

Mr. Robson: The Advisory Panel Selection Committee met in closed session during this week and reviewed applications for openings on the Coral Advisory Panel, the Golden Crab Advisory Panel, the Shrimp AP and the Snapper Grouper AP. The committee reviewed recommendations made during their December 2008 meeting regarding reporting methods for advisory panels and orientation of new members.

The committee agreed that staff provide a brief orientation regarding the council process and AP responsibilities for new members. This new orientation process will be included at the beginning of AP meetings as needed. The committee also asked staff to contact state Sea Grant agencies to solicit applicants who might be interested in serving on the Information and Education AP to replace the North Carolina representative Bob Hines, who recently retired.

The committee also reviewed a request by Kenneth Banks to move from the Habitat Advisory Panel to the Coral AP. The committee approved the following motions regarding the applications that were received for filling the vacant seats on the advisory panels.

The first motion was appoint Kenneth Banks to the Coral AP and on behalf of the committee I so move. Is there any discussion? Any opposition? The motion passes. The second motion was to appoint Glen Ulrich to the Golden Crab AP and on behalf of the committee I so move. Is there any discussion? Any opposition? The motion passes.

Motion 3 was to appoint Nancy Edens to the North Carolina seat on the Shrimp AP and readvertise the open South Carolina seat. On behalf of the committee I so move. Is there any discussion of that motion? Any opposition? Seeing none, motion approved. Motion 4 was to reappoint Micah LaRoche to the Wreckfish Subpanel. On behalf of the committee I so move. Is there any discussion? Any opposition to the motion? Motion approved.

Motion Number 5 of the committee was to reappoint Don DeMaria and Robert Cardin to the Snapper Grouper AP. On behalf of the committee I so move. Any discussion? Any opposition? The motion passes. Motion Number 6 was to appoint Richard Stiglitz to the Snapper Grouper AP. On behalf of the committee I so move. Any discussion? Any opposition? The motion passes.

The next motion was to appoint Zack Bowen for the for-hire seat on the Snapper Grouper AP. On behalf of the committee I so move. Any discussion? Any opposition? Seeing none, the motion passes. Motion Number 8 was to appoint Bill Cole to the Snapper Grouper AP. On behalf of the committee I so move. Any discussion? Any opposition? The motion passes. The final motion was to appoint Rob Harris to the Snapper Grouper AP. On

behalf of the committee I so move. Is there any discussion of the motion? Any opposition? The motion passes. Mr. Chairman, I would like to also ask your permission to allow Kim Iverson to address the council on an item regarding the AP Selection Committee and its work.

Ms. Iverson: Mr. Chairman, I just wanted to take this opportunity to acknowledge Outreach Intern and soon to be South Carolina Department of Natural Resources employee, Gregg Swanson, for her work not only with the AP Selection Process but also with all the outreach activities that she has participated in in the last year.

As you know, Gregg has just completed her master's work at the College of Charleston. She graduated in May. Next week will be her last week with the council. She has been hired to work on the MARMAP Project for the South Carolina Department of Natural Resources. I can assure you that she has been following the whole discussion on funding for independent fishery research very closely and can say personally that she supports that effort. Thank you, Mr. Chairman.

Mr. Harris: Thank you, Kim. Gregg, thanks for all your great work. I'm glad you got to ride a loggerhead turtle back down into the water the other night.

Ms. Swanson: I just wanted to say thanks to everybody. I am leaving once again, and I really appreciate all that you have done for me. This has been an incredible experience. I know you understand I need to be outside, be on the water, and do my thing. Thanks very much.

Mr. Harris: Thank you and good luck with your MARMAP work. Mark, anything else?

Mr. Robson: Just a comment that both Gregg and Kim provided invaluable assistance as all the staff do to all these committees, and I would like to thank both of them. That concludes my report.

Mr. Harris: I was not here for the SOPPs Committee meeting the other day. Vice-Chairman Cupka chaired that so I'm going to ask him to give that report.

Mr. Cupka: The SOPPs Committee met the afternoon of June 9th in Stuart, Florida. The minutes from the March 2009 SOPPs Committee Meeting were approved. The committee received presentations on the following agenda items:

Number 1; review the Proposed Rule on Council Procedures. Bob Mahood directed the committee to Attachment 1, which is the proposed rule that addresses council procedures and provides guidance to the council in modifying the SOPPs. He indicated this was the full version and that it had been modified in Attachment 2 in an effort to make it easier for the committee to review and make comment.

In regard to that, we looked at Attachment 2, which includes the proposed modifications to the Part 600 Magnuson-Stevens Act Provision. The committee reviewed each of these provisions individually. Staff made recommendations on provisions that deserve comment and committee members discussed these and other provisions and provided direction to staff. Overall the

proposed rule tracks recent amendments to the Magnuson-Stevens Act and does not significantly change how the council operates. However, there are several provisions that need to be clarified. Staff was directed to prepare a letter for the chairman's signature commenting on the proposed rule.

Third, development recommendations for revisions to our SOPPs, the committee determined that until the final rule had been completed the council will not be able to complete work on updating its SOPPs. Bob pointed out that the SSC Selection Committee had provided good direction for addressing changes to a number of issues related to our SSC.

In the interim staff will continue to work on drafting modifications to the SOPPs and have a completed draft for our September council meeting. Mr. Chairman, there were no motions in the SOPPs Committee. Unless there are questions, that will conclude my report.

Mr. Harris: Thank you, David. Any questions for David? The next item on the agenda is the report of the SEDAR Committee. The SEDAR Committee met June 10th at Hutchinson Island, Florida. The committee discussed the following items:

Number 1 was the SEDAR Steering Committee Report. The committee received the report on the May 18th, 2009, SEDAR Steering Committee Meeting. The Steering Committee Chair, Bonnie Ponwith, presented procedural changes recommended by the Steering Committee. Details of the procedural changes were clarified through subsequent committee discussion with concern centering around the data workshop workload, maintaining strong constituent involvement, adequately testing the Webinar Process, and identifying independent reviewers for the review panel from among the SSC membership. The committee approved a motion endorsing the SEDAR procedural changes.

Two was the SEDAR Schedule. The committee reviewed the SEDAR Assessment Schedule proposed through the Steering Committee. A continuing need to increase assessment output was acknowledged with the committee recognizing the limitation posed by the Southeast Fisheries Science Center staff level. The committee approved a motion to adopt the schedule contained in the Steering Committee Report with the addition of requesting a wahoo assessment in 2015.

Two motions were approved and on behalf of the committee I move that we support the revised SEDAR process as put forth by the SEDAR Steering Committee. Is there discussion on the motion? Is there objection to the motion? That motion is approved without objection.

The second motion, and I would so move on behalf of the committee, is to adopt the SEDAR Assessment Schedule as proposed by the Steering Committee with the addition of a wahoo benchmark assessment in 2015. Is there discussion on the motion? Is there objection to the motion? That motion is approved without objection. That completes the SEDAR Report.

Dr. Crabtree: When it comes time to think about the Wahoo SEDAR Committee, the world's expert on wahoo is a guy named Hogarth who did his dissertation on it, so you might want to consider his appointment to the SEDAR Panel.

Mr. Harris: That's an excellent suggestion, so we'll trust you to invite him to that. The next item on the agenda is the report of the CCC Meeting, which occurred in May in Boston, and I'm going to ask David Cupka, Bob Mahood and Roy Crabtree to assist with that. I will tell you that at the beginning of the meeting Dr. Jane Lubchenco addressed the CCC.

She is, as everyone knows, the new NOAA Administrator. Her remarks were very enlightening, not unexpected. She did tell us she intends to meet with each Fishery Management Council, and we have extended the invitation for her to meet with us at this meeting. We told her what was on our agenda and thought it would be very beneficial if she attended. She was unable to do so.

I will say that when she attended the meeting of the New England Fishery Management Council she brought a check for \$16 million, so we're hoping that she will attend our meeting in the near future and bring us some kind of check as well. She did highlight for us four areas, and I believe the council has received her remarks that she made to the CCC.

She said that she saw four prime opportunities; one, catch shares; two, tracking progress; three, ecosystem approaches to management; and, four, good communications. She also said that she had appointed a NOAA Task Force to deal with catch shares; and when asked if that task force would include members of the Fishery Management Councils, she said, "No".

Subsequent to that, the CCC sent a letter requesting that council folks be part of that task force, and we have received a letter back from the head of the task force, Monica Medina, and there will be three council folks appointed to that task force as well, so she did acknowledge that there was a need to have folks on that task force.

We broke out into separate council and NMFS sessions for half a day, and then we came back into a joint session with all of us together. We discussed ACLs and AMs, ecosystem management, budgets, LAPP development and implementation, standardized management actions, SSC operating procedures, enforcement and safety and legislation and regulation. I don't have anymore details about that. I'll ask Bob or David or Roy if they have anything to add. I thought it was a very good meeting. It was an interesting place to meet in Boston. David.

Mr. Cupka: It was a very good meeting. I thought it was good to have the new NOAA Administrator there. One thing, if you've looked at the letter from Monica Medina, you'll know that not only are council members are going to be able to participate in that task force activities, but there is also going to be a working group put together with an opportunity for council staff people to participate on that. That was an excellent outcome of the meeting.

We really didn't expect to get that kind of a response, but I think it was a wise move on their part to try and include not only council members but council staff who have considerable experience on setting up catch share programs. Again, as Duane said, I think it was an interesting meeting and also a very good meeting, and I enjoyed being able to participate.

Mr. Mahood: It actually was probably one of the more compatible meetings that we've had with our partners in some time. Of course, I attribute that to money. When everybody has the money they need to do the job, then it's a lot more compatible meeting. What was interesting, I was talking to Steve Bortone last night and that was his first meeting, and he thought we were pretty rough on NMFS. I said everybody was nice to each other at that meeting.

We do have our discussions and disagreements on issues, and it provides an opportunity to see what everybody else is doing in the different council areas and in the other NMFS Regional Office areas. It's always interesting to see how the council process has evolved in different areas and how the NMFS Regional Offices have evolved somewhat in different directions. I always enjoy those meetings. I think it brings a lot to the process. We share our problems and we share our successes. It works out well.

Dr. Crabtree: Of course, a lot of what Dr. Lubchenco talked about were catch shares and Catch Shares Task Force. I learned this week that I am now a member of the Catch Shares Task Force. I have been asked to address the council on behalf of Dr. Lubchenco and the Catch Shares Task Force. I don't know if you'd like to do that now or later, but I'm prepared to do that at your pleasure.

Mr. Harris: Go ahead and do it right now.

Dr. Crabtree: Three weeks ago at the Council Coordinating Meeting in Boston Dr. Lubchenco announced the creation of a Catch Shares Task Force. The task force will facilitate the consideration and adoption of catch shares, where appropriate, as a management strategy in regional, council and secretarial fishery management plans.

Appropriately designed catch share programs have proven that they can resolve the race to fish, reduce overcapacity, improve economic efficiency and help ensure harvest are within annual catch limits. The task force is being led by Monica Medina, who is a special advisor to the NOAA Administrator, and is charged with submitting findings and recommendations to Dr. Lubchenco on five priorities no later than August 2, 2009.

Apparently we're going to be quite busy. I hope she knows I have three council meetings and won't be back in town until the end of June. At any rate, the group has been tasked with the following: One, to develop a new NOAA Policy on Catch Shares that ensures that catch shares are fully considered when councils take up fishery management plan amendments;

Two, to make sure that councils who want to move forward with catch shares have the technical and administrative support to move quickly to design a catch share system while empowering local fishermen to be part of the process; Three, to make sure that catch share designs achieve the best possible environmental and economic performance supporting healthy ecosystems, meeting annual catch limits, reducing bycatch and habitat damage and enhancing economic performance;

Four, to consider whether any organizational changes are needed within NOAA to provide the best possible communication and support; and, Five, to provide advice to the Undersecretary on

how to allocate resources to the councils to support this work and how to create milestones so that we can evaluate our progress.

My objective today is to open a dialogue with the council on the consideration and use of catch share strategies. The South Atlantic Council experience with the Wreckfish IFQ Programs and more recent history of consideration of Limited Access Privilege Programs for the Snapper Grouper Fishery Management Plan can provide some useful insights to other councils in considering the use of catch shares.

It's the task force goal to identify and share your lessons learned, both positive and negative. We're looking for your input, especially those experiences that may constitute best practices to inform other councils just now considering the use of catch shares. We also will use this input to inform and help us craft a National Catch Share Policy.

Your experiences will be invaluable in developing a strategy to move forward on making catch share management more available to fisheries in the United States. The task force also wants to learn from council members and staff about the impediments that are in the way to fuller consideration or implementation of catch shares.

Beginning today and in continuing discussions with the council over the next two months, the task force would like you to help identify problems and suggest solutions to resolve any funding, policy, legal and infrastructure issues that are impeding progress. We need specifics about your issues and what you want and expect to be done about them, including how the councils can help.

Discussion of these issues can identify needed changes in NOAA and council capacity and specify the requirements to support the design and implementation of well-thought-out catch share programs. For example, what additional investments could ensure the greatest transparency and participation by shareholders in the design of catch share programs? Where is additional capacity needed to evaluate the effects of individual and community allocation of privileges?

What research and information is currently missing to design programs that meet council goals for both sustainable fisheries and sustainable fishing communities? What standards and practices will best avoid accumulation of excessive shares? What are the design options that best meet the council's objective for new entrants or small-scale operators?

Identification and discussion of impediments can also target where we need to make investments in research, policy, decision analysis and/or new technology for the operation of catch share programs. For example, where can we adopt a common infrastructure for such things as administrative appeals or systems to track allocation and share leases or sales?

How can we derive economies of scale and other operational efficiencies as more catch share programs come on line? The multiple use of reporting and recordkeeping systems and the design of multi-fishery compliance and monitoring systems can help make the best use of available appropriations and minimize the cost recovery impact on the industry.

Such cost efficiencies can make it possible to apply catch share strategies to more fisheries. Why is this so important to NOAA, you might ask. Recent scientific peer-reviewed analyses confirm that fisheries managed with catch share programs perform better than fisheries managed with traditional tools.

Even in the first years after implementation, catch share fisheries are stable, eliminate the race to fish and even increase their productivity. The scientific evidence is compelling that catch shares can also help restore the health of ecosystems and get fisheries on a path to profitability and sustainability. These scientific analyses are why moving forward to implement more catch programs is a high priority.

Catch shares that are well designed and thoughtfully prepared are the best way for many fisheries to meet both the Magnuson mandates and have healthy, profitable fisheries that are sustainable. The task force will conduct research and analyses and provide the NOAA Administrator with recommendations addressing the use of catch shares in federally managed fisheries.

Dr. Lubchenco and Monica Medina are committed to making sure we pursue this priority in the right way. Based on feedback and suggestions at the CCC meeting, the task force will be comprised of a geographically balanced mix of senior NOAA and council representatives. It may include either council members or executive directors.

All eight councils have been asked to submit a task force nominee, and Dr. Lubchenco will select representatives from this pool. NOAA nominees are also currently being vetted and a final selection of participants will be made from among all the suggestions to obtain an optimal mix of expertise, experience and geographic representation.

Since the task force is by design a short-term proposition, reporting its findings and recommendations by August 1st, NOAA is also requesting the CCC to consider establishing a catch shares subcommittee that NOAA could work with on an ongoing basis. This would assure continuity of communication, performance monitoring and follow-up action by NOAA and councils to the task force recommendations. It would also serve as a venue for discussion of future catch shares' issues as they come up.

As the third element of moving forward, NOAA is also proposing reconstitution of the Limited Access Privilege Program Steering Committee. That 2006 group was comprised of NOAA staff and the council executive director, council member and a council staff person. They successfully helped develop guidance in the form of a NOAA Technical Memorandum called "Design and Use of Limited Access Privilege Programs".

For catch share programs to move forward we need to reform that group and take advantage of available NOAA and council staff expertise on how to do catch shares, much like a consulting team. These experts would support the Catch Shares Task Force and the councils. Both NMFS and the councils are being asked to identify staff who would contribute expertise to a catch shares working group.

To coordinate these groups' activities, Dr. Mark Holiday, Director of Policy for NOAA Fisheries Service, has been asked by Monica Medina to serve as the executive director of the Catch Shares Task Force and the Catch Shares Working Group. Moving forward on catch shares is a joint venture between NOAA and the councils.

Dr. Lubchenco is committed to working with all the councils to find ways to make the health of the oceans go hand in hand with the prosperity of fishermen and the wellbeing of coastal communities. We think catch shares provide one of the best opportunities to achieve this outcome. However, NOAA needs you as a partner to ensure we have the capacity, the will and the necessary resources for success. Therefore, I ask you to take advantage of the task force opportunity to help advance our shared stewardship responsibility.

Thank you for allowing me to go over these issues with you and I'll certainly try to answer any questions you may have.

Mr. Harris: Questions for Roy? Rita.

Ms. Merritt: Roy, are you one of the three council representatives or are you on the task force and three additional people are going to be selected?

Dr. Crabtree: Well, I don't know how many additional people will be selected, but, no, I would be one of the NOAA folks on the council, so it's going to be a mix of senior NOAA and council representatives. I'm one of the NOAA folks. I don't know how many people are on the task force; I don't know who else is on the task force. I don't know, Bob, if you folks have made nominations yet.

Mr. Mahood: No, we just got this, Roy. As a matter of fact, the executive directors haven't really had time to put their heads together on it.

Dr. Crabtree: Rita, all of this has developed very quickly. I got an e-mail from Monica during this council meeting. Things are happening very quickly. Obviously, if we're going to get work done by August 1st, they're going to have to act very quickly. I think the council is going to need to get their nominations in ASAP, and you probably ought to go ahead and talk about it I would think today.

Mr. Mahood: Duane and I have already been talking about. We certainly would like to get Kate on the Technical Working Group, because I suspect they will be doing the work.

Mr. Iarocci: Roy, the subgroup you mentioned, what is going to be the makeup of that group?

Dr. Crabtree: Tony, again, I don't know at this point. They may be working that out now; and I think if you all have feelings or comments on that you could provide and add to it, and I think, Tony, we'd certainly love to see you willing to be involved with some of these groups. I'll express your willingness to serve to Dr. Lubchenco.

Mr. Currin: I would like to nominate George Geiger for consideration as a member of the Catch Shares Task Force from the South Atlantic Council.

Mr. Harris: Is that a motion?

Mr. Currin: Yes, it is.

Mr. Harris: Is there a second to the motion? Seconded by Robert Boyles. Is there discussion on the motion? Is there objection to the motion? Without objections, congratulations, George. You may not be selected; you're just going to be nominated, so we don't know.

Mr. Geiger: I've been in a lot of those situations.

Mr. Robson: And it sounds like, Roy, this is a pretty aggressive schedule, and I would expect that the review is going to take a close look at catch shares with respect to commercial fishing, but I was just wondering how wide the sideboards are to at least consider or look at catch share programs that might include other sectors and potentially even replace allocation issues.

Dr. Crabtree: Well, I certainly, as a member, will want to see discussions of catch share applications in other fisheries; the most difficult one and probably controversial being recreational fisheries. I definitely think there is potential for application of catch share strategies in for-hire fisheries, but there are problems with how do you come up with the initial allocations.

Yesterday we talked about the issues we're facing with snowy grouper, and we talked about a tag-type system and a lottery. To me that may not be a limited access, but I think of that as kind of a catch share program that's a way of deciding how you're going to allocate catch shares to the people who are selected in the lottery.

The idea of catch shares is kind of a new term, and unfortunately the terms seem to change about every nine months, but catch shares is a broader, more encompassing term I think than limited access privilege programs. Things like sector allocations in New England are not considered to be LAPPs, but they are considered catch share programs.

I think with all the discard issues and the problems we've got with red snapper and things, we really are faced with changing how our fisheries operate. I don't pretend that catch shares are the end all and they're not going to work in every circumstance, but I think in a lot of cases they are the best way to address some of these problems.

I can tell you from my experience I have seen tremendous improvement in the Gulf in the red snapper fishery as a result of the IFQ Program. I think one way to address some of these allocation issues is to come up with some sort of catch share programs that allow for the shares to exchange voluntarily and with monetary compensation between sectors, but I do believe it has to be a two-way street so that allocation and shares can switch both ways.

I think there is a lot of potential to address some of these allocation issues that way. The truth is we haven't made a great deal of progress addressing allocation issues through the more traditional approaches that we have tried to do. I think it's time for us all to think outside the box and look at new ways of doing things.

Mr. Currin: Roy, I think your last statement that you made regarding the ability to shift allocation among sectors is to me a critical aspect of catch share programs that needs to be seriously considered and dealt with in the future. If that can't be accomplished, I become less warm about the implementation of those, even recognizing that there is tremendous value to the commercial industry in catch share programs; those that survive them, anyway.

Mr. Iarocci: Roy, I think this catch share program, too – and this has nothing to do with the South Atlantic Council. It has to do with Caribbean Council. I think the sector part and potential for other ways to deal with what is going on in the Caribbean, try to get somebody that's involved in both sides.

I have talked to some of the industry representation down there and they're very interested in this sector allocation or different forms of sectors down there, so I think there is potential for there, but you need to bring to bring somebody into the task force or the subgroup – maybe not the task force but at least the subgroup from somebody in the Caribbean so they can work on this.

Dr. Crabtree: Well, we certainly intend to talk about that at the Caribbean Council. I do think that maybe that type of approach with sectors or something along that line may be a way for us to improved things in the Caribbean and move forward on it. I do think in some of these fisheries we're going to have to get the fishermen to take ownership and responsibility for reporting and for controlling their own catches down there.

Mr. Iarocci: To that point, Roy, that's exactly what the fishermen in the Caribbean want to do. They say they want to control their destiny, they want to be able to put plans together and work through this process. There are a lot of issues down there and I'm not going to go into them now, but I honestly believe that the sectors between the different islands, I think this is something that can work.

Mr. Harris: Anything else on catch shares? Then let's take a 15-minute break.

Mr. Harris: Okay, we're going to go ahead and start. The next item on the agenda is status reports.

Dr. Crabtree: I only have a couple of other things to bring to your attention. There is just an update on a few things. As we've already discussed, the Red Snapper Proposed Interim Rule is under review in Headquarters. The final review for Amendment 16 is under review in Headquarters. Shrimp Amendment 7, the Notice of Availability published on June 1. The comment periods ends July 31st. The proposed rule is under review in Headquarters, but should be out some time in the near future.

Amendment 15B, the NOA published on June 3rd and ends on August 8th. We also do, Mr. Chairman, have one EFP which Kate is prepared to go over with us at the appropriate time. You have in your briefing book the status update on quotas. There are only a couple of things I'll bring to your attention.

One, we think the golden tilefish quota is around 95 percent, so I expect that we will have a closure notice come out very soon. The quota was met for the black sea bass fishery this year, the first time. That fishery was fishery on May 15th and all traps had to be removed from the water. It reopened on June 1. I think those are the only real notable things in terms of quotas now, so that concludes my report.

Mr. Geiger: My question is in regard to the commercial landings' report that's provided. My attention was drawn immediately to dolphin again. We heard some information – and this is not first meeting that we've heard that nor is this the first meeting we've talked about the reflection of dolphin landings in this report.

In this report the dolphin landings are again – last month it was 12-31-08. I think we talked about updating those landings, and I would request that dolphin landings be updated at some time between this and the next meeting and that information be provided to the council for dissemination to us. There are a number of us very concerned. We heard information in the Dolphin/Wahoo Committee about the large number of landings that apparently are occurring off of North Carolina.

Certainly, I have received several communiqués reference the paucity of dolphin and the scarcity of those animals in regard to past years now in Florida, and there are people who are very concerned about dolphin off of Florida. I just would request that information be provided in a more timely manner and more up to date in accordance with the other stocks that are reported on that commercial landings' list.

Mr. Currin: To that point, we receive these things via e-mail every month and some of them change, but the dolphin has not. I would like to see as best we can – and I know there are problems with whether they're preliminary and whether they're up to date and all of that, but as nearly as possible I'd like to see these things come out to us on a monthly basis reflecting the catches from the most recent preliminary landings' estimate that you have.

Mr. Steele: I apologize for the dolphin. We're having them updated as we speak. I should have an update to you some time early next week. The other landings I think we pretty much keep up to date weekly or at least twice a month. I'll have the dolphin for you ASAP.

Mr. Geiger: Thank you, Phil. I have a second issue in regard to this commercial species' report, and I don't know if it's appropriate to include this information or if it should be included under a separate cover. Back when we were informed that the experimental fishing permit for swordfish was going to be approved, the council made some specific requests.

Dr. Riesling was at our last council meeting in Jekyll Island, and I requested from Dr. Riesling the ability of HMS to report on bycatch issues by species, landings of legal and sublegal

swordfish, landings and interactions with protected species, and that was predicated upon the fact that information was provided to us when it was approved or yet in the attempts to get it approved, that the HMS had the ability to shut that program off in 24 hours if some level of bycatch was achieved, and that was never identified, which was part of our hangup.

Then we never got anymore information until a final report which indicated a significant number of interactions with protected species, specifically turtles, which from one account of a state member on the council would have indicated in their state an immediate shutdown of that program based on the percentage of interactions.

That precipitated the request from Dr. Riesling to provide this council with a quarterly update of all the information associated with that experimental fishing permit, and I didn't find that in my briefing book this time. I don't know whether it should be included as part of this report or come under a separate cover.

Now after we're respectfully requested in person, I would make a motion that the council request formally by a letter to HMS a report that contains all the information concerning the number of trips, the number of sets per trip, the number of boats that participated during the quarter, the number of total sets, the swordfish landings, the regulatory discards associated with shorts taken in those landings, the bycatch of finfish, billfish and other protected species during that quarterly period.

Mr. Harris: You've heard the motion; is there a second to the motion?

Mr. Currin: Second.

Mr. Harris: The motion has been moved and seconded. Discussion on the motion? Is there objection to the motion? That motion passes without objection. Are we ready for Kate's review of an experimental fishing permit request? Kate, proceed.

Ms. Michie: We received at our office one EFP application on May 4th for the council's consideration. That application is from Scott Baker of the North Carolina Sea Grant, UNCW Center for Marine Science. The title of this project is "Characterization of Bycatch Associated with the South Atlantic Snapper Grouper Bandit Fishery with Electronic Video Monitoring".

The project is funded through the NOAA 2009 CRP and sampling is expected to begin August 1, 2009. The project will be carried out over a two-year period with approximately 12 to 15 months of sampling. The objectives of the project are to compare data from electronic video monitoring through data collected simultaneously with fishermen logbook and at-sea observers.

Data will also be collected to determine the age and size structure of frequently encountered and discarded snapper grouper and on the number and disposition of discards with respect to depth and location of capture. The project has many cooperative participants, including Amber Von Haarten from the South Carolina Sea Grant, Eileen Daugherty from the Environmental Defense Fund.

The fishermen participating include Kenneth Fex out of Southport, North Carolina; Matt Ruby from Little River; Phil Conklin from Murrells Inlet; Charlie Phillips out of Townsend, Georgia. The study findings will be presented to stakeholders at a public workshop held in conjunction with a future Snapper Grouper AP meeting.

Mr. Cupka: Mr. Chairman, I've had an opportunity to review this proposal. Based on the data needs of this council and everything, I would like to make a motion that we recommend that the Regional Administrator issue this permit.

Mr. Harris: Second by Tony. Discussion on the motion? Bob asked me a question, and it's a good one. What happens if red snapper closes in the meantime? Are they still able under the EFP to collect their red snapper?

Ms. Michie: Yes, the EFP would enable them to continue their research through the prohibited time period area.

Mr. Geiger: Mr. Chairman, I don't want to make work for people, but is there any way that the council can receive progress reports concerning these EFPs in an effort to try and see if they're actually working or they're in progress? The Swordfish EFP brings up a prime example of us walking through a process and having – you know, we had objections to it and it was put in place, anyway, and now we can't even get a report on what is happening to some pretty fisheries and resources in our area.

Mr. Harris: Kate, I assume under these EFPs they're required to report to you on a regular basis?

Ms. Michie: Well, I think in the regulations it states that they have to submit a report of the study findings at the end, but I can ask Scott myself if he'll give us periodic progress reports. What timeline would you like, every six months, if you have an idea?

Mr. Harris: Well, I think normally in a scientific research project that is funded by an agency like NOAA they're required to provide interim reports, six month, quarterly, whatever. I would think six months would certainly be often enough. If he would be willing to do that, that's a good suggestion, George.

Ms. Michie: I will certainly do that.

Mr. Currin: Just one comment, and it may be too late, and I don't want to try to redesign their project or anything, but I just noticed that they've got eight vessels listed and they're going to use six or seven out of those. I just put in an encouragement from me, if nobody else, that they try to extend the geographic range of the involved fishermen.

It goes currently from Southport to Georgia, through Little River and Murrells Inlet. Southport is real close to Little River; and if we could get up above Cape Fear and involve some fishermen from Morehead City or north, I think that would add a nice aspect to the project, if that's possible.

Ms. Michie: I'll mention that to him.

Ms. Daugherty: My name is Eileen Daugherty; I'm with the Environment Defense Fund. I'm one of the co-investigators in the study. We did consider that issue. One of the major issues was the cost of expanding that geographic range. It was actually going to add a significant cost that we felt would probably not be able to be addressed by the CRP Grant. That was one of the reasons that we had a smaller geographic distribution for that.

Mr. Harris: Further discussion on the motion? **Is there objection to the motion? Seeing none, that motion is approved.** Roy, does that complete your report?

Dr. Crabtree: Yes, Mr. Chairman.

Mr. Harris: Southeast Fisheries Science Center, Bonnie, are you going to give that report?

Dr. Ponwith: Yes, I will. What I'll do is begin giving an update on our progress on improving the stock assessment science in the Southeast Fisheries Science Center and then roll into some updates on the Regional Headboat Survey and then go through some fisheries' catches for you.

First of all, I'm happy to report that we are recruiting for a new stock assessment scientist to serve the South Atlantic. It will be positioned in Beaufort. We're also in the final stages of making a selection for an additional stock assessment scientist who will join the team in Miami. Collectively, that will go a long way to strengthen our capabilities in the larger region.

We're making some progress in adding an additional contractor to improve the through-put in aging structures in the Beaufort Lab as well as in the Panama City Lab. That will help us keep pace with the new demands under our desire to have stock assessments more frequently to benchmarks and update. As you know, we've got to also keep pace with the otolith reading and age structure reading to make sure we've the biological inputs we need to run those assessments. That's a good step forward.

Now I'll go to the second slide. The Southeast Regional Headboat Survey, we've completed the estimates for the headboat landings and angler days for the South Atlantic and Gulf of Mexico. A new headboat port agent was hired for Northeast Florida. They're sampling vessels from Jekyll Island, Georgia, to Sebastian, Florida.

We got funding for an electronic reporting study in the South Atlantic, to run a pilot on electronic reporting through the MRIP For-Hire Working Group. I believe it was a total of eight vessels that are going to be participating in that effort. Again, the benefits of that are not just for this region. This is a pilot will do sort of a proof of concept that has utility nationwide, so that is a great advancement and a show of leadership in the South Atlantic.

The headboat survey data, another good thing that's happening is that the reporting compliance in the South Atlantic has shown very good improvement, and we believe that is a direct result to linking compliance with that reporting to their ability to get those permits. From that effort

we've seen a jump in the reporting go from 45 percent to 79 percent in one year, which is a significant increase.

Then we go into the Trend Analysis for the landings. I'm happy to go through these if you want to see them here or if you want to just submit them and have you look at them. We've got the trend in black sea bass recreational landings with the table; the dolphin recreational landings with the table; gag grouper landings with the table; greater amberjack with the table; king mackerel with the table; mutton snapper with the table; red porgy with the table; red snapper with the table; Spanish mackerel with the table; vermilion snapper with the table; wahoo with the table; and yellowtail snapper with the table.

The other news that we have in the region is that we are ever closer to the commissioning of the latest ship in the NOAA fleet. That is the Pisces. There had been some problems in the propulsion system that have been resolved. They're going through the trial cards right now to resolve some of the last outstanding issues.

We anticipate the commissioning of that to happen anytime between July and – well, we will take possession of it and the commissioning will fall at a later date, and that is because we're contemplating linking that to the commissioning of the lab in Pascagoula, which is a significant milestone in the region. That's my report, Mr. Chairman.

Mr. Currin: Just one question, Bonnie, and I don't know whether you have the information with you or not, but just looking at the recreational wahoo landings, '07 was an extremely high year. By comparison I guess would be correct in assuming that the PSEs for wahoo out of MRFSS are fairly high. That's not a species that's encountered with great –

Dr. Ponwith: I don't know that off the top of my head, but I would say that is a likely correct assumption.

Mr. Harris: Other questions? Thank you very much, Bonnie, I appreciate that. We skipped over something under Roy's report and I don't know whether somebody wanted to do a VMS Compliance Report from LE or you had something on that. Did you have something on that?

Mr. Easley: I have something on it; it's very short. The report is pretty much identical to previous discussions on VMS compliance. There are 104 active rock shrimp endorsements, and nine of those endorsements do not have VMS units. Of those nine, three are small boats. They're too small to even trawl for rock shrimp. The other six are in the home port and operate in the Gulf of Mexico where VMS is not required.

Mr. Harris: Questions for Otha on VMS compliance? Well, into agency and liaison reports now, so I'm just going to ask Otha or Hal if they have anything else? Hal.

Mr. Hal Robbins: I just wanted to thank the council and the AP and also the council staff for their willingness to work with us on those boundaries on the HAPC. I think it will enhance compliance, but it will also give us a better ability to do some enforcement. Thank you.

Mr. Harris: You're welcome. Thank you for your willingness to work with us as well. Do you have anything else on law enforcement, Otha?

Mr. Easley: Just piggybacking on what Hal said, there were several opinions of enforceability that were discussed during the AP meetings and impressions of what is enforceable and what isn't. There is an LEAP coming up in August. I wanted to respond to some of those ideas that were voiced on different management measures and their degrees of enforceability that I'll run through the LEAP and get some consensus there and then the committee and council will get the report as a result of that.

Mr. Harris: Thank you. Questions for Otha or Hal? Coast Guard, Brian. John has got a question first.

Mr. Wallace: Not really a question but a comment. I'm going to take Tony's role and say that I appreciate what NOAA has done with the mislabeling of shrimp in the Gulf Region. We appreciate that as the shrimp industry as a method of hopefully getting the price of shrimp up a little bit to keep some of these foreign shrimp from being put into the market as domestic. I do appreciate the work that they're doing there and hope it continues on.

Lt. Sullivan: First, thanks to everybody for having me as usual and thanks to the people from the great state of Florida hosting this event. Just from the Coast Guard standpoint, besides not having the required permits, over the bag limit and undersized fish cases that we usually have throughout a quarter or a year, there are a couple of cases.

Obviously, they're still under litigation and everything. A gentleman in our area, in the South Atlantic here, basically had a headboat charter permit, but one of the coast guard cutters in the area found him putting out a dolphin – like a dolphin cruise and the coast guard cutter caught him in the act, molesting the dolphin, basically feeding them.

The Coast Guard has lately been – we're trying to enforce that a lot, get the enforcement and getting the word out that is very much against the law. I just wanted to put that out. The key on that is that the gentleman that did it had a regular headboat charter permit. Usually you have the dolphin tours that do that, but this guy was going above and beyond the scope of what his permits are.

Then another one, we had a charter/headboat permit holder who caught a large amount of fish, and he was planning on selling it to a commercial dealer. He was issued a summary settlement, and he voluntarily abandoned all the catch. Those are a couple of good cases that the Coast Guard had. They were in the last month and a half. I just wanted to put that to your attention, especially with the Dolphin/Marine Protected Species issues. They're really hot topics.

Mr. Harris: Questions for Brian? Seeing none, thank you very much, Brian, I appreciate that. Robert, you're going to do ASMFC on behalf of Vince?

Mr. Boyles: I will, Mr. Chairman. Vince asked me to pass on his report to the council and with his apologies for having to leave early. I believe that Mike distributed the meeting summary

from the latest Atlantic States Marine Fisheries Commission Meeting back in May. Vince says he was very impressed with what he saw and heard during the two listening sessions both on Tuesday and Wednesday and made it clear that it is a very difficult job the council faces with red snapper.

Vince passes on he has great respect for the care and deliberations that the council is taking on this important issue; and as always is very appreciative of the council's kind hospitality. That, coupled with his written report that was distributed, constitutes the Atlantic States Marine Fisheries Commission Report.

Mr. Harris: Thank you, Robert. Questions for Robert? Gulf of Mexico Council, Kay.

Ms. Williams: I'll just go over some of the highlights that you might be interested in. At the last council meeting, under our administrative policy we did make a motion to pay the SSC members only for the meeting days attended. We directed the staff to pay the standing and special SSC members a stipend of \$250 per meeting day attended and we will not pay for travel days.

I only bring those up because there was some discussion at your council about that. Under our data collection, a couple of things were that we requested staff prepare a letter to Dr. Balsinger endorsing the continuing expansion of the electronic logbook program for collecting and analyzing shrimp fishing effort in support of the red snapper and shrimp fishery management plan.

We are going to receive a presentation at the Data Collection Committee Meeting on the Louisiana Pilot Charterboat Survey Program at the next council meeting, so that will be of some interest. The council has also asked that we start providing real-time online coverage of the council meetings and associated activities to be available on the council website.

The real big thing that the council was addressing, of course, was Reef Fish Amendment 31, the turtle interaction. In this amendment we have several options to help reduce the interaction to sea turtles by the bottom longline fishery. Some of them are to modify the bait, limit the hooks.

We also picked a preferred, and to me that's going to be one of the largest things that I myself personally feel like it's going to help us reach our goal probably of – well, it should limit at least by 50 percent if not more, and that option was to not allow longline fishing in a specific area, which would be the entire Gulf EEZ east of 85 degrees 30 minutes north longitude near Cape San Blas, Florida; to not allow the longline fishing less than a specific date, which was from shore to 35 fathoms; and also not to allow the longline fishing during specific times of the year, which was June, July and August.

The council chose those as their preferred, hoping, like I said, once again to reduce interactions with the turtles by at least 50 percent or more. Another thing that we are considering is looking at longline endorsements, and with that there would be a qualifier of X number of pounds. It's 20,000, 30,000, 50,000 and on up.

We're having that analyzed as your qualifier; and if you didn't have those type landings within a certain period of time, of course, you would not get an endorsement. By doing that, we can limit also the effort that's being conducted out there, and also will reduce the interaction with the sea turtles. We will vote on that at the upcoming council meeting.

We also have initiated action to encompass all remaining reef fish species in the management unit into a program compatible with the existing red snapper and grouper tilefish IFQ program. One of the other issues was to request at the next SEDAR Steering Committee Meeting, that they consider an update on cobia stock assessments as soon as possible.

As you know, on the spiny lobster joint amendment the council is looking at considering just delegating the authority over to the state of Florida. If we should do that, by what the discussion is in our draft document is that the state of Florida would not have to go by the Federal National Standard should we do that.

Now whether or not that's true or not, I don't know because I've heard discussion that Florida would, but in the document, once again, if we delegate it to the state of Florida, we're saying that the national standards would no longer apply because they would completely be out of our jurisdiction.

Whether or not that's true, maybe Roy might want to comment on that to make sure that we know for certain how a particular action would affect the regulations as far as what Florida would either need to do or not need to do. Now, it does say that when the council is setting the OFL, ABC, ACL and optional ACT; that they would need to do that in conjunction with the state of Florida if we continue to manage the spiny lobster. That concludes my report. Roy, would you like to speak to the subject of national standards and about the state of Florida.

Dr. Crabtree: I would. As long as there is the federal fishery management plan and any management actions are being taken under the authority of that plan, whether by the council or through the delegated authority of the state of Florida, they'll have to comply with all of the national standards and other applicable law.

Ms. Smit-Brunello: I agree.

Mr. Iarocci: Roy answered pretty much what I was going to allude to, but, Kay, if I could ask – you know, there is a lot of discussion on that 35 fathom line; and the difference between 35 fathom and 50 fathom with the interactions with turtles, is there anything being done now that will be brought up at the council with new data for the interaction numbers and possibilities of giving that extra little bit to the longline fishermen?

Ms. Williams: I'm probably going to let Roy answer that question as to what is being done. But, like I said, if you go back and you look at the analysis of when they came in contact with the turtles, out to that 35 fathom line, that was where you got your biggest bang for your buck. Now, there are turtles year round, and we know that, but we have to reduce it to the extent practicable. Roy, would you like to answer about the different analyses?

Dr. Crabtree: Yes, we're looking at that and we have some data on turtle abundance. You can't really analyze it based on the observer takes, so we're looking at other data that we have on turtle abundance to see if the CPUE would be different outside 35 and inside. I think we'll have some conclusions on that that will be presented next week.

Mr. Wallace: Yes, you had mentioned bait as a possible option. Are there some studies showing that the turtles may prefer one bait over the other because reports tell me they'll eat plastic bags and balloons?

Ms. Williams: Well, we were looking at – the reason that was brought up is there was a study done – I think it was the NED, but it had to do with pelagic longline gear – and they did find out that bait made a difference, especially with squid. However, we do realize – and that is where the question is coming in – we really do not have a study as far as the bait in the bottom longline.

However, one turtle was a different size compared to the turtle in the NED. Some of the turtles were large; some of them were small in comparison with the different studies that were done. Some of the bait was whole. Our guys I believe in the longline fishery use cut bait. We just really don't have the information to say absolutely a turtle prefers one over the other as it pertains to bottom longline. Now, in the pelagic longline we know, and there was a reduction in the pelagic longline.

Mr. Harris: Thank you, Kay. Fish and Wildlife Service, Wilson.

Dr. Laney: I have a number of items that I think will be of interest to the council. The first one is with regard to the Roanoke River Diadromous Fish Restoration. Dominion Generation and the partners have begun moving American eels over the Roanoke Rapids Dam this year; introducing them to the watershed of that system.

Eelway construction is going to begin this year as well. We anticipate completion of construction by the fall. What they're doing there is they're building two eelways in the bypass reach at the dam, one on the north end and one on the south end since we caught a lot of elvers for the past four years at both locations in the bypass.

The American eel trap that's in the tail race has been modified and now seems to be catching quite a few more eels along with the occasional muskrat, still, and we did install a Didson Unit. For those of you who don't know what that is, go to the Didson Website. That is D-I-D-S-O-N. It's a new type of acoustic sonar basically, really cool stuff. If you go to their website, you can look at some of their imagery.

But we put one of those in the bypass reach under the eel trap in the hope of observing American eel behavior and trying to figure out why that trap has not been performing as well. Finally, hydroacoustic monitoring of the anadromous fish runs on the Roanoke is continuing. That work is being done by Dr. Joe Hightower at the North Carolina Cooperative Fish and Wildlife Research Unit and his grad student, Mike Wayne. They did use split-beam sonar and did so in combination. This year we hope that will give us better results in terms of estimating numbers.

The Albemarle/Pamlico National Estuary Program, for those of you who are in North Carolina, the Science and Technical Advisory Committee is going to meet in Greenville on July 22nd. The theme of that meeting will be Ecosystem-Based Management. Our keynote speaker for that is going to be Dr. Carl Hirschner from the Virginia Institute of Marine Science since Carl has been serving on this national panel to look at how the NEPs can implement ecosystem-based management.

We have invited a whole bunch of other speakers. Hopefully, Roger will be able to attend that meeting and talk about the council's ecosystem-based management program. Also, Mary Connelly from the Nature Conservancy is coming and a bunch of other folks. If you are interested I can send out that agenda once it is finalized.

With regard to the Fish and Wildlife Service itself, we have gotten approval from the Regional Director to establish what we're calling the South Atlantic Landscape Conservation Cooperative. These LCCs are going to be the units in our landscape that are responsible for doing ecosystem-based management. It looks like we're going to get some positions. Several of those, hopefully, will be based in Raleigh.

If this thing materializes and develops, I'll be informing the council about it on a regular basis. One of the things we're working on, still, is that River Herring Habitat Model, and, hopefully, as these species models mature they will be of use to the council, we hope.

With regard to the Cooperative Winter Tagging Cruise, we are currently working on a 22-year, which is the entire time series, report to the Atlantic States Marine Fisheries Commission. That should be done, I hope, some time by the end of the year. As a follow-up report to this year's cruise, you recall back in February I reported to you that we had released 50 spiny dogfish with sonic transmitters in them, along with 13 Atlantic sturgeon with sonic transmitters.

Roger Ruhleson, who is at East Carolina University, was funded by North Carolina Sea Grant to put a 12-kilometer listening array south of Cape Hatteras there, and we're very excited to report to you that array is not only picking up some of the fish we released during the cruise, but it's also picking up everybody else's fish that are out there.

Jennifer Cutney-Birch, who is the PhD candidate who is working on this, is bouncing off the walls at East Carolina. So far we've picked up striped bass; we've picked up Atlantic sturgeon from the Hudson, from the Connecticut River, from Georgia. We have picked up a bull shark that was tagged off of Florida back toward the beginning of the year and has made it to Cape Hatteras in less than three months, which is a distance of about 600 miles.

We picked up some of Dr. Duane Fox's sand tigers and sandbar sharks that were originally tagged in Delaware Bay. We picked up three spiny butterfly rays. Does anybody know who is tagging spiny butterfly rays? I don't know where those are coming from. Then we've also picked up the tiger sharks. Jennifer is currently working up this information. I have a message drafted to send out to everybody once she provides me the final information.

She reported yesterday that she had picked up a shortnose sturgeon, and so I promptly e-mailed her back and I said, "Are you sure about that?", because I thought that one was a little unusual since we don't have that many documented reports from shortnose in the ocean except maybe off South Carolina from Mark Collin's work.

I got a message from her this morning that said that probably is a tag misidentification. She is working with the Georgia folks – I guess Doug Peterson and those guys – to try and track that one down, and also Bill Post, Robert, in South Carolina. That's all really exciting.

We don't have a vessel for the 2010 cruise, so we're looking for one again. The Oregon II is going to be undergoing major repairs thanks to stimulus funding. Bonnie may want to say something about that, but my understanding is it is to undergo major refit and then it will be available for at least another five years, I hope beyond that.

Another thing I wanted to mention to you is there has been established a Joint Endangered Species Section 7 Consultation and Recovery Team, I guess, that's between the Fish and Wildlife Service and the National Marine Fisheries Service. These folks are going to be convened in a Recovery Workshop, which is supposed to take place early in 2010. I think I'm going to be on that.

At least I have gotten an e-mail saying that I've been assigned to that. What my exact role will be I don't know yet. The purpose of this thing is to get folks from the Fish and Wildlife Service and the National Marine Fisheries Service together to look at the Section 7 Consultation Process and the Recovery of Endangered Species and focuses on linkages and opportunities for mutual support between the two agencies' program, share new and successful approaches to more efficiently and effectively meet the challenges of species' conservation and so forth. So, again, that's something that I will keep you all apprised about as it continues.

Then the last item I was going to mention, I think most of you have heard by now that my regional director, Sam Hamilton, has been nominated by the President to be the new Director of the Fish and Wildlife Service, so we will keep you posted on that as well. Thank you, Mr. Chairman, and I'll be happy to answer any questions.

Mr. Geiger: Darn, Wilson, if he gets selected, does that mean you're going to be like a strap hanger and go with him? Are we going to lose you again?

Dr. Wilson: I have no intention at this point in time of moving to D.C., George.

Mr. Harris: But that was a good question, George; thank you for raising it. Other questions for Wilson?

Mr. Wallace: This acoustic monitoring, would it have implications of going into the golden crab trap fishery?

Mr. Harris: Once we see those golden crabs show up that far north –

Mr. Wallace: No, but I mean is it something that we may be able to put into that trap as law enforcement?

Mr. Harris: There is some work going on right now with golden crab monitoring. There is some good work that has been done and the golden crabbers are asking for some support of that right now. Wilson.

Dr. Laney: Yes, John, it does have potential for at least tracking the behavior of individual crabs. They keep making these tags smaller and smaller. The other thing I didn't mention that we've been doing on the Roanoke is we've been moving American shad above the first three dams on the Roanoke River to assess how well they perform in habitat that was historically American Shad Spawning Habitat.

We put little tiny transmitters in them and then we track them to see how far upstream they go, whether they do in fact spawn or at least appear to spawn based on their behavior. Then also we track their out-migration, and so far we've had tagged fish that have moved back successfully through all three of the lower dams on the Roanoke and managed to make back downstream again. So, yes, I would say it has some potential for use on golden crabs.

Mr. Harris: State agencies, Brian.

Dr. Chevront: As you all know and we have all been talking about the states are in pretty tight budget problems. We still don't have a final budget for the state of North Carolina. In our system we have three different – the governor, the state senate and state house all provide budgets. Last Friday the house provided its budget, and they were the last one.

Now the three are in negotiations to figure out what it's going to be. It's pretty bad. Since we've met in March, state employees have been given mandatory furloughs, but that was only through June 30th of this year. We don't know whether something is going to happen beyond that. We assume it probably will.

The budget cuts that we had last year, which were 14 percent, have been made permanent. In addition, according to the house budget that came out last Friday, they're going to take about another million and a half dollars from North Carolina. That includes all of the money that was set aside for the Oyster Sanctuary Program and a couple of other things, but it also includes the loss of nine positions, including our senior stock assessment position which we've been trying to get filled for several years now.

We're looking at some pretty bad things happening budget-wise in the state. You almost may have heard that there was a bill that was brought forward earlier in the session to establish game fish status for speckled trout and red drum. The bill was scheduled but not heard. They decided they wanted to wait to see how our Marine Fisheries Commission was going to handle this.

There was also a bill that was introduced to ensure that the state fishery management plans had at least a 50 percent probability of success. It was out and then I heard last Friday that it was back in again for being considered, so I'm not sure where that is going to go. The Joint Law

Enforcement Bill, which this council has supported, didn't make it to hearing this session with all the other things that were going on.

It's not totally a dead thing. We're hoping that it will come back, but we'll wait to see. The commission proposed through legislative channels to implement a LAPP for the ocean striped bass fishery. The state senate referred the bill to the Ways and Means Committee, and this in North Carolina is where bills go to die because this committee hasn't met in over ten years. If you don't want to deal with something in North Carolina, you send to the Senate Ways and Means Committee and it will never get heard, and that way you just don't have to deal with anything.

We are not optimistic about how things are going to turn out for marine fisheries in the upcoming budget. As bad as we have gotten cut or pending cuts, many other agencies in the state – the Department of Environment and Natural Resources had much deeper cuts than we did. We were running pretty lean.

I mean, there was discussion – I had to defend our recreational license receipts. The state was actually considering taking those at one point. I reminded them that if they did that, they would put all of our Fish and Wildlife – Wallop-Breaux and Dingell money for not just our agency but for the Wildlife Resources Commission; and I explained that if they took about \$3 million away from us, which they were talking about our license receipts, the state was going to lose \$16 million a year every year until they paid that \$3 million back.

So that has not shown up in anybody's budget yet, but we're scrambling trying to figure out how we're going to fund things. We're moving things all around. We have to meet match on some of our federal grants. We were hoping to use things like our oyster reef money that probably will be gone to help match some of our federal grants.

It's just a financial scramble every single day just to make things work. Until we get a final budget we don't know if any of this is going to let up on us. I'll know probably a little better in September because it's pretty certain we'll have a final budget by September. It's pretty rare that North Carolina wouldn't have one by then. I wish I had good news to report, but that's sort of the way things are.

Mr. Harris: Thank you, Brian, we all feel for the states in our region. I know they're all suffering tremendously right now. Mac.

Mr. Currin: It's not a question but just kudos to Otha and the Office of Law Enforcement for all the assistance that they provided on short notice in many cases to Rex Lanier, the colonel of our enforcement and the division in trying to move ahead with the JEA. It's good it's not dead and I'm sure you'll be hearing again from somebody before too long about it. We appreciate it, Otha, thank you.

Mr. Easley: Well, as long as that JEA is documented not in the Ways and Means Committee, then there is hope for it.

Dr. Chevront: I think it was really just a matter of they had so much on their plate for dealing with all the budget issues that the decision was made some things had to be pared until later, so it will be heard later, I'm sure.

Mr. Harris: The state of Georgia, Susan.

Ms. Shipman: Well, I'll give you Chapter 2 of the state budget woes, I guess. Actually misery loves company, so it has been sort of good to commiserate with Brian and Robert and Mark this week. We, too, are in dire economic straits. The revenues for the state have not turned around. We took a 17 percent cut for the '09 budget that we're in now, and for May and June they've reduced our revenues by 25 percent.

We've basically frozen all state spending for May and June. That will be our continuation level that we go into FY 10 beginning July 1, and then they've asked us for an additional 7 to 10 percent cut, so we've put those on the table. The budget people are coming in from Atlanta on Monday, and we'll be figuring all of that out.

As I mentioned, our agency will begin furloughs. We're actually one of the last agencies in the state to begin furloughs. Many of them had already started them in this FY 09 year. We will begin that July 1, one day a month for six months with a possible extension beyond that. It affects all of our salaried people regardless of funding source, regardless of pay scale.

Everybody from our commissioner down to our technicians will be taking furloughs. The challenge that presents is actually for Fair Labor Standards Act classified exempt people because on the week that you take your furlough you become non-exempt and you are limited to a 32-hour week. Most of our professionals pull down ten- to twelve- to fourteen-hour days, so it's really going to cut into our ability I think to get our jobs done.

Our budget is about two-thirds federal. We are so grateful for NOAA and the Fish and Wildlife Service. If it were not for our grants we would have to close our doors; there is no doubt about it. We, like Brian, as our division we are fortunate. Our Parks Division has taken a 40 percent cut. They've lost \$10 million. They've just announced 91 layoffs and they've frozen 81 positions. It's hard to operate a state park system in a state when you are cut to the bone like that, so we'll see how that turns out.

On brighter news our staff this week is participating in a reef fish tagging cruise with the Gray's Reef folks. We're doing a cooperative venture with them; thanks to our federal funds. Last weekend we did one of the things that is the most fun of all, and Duane can tell you from his years there with us.

We had our 19th Annual Family Fishing Derby. We had 110 children participate and 62 of them caught fish, so that was a pretty good success rate. They caught over a hundred fish. Many of these are first-time anglers from five years old up to twelve years old. The encouraging thing to me is we saw more eleven and twelve year olds participating this year than we have in the past, so I think that hopefully bodes well for the future generations to take up fishing. It's a saltwater tournament and it's just a lot of fun.

Then, finally, we do have a new Commissioner of Natural Resources. Chris Clark was sworn in on April 1st, and he comes to us from the Department of Economic Development, but he brings a lot of strength in terms of administrative skills and organizational capabilities. We're really doing some streamlining in our agency that has been needed for some time and achieving some efficiencies in our financial services and elsewhere. That's pretty much my report.

Mr. Cupka: Thank you; any questions for Susan? Seeing none, we will move on to Robert.

Mr. Boyles: Chapter 3 of the budget woes. The state of South Carolina has gone through very, very difficult budget times as well. For our fiscal year that begins July 1 here in a couple of weeks, the Marine Resources Division Budget is going to be fully 33-1/3 percent below where it was eleven months ago, which is very, very difficult.

Like Susan, we're very grateful for our federal partners. Again, 60 percent of our budget comes from federal funds. Like the Georgia DNR, we would find ourselves in similar situations. I appreciate the council's interest in fishery-independent monitoring. Many of you know that we have been grateful to run the Marine Resources Monitoring Assessment Program for the past 25 years, MARMAP.

I would just like to remind the council that the MARMAP vessel, the Research Vessel Palmetto is beyond the end of its design life. That keel was laid in the mid-eighties. It was an oil services industry boat in the Gulf that we purchased using state-appropriated funds in the eighties. I haven't asked our General Assembly or even our agency to consider purchasing a new vessel, but it's certainly something that I think this council needs to be aware of.

We're very interested in continuing MARMAP, and we'll do everything we can, but in addition to providing the support for the monitoring there is the fixed costs associated with the infrastructure. I would just like to remind the council of that. Along those lines, the state has underwritten the operation of that vessel of the agency to a fairly substantial degree over the last several years. This is something that is right now an unmet need and we're going to do everything we can to address it.

I participated in the Red Drum SEDAR Assessment Workshop last week. I was very impressed with our colleagues and cohorts from the southeast to have gathered in North Charleston to look at model runs for red drum, which is a species that is very, very important to us in South Carolina and appreciate all the agency representatives in their efforts there with SEDAR. I guess the review workshop will be in Atlanta in August, so we're eager to see the results there.

We opened the shrimp season in mid-May. Effort continues to be down. But perhaps on a brighter note – actually, certainly on a brighter note – in an effort to do the work that we're called to do and I think in an effort to improve data collection, the South Carolina General Assembly passed legislation this year that made changes to our saltwater recreational fishing license program.

This, we believe, will make our license program gather the kind of information such that South Carolina licensed anglers we believe will be exempt from the Federal Saltwater Recreational

Registry requirements which are to go in effect January 1, 2010. One other thing is I'm happy to report that our sharp management, we are now fully compliant with federal regulations. We had another bill pass the General Assembly that made some changes to our shark regulations, and we mimic federal shark laws now, so that's some good news. That, Mr. Chairman, concludes my report. Thank you.

Mr. Harris: Thank you, Robert; questions for Robert? Last but not least, Florida, Mark.

Mr. Robson: In followup to what Robert was talking about on licensing and the federal registry requirements, we were successful this year in the legislature to get the – Florida currently has a resident exemption from saltwater fishing licenses if you're fishing from shore or a structure attached to the shore, and it created a big gap in data-gathering capabilities. It was something that had been identified in the Federal Registry Program that needed to be fixed in Florida for us to be eligible to be exempted from the federal registration requirement.

We were successful this year in the legislature in getting that exemption removed. It didn't work out as we had hoped. It turned out that the legislature created an additional license type for shoreline angling at a reduced fee for residents. But, nonetheless, we've addressed that. Hopefully, we will also be an exempted state on the federal registry requirement. Certainly, this will help us to improve the data base that we need to collect recreational statistics for fishing.

We've fared fairly well actually as an agency in the state. Although we have taken about a 20 percent overall budget reduction this year because of the economy, our agency was fortunate that we did not lose any positions. We feel like we're blessed in that way because a lot of other state agencies had taken some very serious cuts in not only vacant positions but people were sent packing, which was very unfortunate.

I wanted to also let you know that next week our commission meets, and the day after our official commission meeting there is a special workshop that we are putting on for our commissioners to discuss state/federal marine fisheries management coordination. A lot of the workshop is going to focus on the federal laws and requirements that NMFS and NOAA Fisheries operate under, as well as the councils.

George Geiger is going to be there on behalf of the South Atlantic Council. Julie Morris is going to be there from the Gulf Council, so we'll have two representatives from each council talking directly to our commissioners, interacting with them. Roy Crabtree will also be there to represent the National Marine Fisheries Service Regional Office.

We're looking forward to hopefully having some really good dialogue and discussion. Our commissioners are very interested obviously in things that are going on at the federal level, and they're very concerned about some things that they're seeing and hearing. Hopefully, this workshop will allow them to better understand some of the operating conditions that the federal fishery management programs are working under. We're looking forward to that workshop next Friday.

Also, just to let you know, Jessica McCauley, who is a member of my staff, has now been assigned to represent the agency on the Atlantic States Marine Fisheries Commission. For both councils and the two interstate commissions that Florida participates in, the state agency representative is now housed in our Marine Fisheries Management Division.

Formerly our research staff was kind of covering the Atlantic States, and so going to help us to coordinate management and regulatory issues I think a little bit better. Of course, we're dealing right now in the Atlantic States with shark, weakfish, and red drum issues, and so we're trying to make sure we get everything coordinated there.

Then just as a final note, I'd like to again – and this time on behalf of the Florida Fish and Wildlife Commission – thank and acknowledge the work that Tony has done on behalf of the state of Florida and for the people of Florida. I can't follow up as well as George did yesterday in his comments, but seriously Tony has been an outstanding representative. I know that the commission and the state of Florida appreciate all the work that you've done, Tony, and you will be missed here on the council. That's it for me. Thank you.

Mr. Harris: Thank you, Mark. Wilson.

Dr. Laney: Mark, are you going to talk about the two interstate commissions at your workshop as well?

Mr. Robson: We are going to only briefly touch on them. They're going to be made aware of that structure, but we're purposely trying to focus on the council and the National Marine Fisheries Service process, because that's really what is affecting the state of Florida commissioners right now. That's what they're seeing is in front of them.

Mr. Harris: Other questions of Mark? Is there other business to come before the council? George.

Mr. Geiger: I would respectfully request that our staff and our staff members who are responsible for committee assignments commensurate with specific stock species take the time, before council meetings, to directly coordinate with each person who is scheduled to make a presentation during the committee or during the full council session, to ensure that person knows that they're scheduled to make those presentations and will be present during the council meeting week to make those presentations, please.

Mr. Harris: I accept that suggestion and charge. Other business to come before the council? Bob, upcoming meetings; anything we want to talk about there?

Mr. Mahood: No, I think everybody has the list of upcoming meetings in their briefing book. If you have any questions, as usual call Cindy or Mike or myself. Generally Cindy can give you the most information about any meetings that you might be attending and help you with the reservation, accommodations or your travel form. That's all I have Mr. Chairman.

Mr. Harris: Thank you, Bob. At this time the Chair will entertain a motion from Tony that we adjourn this council meeting. Tony.

Mr. Iarocci: Motion to adjourn.

Ms. Shipman: Second.

Mr. Harris: Any objection to adjourning? We are adjourned.

(Whereupon, the meeting was adjourned at 11:45 o'clock a.m., June 12, 2009.)

Certified By: _____ Date: _____

Transcribed By:
Graham Transcriptions, Inc.
July 7, 2009

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

FULL COUNCIL SESSION

**Hutchinson Island Marriott
Hutchinson Island, FL**

June 11, 2009

TABLE OF MOTIONS

PAGE 8: Motion to write a letter to the Florida Fish and Wildlife Conservation Commission indicating the intent of this council to not take permit under consideration for management into the future. Motion carried on Page 9.

PAGE 15: Motion to amend the language in Action 1, Preferred Alternative 2 to include the language below. Preferred Alternative 2: establish Deepwater Coral HAPCs in one or more of the areas described in Subalternative 2A to 2E. Within the Coral HAPCs possession of coral species and use of all bottom-damaging gear would be prohibited, including bottom longline; trawl, bottom and mid-water; dredge, pot or trap; or the use of an anchor, anchor and chain, or grapple and chain by all fishing vessels. Motion carries on Page 15.

PAGE 15: Move forward with the identified waypoints for the Western Boundary of Deepwater Coral HAPC; that we substitute the reference to the already-established EEZ waypoints for Eastern Boundary; and that Law Enforcement and the affected fisheries APs, Habitat AP, Coral AP and Environmental NGOs work together to examine the feasibility of reducing the number of waypoints for the Western Boundary in the next or subsequent amendment to the Comprehensive Ecosystem-Based Plan. Motion carried on Page 15.

PAGE 15: Regarding the Comprehensive Ecosystem-Based Amendment 2, Motion Number 3 is to change Action 4 to modify the Coral FMP to permit harvest of the invasive orange cup coral. Motion carried on Page 15.

PAGE 15: Motion is to send a letter to EPA regarding the PCS Project in North Carolina. Motion carried on Page 15.

PAGE 17: Motion to change Alternative 3 by eliminating golden tilefish. There was a substitute motion to remove golden tilefish from Alternative 3; eliminate Alternative 4; remove reference to the allowable harvest areas for golden tilefish in Alternative 5; and remove VMS requirements from Subalternative 5A. Motion carried on Page 17.

PAGE 17: Motion to modify Alternative 2 to set up a recreational ACL along the lines of the way Alternative 2 is structured for snowy grouper. Motion carried on Page 18.

PAGE 18: Motion to make the new Alternative 2 for golden tilefish the preferred alternative. Motion carried on Page 18.

PAGE 18: Regarding red snapper a motion that the MSY Alternative 2 be the preferred alternative. Motion carried on Page 18.

PAGE 18: Motion that the OY Alternative 2B, which is based on 75 percent Fmsy, be the preferred alternative. Motion carried on Page 18.

PAGE 18: Regarding the rebuilding schedule, a motion that the preferred alternative be Alternative 4, which is the rebuilding timeframe of 35 years, the longest allowable time to rebuild. Motion carried on Page 18.

PAGE 18: Motion to select Alternative 4 as the preferred regarding the rebuilding strategy for red snapper. Motion carries on Page 18.

PAGE 18: Motion to add a new alternative; one, that the ACL is equal to zero landed catch; and, two, that the accountability measures and monitoring regarding those, that the Southeast Fishery Science Center implement expanded fishery-independent monitoring and track increasing CPUE abundance over time. The accountability measure would be based on the CPUE increasing at an acceptable rate. Motion carried on Page 18.

PAGE 18: Motion to add a new alternative that meets the rebuilding timeframe of 35 years at 75 percent Fmsy. Motion carried on Page 18.

PAGE 18: Regarding the Red Snapper Management Measures, a motion to move Alternative 7 to the appendix along with the analysis so that might be reviewed by the public. Motion carried on Page 18.

PAGE 18: Regarding black grouper, gag, et cetera, to replace the language in the current preferred alternative with the following: Alternative 2B, retain the current commercial ACL for gag of 353,940 pounds gutted weight and the commercial accountability measures to prohibit commercial harvest of shallow water groupers when met. Further, to retain the current recreational ACL of gag at 340,060 pounds gutted weight. In addition, to establish an ACL for gag, black grouper and red grouper of 662,403 pounds gutted weight for commercial and 648,663 pounds gutted weight for recreational. These values are equivalent to the expected catch resulting from the implementation of management measures for red grouper and black grouper in Amendment 16 and the gag ACL specified in Amendment 16. Also, to prohibit the commercial possession of shallow water groupers when either the gag or the gag, black grouper or red grouper ACL is met. Motion carried on Page 19.

PAGE 19: Motion to adopt Alternative 5B as the preferred. Alternative 5 states that if a species is overfished and the sector ACL is projected to be met, that we would prohibit the harvest and retention of species or species groups. If the ACL is extended, the Regional Administrator shall publish a notice to reduce the sector ACL in the following year by the amount of the overage. Motion carried on Page 19.

PAGE 19: Regarding the framework, a motion to adopt Alternative 2 for framework as the preferred. Alternative 2 states that we would update the framework procedure for specification of total allowable catch for the Snapper Grouper Fishery Management Plan to incorporate ACLs, ACTs and AMs and such modifications would be based upon new scientific information indicating such modifications are prudent. Motion carried on Page 19.

PAGE 19: Motion to split Amendment 17 into two amendments, Amendment 17A dealing with all the red snapper issues and 17B including all the overfished species. Motion carried on Page 19.

PAGE 19: Motion to split the review and modification of the Wreckfish ITQ Program out of Amendment 18 into a separate Snapper Grouper Amendment perhaps to be called Amendment 19. Motion carried on Page 19.

PAGE 19: Motion to approve the timing and task for the staff. Motion carried on Page 19.

PAGE 20: Motion to move the ACLs for wreckfish out of the Comprehensive ACL Amendment and into Amendment 19. Motion carried on Page 20.

PAGE 22: For maximum sustainable yield, motion to recommend a range of alternatives for analysis. Motion carried on Page 22.

PAGE 22: On overfishing, the motion recommends approving a range of alternatives for analysis. Motion carried on Page 22.

PAGE 22: Motion on the allowable biological catch, to recommend the five options for analysis. Motion carried on Page 22.

PAGE 22: On the annual catch limit, motion to recommend approving a range of alternatives for analysis. Motion carried on Page 22.

PAGE 22: Timing and task motion, motion to direct staff to develop the analysis for the alternatives described for MSY, ABC, OFL and ACL for presentation to the committee in September. Motion carried on Page 22.

PAGE 29: Motion to reappoint Andy Cooper, Carolyn Belcher, Sherry Larkin and John Whitehead to the SSC. Motion carried on Page 29.

PAGE 29: Motion to appoint John Boreman to the SSC for a three-year term. Motion carried on Page 29.

PAGE 29: Motion to appoint Matt Cieri to the SSC for a two-year term. Motion carried on Page 29.

PAGE 29: Motion to appoint Chip Collier to the SSC for a three-year term. Motion carried on Page 29.

PAGE 29: Motion to appoint Chris Dumas, Scott Crosson, Sherry Larkin, John Whitehead and Kurt Schnier to the Socio-Economic Panel. Motion carried on Page 29.

PAGE 29: Motion to recommend stipend payments of \$250.00 per day to eligible SSC members with payment frequency and eligible activities addressed in accordance with the policies applicable to council member payments. Motion carried on Page 30.

PAGE 31: Move the Calendar Year 2009 Budget be approved as presented in the briefing material. Motion carried on Page 31.

PAGE 32: Move that the staff pursue contracting with an outside source with expertise in fisheries' cultural anthropology/social science to obtain specific information needed by the council. Motion carried on Page 32.

PAGE 32: Move that the states receive compensation for their personnel's participation on the SSC equal to the compensation rate for SSC members eligible for the daily stipend. MOTION AMENDED ON PAGE 32: Motion to amend that the four South Atlantic states receive compensation for their personnel's participation on the SSC equal to the compensation rate for SSC members eligible for the daily stipend. Motion carried on Page 32.

PAGE 33: Concerning dolphin motion to recommend that Options 1 through 5 be analyzed for maximum sustainable yield. Motion carried on Page 33.

PAGE 33: Concerning the overfishing level, move to recommend Options 1 through 4 as presented be analyzed. Motion carried on Page 33.

PAGE 33: Concerning the allowable biological catch, the committee recommended Options 1 through 4 be analyzed. Motion carried on Page 33.

PAGE 33: Concerning annual catch limits, the committee recommended that Options 1 through 6 be analyzed. Motion carried on Page 33.

PAGE 33: Concerning wahoo maximum sustainable yield, the committee recommended that Options 1 through 4 be analyzed. Motion carried on Page 33.

PAGE 33: Concerning the overfishing level for wahoo, the committee recommended that Options 1 through 3 be analyzed. Motion carried on Page 33.

PAGE 33: Concerning allowable biological catch, the committee recommended that Options 1 through 4 be analyzed. Motion carried on Page 33.

PAGE 33: Concerning the annual catch limits, the committee recommended that Options 1 through 6 be analyzed. Motion carried on Page 33.

PAGE 33: Motion to direct staff to prepare a detailed options paper including the guidance provided at this meeting. Motion carried on Page 33.

PAGE 34: Motion to approve the Gulf Council Spiny Lobster Scoping Document for scoping. Motion carried on Page 34.

PAGE 34: Motion to direct staff to work on the options paper, to incorporate the directions given during this meeting, include Gulf scoping comments and bring the revised options paper to the September council meeting. Motion carried on Page 34.

PAGE 35: Motion to approve the Gulf Scoping Document for scoping with the addition of little tunney to the FMU and adding size limits for the new species. Motion carried on Page 35.

PAGE 35: Motion for Mackerel Amendment 18 to include annual catch limits and accountability measures for Spanish and king mackerel and cobia; and further, as soon as practicable staff being another amendment to address the additional issues not included in Amendment 18. Amended to include modifications to the framework. Motion carried on Page 36

PAGE 36: Motion to appoint Kenneth Banks to the Coral AP. Motion carried on Page 36.

PAGE 36: Motion to appoint Glen Ulrich to the Golden Crab AP. Motion carried on Page 36.

PAGE 36: Motion to appoint Nancy Edens to the North Carolina seat on the Shrimp AP and readvertise the open South Carolina seat. Motion carried on Page 36.

PAGE 36: Motion to reappoint Micah LaRoche to the Wreckfish Subpanel. Motion carried on Page 36.

PAGE 36: Motion to reappoint Don DeMaria and Robert Cardin to the Snapper Grouper AP. Motion carried on Page 36.

PAGE 36: Motion to appoint Richard Stiglitz to the Snapper Grouper AP. Motion carried on Page 36.

PAGE 36: Motion to appoint Zack Bowen for the for-hire seat on the Snapper Grouper AP. Motion carried on Page 36.

PAGE 36: Motion to appoint Bill Cole to the Snapper Grouper AP. Motion carried on Page 37.

PAGE 36: Motion to appoint Rob Harris to the Snapper Grouper AP. Motion carried on Page 37.

PAGE 38: Motion to support the revised SEDAR process as put forth by the SEDAR Steering Committee. Motion carried on Page 38.

PAGE 38: Motion to adopt the SEDAR Assessment Schedule as proposed by the Steering Committee with the addition of a wahoo benchmark assessment in 2015. Motion carried on Page 38.

PAGE 44: Motion to nominate George Geiger for consideration as a member of the Catch Shares Task Force from the South Atlantic Council. Motion carried on Page 44.

PAGE 47: Motion that the council request formally by a letter to HMS a report that contains all the information concerning the number of trips, the number of sets per trip, the number of boats that participated during the quarter, the number of total sets, the swordfish landings, the regulatory discards associated with shorts taken in those landings, the bycatch of finfish, billfish and other protected species during that quarterly period. Motion carried on Page 47.

PAGE 48: Motion to recommend that the Regional Administrator issue this permit. Motion carried on Page 49.

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PLEASE SIGN IN

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Council Session
Stuart, FL
Thursday, June 11, 2009

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Eileen Donaherty EDF		Charleston, SC
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Council Session
Stuart, FL
Friday, June 12, 2009

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